

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SSW012
DA Number	4204/2016/DA-RA
LGA	Campbelltown
Proposed Development	Demolition of existing structures and construction of a 15 storey mixed use building comprising of 85 residential units, four levels of basement car parking, one level of retail, two levels of commercial
Street Address	6-12 Dumaresq Street, Campbelltown, SP 63212
Applicant/Owner	Michael Brown Planning Strategies Bassal Holdings Pty Ltd and Mr Albert Bassal and Saxon Development
Date of DA lodgement	22 December 2016
Number of Submissions	2
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development that has a capital investment value of more than \$20 million (lodged prior to 1 March 2018)
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Apartment Design Guide • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Recommended Conditions of Consent Attachment 2 - Apartment Design Guide Assessment Attachment 3 - Applicant's Clause 4.6 Variation Request Attachment 4 - Architectural Plans Attachment 5 - Landscape Plans Attachment 6 - Applicant's Solar Access Variation Request Attachment 7 - Design Verification Statement
Report prepared by	Emma Page - Senior Development Planner
Report date	15 October 2018

Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 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 summarised, in the Executive Summary of the assessment report? **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)? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **No**

Executive Summary

The proposal has been referred to the Sydney Western City Planning Panel pursuant to Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, as the development application was lodged prior to 1 March 2018 and has a capital investment value of more than \$20 million.

This application proposes the demolition of an existing two storey commercial building and construction of a 15 storey mixed use building including 85 residential apartments over 11 levels, four levels of basement car parking, one (1) level of retail at ground level, two (2) levels of commercial and a rooftop communal open space area. Three central lifts service the building. An additional two lifts service the commercial levels.

The site is zoned B3 Commercial Core under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as 'shop top housing' and 'commercial premises' and is permissible with development consent.

The proposal was publicly exhibited and notified to nearby and adjoining residents on two occasions. The initial notification occurred between 6 February 2017 and 20 February 2017. Two (2) submissions were received and the concerns raised are discussed in Section 9 of this report. The amended application was notified and exhibited between 8 February 2018 and 22 February 2018. No submissions were received during this period.

The main issues identified during the assessment of the proposed development are:

- The site is a Flood Control Lot with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property. The minimum finished floor level of the ground floor area fronting Dumaresq Street is required to be a minimum of 67.7m AHD.
- Vehicular access to the site cannot be achieved from Dumaresq Street due to flooding traversing the property. Access is required to be obtained from the rear unformalised laneway.
- 9.84% (4.43m) non-compliance with the maximum permitted height under the provisions of Campbelltown Local Environmental Plan 2015 which is supported by a Clause 4.6 variation request (Attachment 3).
- Non-compliance with Design Criteria 3F-1.1 of the Apartment Design Guide for building separation requirements.
- Non-compliance with Design Criteria 3J-1.1 of the Apartment Design Guide for car parking rates for residents and visitors.
- Non-compliance with Design Criteria 4A-1.3 of the Apartment Design Guide for the maximum number of apartments in a building to receive no direct sunlight between 9 am and 3 pm mid-winter.

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Having regard to these provisions, the application is recommended for approval, subject to conditions recommended in Attachment 1.

1. Application Overview

1.1 The Site

The subject site contains an existing two storey commercial building and has a total area of 1,280sqm. The site has a frontage of 26.37m to Dumaresq Street and a frontage of 37.65m to the rear unformalised laneway.

The site is located approximately 400m from the south east entrance to Campbelltown railway station and is within the commercial core of Campbelltown Regional City Centre.

The development site adjoins Dumaresq Street Cinema to the north west, Campbelltown Post Office to the south east and a 10m wide unformalised laneway to the north east which is currently used as part of Council's public car park.

The site is a Flood Control Lot with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property. The minimum finished floor level of the ground floor fronting Dumaresq Street is required to be a minimum of 67.7m AHD.

An easement for low voltage and 11 kV high voltage underground cables adjoin the full length of the north western side property boundary. A low voltage and a 11 kV high voltage underground cables adjoin the rear north eastern property boundary within the unformalised laneway, which are connected to three nearby existing padmount substations within Council's public car park

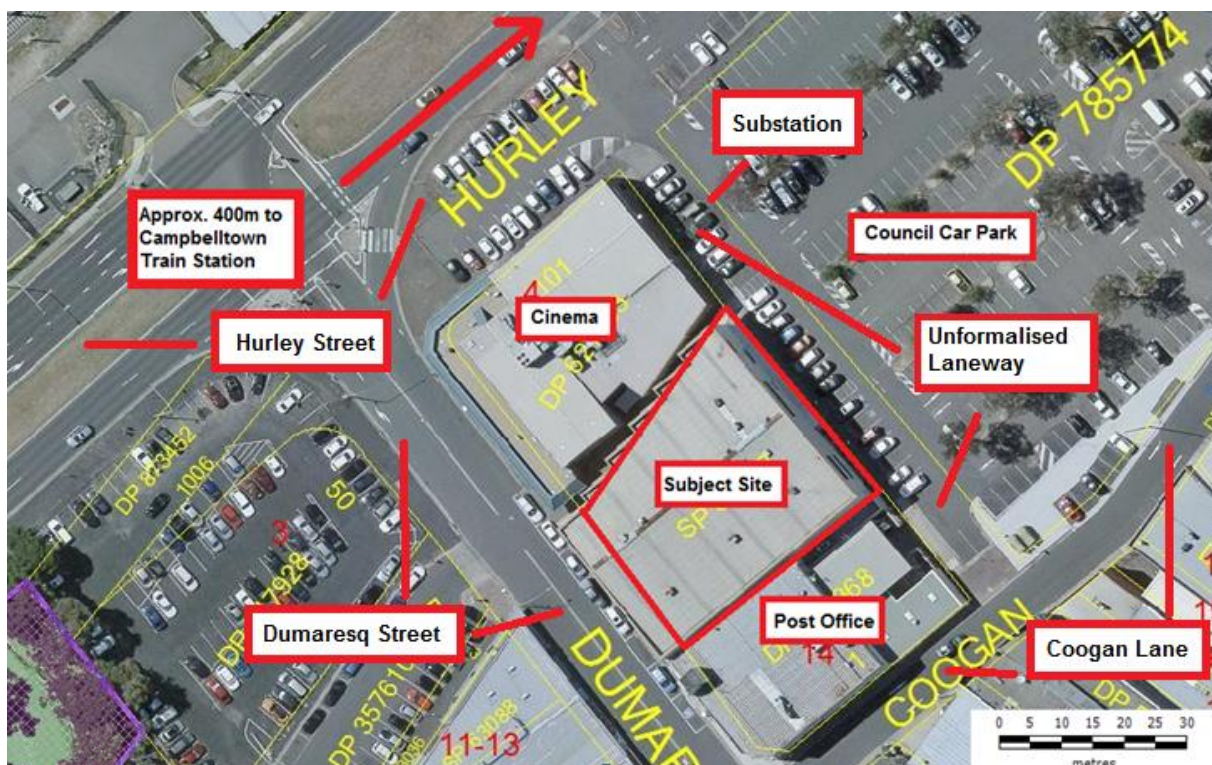


Figure 1: Site Plan of development site

1.2 Proposal

The development proposes the demolition of an existing two storey commercial building and construction of a 15 storey mixed use building incorporating the following:

- Four levels of basement car parking with the following proposed car parking allocation:

Use	Car Parking Spaces
Residential	78
Residential Visitor	10
Commercial	38
Retail	0
Total	126

- Ground floor comprising pedestrian entrances from both Dumaresq Street and the unformalised laneway, retail floor area, commercial lobby area, residential lobby area, retail metering area, waste servicing area, loading bay, and substation room.
- Two commercial levels with separate lift access from basement levels 1 and 2.
- 85 residential apartments over 11 levels consisting of the following mix:

Apartment	Number proposed
Studio	10
1 bedroom	20
2 bedroom	51
3 bedroom	4
Total	85

- A large landscaped communal open space area on the rooftop. The rooftop area includes BBQ equipment, a seating area covered by a pergola structure, an indoor recreation room and accessible bathroom facilities. The rooftop area also includes a managers room, a body corporate meeting room, a stairs press room and a services area.
- Three central lifts service the retail and commercial levels, all residential levels, and all four (4) basement levels.
- All vehicular access is proposed from the unformalised laneway adjoining the site to the north east.
- Existing pedestrian access between the subject site and adjoining Lot 101 DP 621693 (cinema building) is maintained.
- Removal of car parking spaces within the unformalised laneway at the rear of the site is required to facilitate access to the development.
- Strata subdivision is not proposed.

1.3 Site History

- Interim development application B2707 was approved on 2 June 1978, under the provisions of the *Local Government Act 1919*, for the erection of ten shops with twelve squash courts on the first floor. The development approval required 55 off-street car parking spaces to be constructed. The development consent was modified requiring the provision of 52 off-street car parking spaces.
- Certificate of Compliance No 3/85, pursuant to Section 317A of the *Local Government Act 1919*, was issued on 9 May 1985 for a two storey brick building, ground floor sundry shops and 'Dumaresq Squash and Fitness Centre'.
- Development Application S32/97 was approved on 2 June 1997 for subdivision creating twelve strata title commercial lots.
- Development Application 2757/2007/DA-C was approved on 7 January 2008 for renovations and alterations to an existing commercial building.

1.4 Application History

The following is a brief history of the development application:

- Development Application was lodged 22 December 2016 and originally proposed the construction of a 20 storey mixed use development including 100 residential apartments, one (1) level of retail, one (1) level of commercial and four (4) levels of above ground car parking.
- Development Application was deferred 6 September 2017 for a revised design to relocate the above ground car parking spaces underground.
- Revised design received by Council on 22 December 2017.
- Development Application deferred on 6 April 2018 for issues relating to street activation, colour/material schedule, traffic issues and capacity of the road network to support the development, non-compliance of the basement car parking areas, waste collection issues, habitable room depth, storage area requirements and solar access non-compliances.
- Response from applicant received 19 May 2018.
- Development Application deferred on 29 June 2018 for issues relating to a revised waste management plan, non-compliance of the basement car parking area, stormwater drainage concept plan inconsistencies, colour/materials schedule, habitable room depth, floor to ceiling height, solar access non-compliances, external storage location and car parking credit clarification.
- Response from applicant received 23 July 2018.
- Development Application deferred on 14 August 2018 in relation to non-compliance with basement car parking configuration, finished floor levels, non-compliance with solar access and external storage, apartment depths and the provision of an external colours/materials schedule.
- Response from applicant received 23 August 2018.

Report

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters the following issues have been identified for further consideration.

2. Section 4.15(1)(a)(i) Any Environmental Planning Instruments

2.1 State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the erection of a new residential flat building. Accordingly, the application has been assessed under the provisions of SEPP 65.

Part 4 Application of design principles

Clause 28(2)(b) of SEPP 65 states that the consent authority is to take into consideration the design quality of the development when evaluated in accordance with the design quality principles.

Schedule 1 of the SEPP outlines 9 design quality principles that apply to residential flat development. Under Clause 50(1AB) of the *Environmental Planning and Assessment Regulation 2000*, the statement must be prepared by a qualified designer that 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.

Steven Zappia of Marchese Partners International Pty Ltd has provided the required verification (NSW Architects Registration Board No. 6535), dated 11 July 2018 (Attachment 7). An assessment of the application against the design principles by Steven Zappia is presented below:

Principle One: Context and Neighbourhood Character
<p>Applicant Response</p> <p>The site is located at 8 Dumaresq Street, Campbelltown and is conveniently located close to key east-west transport corridors. The overall site area is approximately 1,280sqm with access via both Dumaresq Street & a rear laneway (Future Rd). Its long axis runs in a north east – south west direction.</p> <p>The existing development on site currently consists of a 2 storey brick commercial building with metal roof. The site is largely free of constraints and with little to no slope & is located in the city centre of Campbelltown with the surrounding buildings being primarily low to mid scale commercial & retail buildings.</p> <p>The proposed apartment buildings has been sited and planned in order to maximise the number of dwellings with a northern orientation (maximising views and northern sunlight). The floor plate will adopt single lift core/lobby area that will service the proposed tower. The</p>

building in most levels incorporates two cross through dual aspect apartments, maximising the number of naturally cross ventilated apartments within the development whilst also reducing corridor lengths. There is also a generous variety of studio, 1 bed, 2 bed, and 3 bed apartment types that provide for additional housing options across all demographics.

Council Comment

It is agreed that the subject site is located in Campbelltown's central business district and is within 400m of Campbelltown train station. The site has a frontage to both Dumaresq Street and the rear unnamed, unformalised laneway. Further, it is agreed that the building has been oriented to maximise the number of north facing dwellings.

The following apartment mix is proposed and is considered satisfactory:

Apartment	Number proposed
Studio	10 (11.8%)
1 bedroom	20 (23.5%)
2 bedroom	51 (60%)
3 bedroom	4 (4.7%)
Total	85 (100%)

Principle Two: Built Form and Scale

Applicant Response

The built form and scale adopted for this project delivers a superior design outcome than what is envisaged in the development controls for the site;

- Delivering appropriate building forms that respond to the site's future growth that will define Campbelltown as one of Sydney's main city hubs.
- Providing a superior design option, built form, and amenity (internal and surrounding) outcome over and above what the planning controls dictate for the site.
- Offering a diversity of housing product to meet the local and future Campbelltown community's needs.
- Maximising opportunities for a vibrant street level retail precinct & level 2/3 commercial premises as well as ample space for landscaping & social interaction via the proposed roof communal area.
- Maximising unique uninterrupted northerly views for a vast proportion of the proposed dwellings.
- Maximising northern aspects for private open spaces for the majority of dwellings.
- Sensitively incorporating the provision of car parking required.

Council Comment

The locality is underdeveloped as is evidenced by the lack of new development approved under the provisions of Campbelltown Local Environmental Plan 2015. As envisaged by the local environmental plan, the immediate locality is the commercial core of the Campbelltown central business district and will undergo substantial redevelopment in the future.

The development appropriately creates an active street frontage to both Dumaresq Street and the unnamed laneway. Further, the proposed building design has given consideration to the potential adjoining building forms.

Overall, the proposed building form and scale is considered satisfactory and will positively contribute to the commercial core and public domain of the Campbelltown CBD.

Principle Three: Density**Applicant Response**

The proposed design provides a superior outcome in terms of the density provisions than what the planning controls would otherwise dictate for the site. The total number of residential dwellings proposed is 85 in order to provide additional housing options for residents wishing to reside in the suburb of Campbelltown & supporting the future growth of the area. The proposal also provides sufficient commercial & retail opportunities street level & levels 2 and 3 enhancing its location within the Campbelltown city centre.

The development will enjoy access to Campbelltown's well established and regarded services, including transport, education, and proximity to key employment nodes.

Council Comment

The site is suitably located for high density development, being 400m from Campbelltown train station and associated bus services.

A high level of amenity is achieved which is demonstrated by compliance with the ADG in terms of natural ventilation and solar access. 53 apartments (63%) are naturally cross ventilated and 65 apartments (76.5%) receive a minimum of 2 hours direct sunlight between 9am and 3pm mid-winter. All apartments comply with the minimum balcony area and depth.

The height of the development exceeds the maximum permitted under Campbelltown Local Environmental Plan by 4.43 metres. A written Clause 4.6 variation request provided by the applicant is supported.

Overall, it is considered that the density of the proposed development is appropriate for the site and is consistent with the zoning and the objectives of the B3 Commercial Core zone.

Principle Four: Sustainability**Applicant Response**

This proposed development is ideally located close to services, schools, recreation facilities and transport links which facilitates a very efficient use of resources and minimises the consumption of man made fuels for the servicing of live, learn, work and play lifestyles of the future residents

A comprehensive analysis of the building has also been undertaken as part of the BASIX Assessment. We note the following inclusions as part of this proposal:

- The SEPP 65 requirement for solar access and cross ventilation to the apartments has been achieved providing a level of comfort that will not strictly require air conditioning to maintain thermal comfort. More than 2 hours of solar access has been provided to 76% of the apartments (minimum 70%). Natural cross ventilation has been provided to 62% of the apartments (min 60%). The apartments will have substantial natural light, unique view opportunities and excellent amenity.
- Energy efficient appliances and fixtures as part of the internal fit out to minimise water consumption of resources.
- Typical floor plates have been designed to minimise the impact on the existing structure and to minimise structural transfers and false ceilings, which substantially reduces building materials and wastages required to construct the building.

Council Comment

The proposal is considered acceptable with regard to Principle Four: Sustainability as follows:

- The proposal is in close proximity to public transport, supporting an alternative car use transport.
- BASIX Report demonstrates minimum requirements with regard to energy and water efficiency and thermal comfort are met.
- The development has been appropriately designed with regard to solar access and natural ventilation.
- The proposal would not have a negative impact on any heritage items or environmentally sensitive areas.
- The proposal is considered to be an efficient use of land in a location that is close to services.

Principle Five: Landscape**Applicant Response**

The proposed design provides for a high-quality roof communal landscaped area for use by the occupants residing within the development. The area is proposed to have a mix of good landscaping and family facilities that will allow occupants to enjoy a range of outdoor activities.

Council Comment

The proposed development includes significant soft landscaping to the communal open space area which is considered to improve the amenity of residents using the open space area. Further, landscaping is also proposed on the podium level, increasing the amenity for apartments proposed on Level 4.

Principle Six: Amenity**Applicant Response**

The proposed development delivers a mix of residential apartments. All achieve a very high level of internal amenity. This is achieved by maximising the amount of dwellings that have a northern orientation and prioritising access to daylight by avoiding excessive depth of living areas.

The high level of internal amenity of each apartment is supplemented with good sized balconies, with the majority having a northerly aspect with views excellent of Campbelltown.

The residential apartment buildings are provided with a private secure residential entry lobby that is located on ground. Large areas of glazing are proposed to all living spaces providing generous natural light and access to expansive views. All of the apartments have a balcony as their private open space with all level 4 units additionally having private landscaped courtyards. The depth and width of the space also allows for various sitting arrangements. The apartments open directly onto these amenities, which provide good ventilation and flexible indoor-outdoor living opportunities.

All units will achieve SEPP 65 cross flow ventilation and solar access requirements.

Storage provided for the apartments is allocated internally and within the basement car parking levels.

Secure parking is provided in all parking levels with direct lift and open stairs to all residential apartments.

The landscaping experience for the development relies on a carefully selected combination of high quality soft and hard scape elements. Special consideration has been given to provide various layers of finer grain materials that complement the sites setting & context.

Council Comment

It is considered that the proposal has a high level of amenity for the following reasons:

- Natural ventilation - 62% of apartments are naturally cross ventilated, complying with Design Criteria 4B-3.1.
- Solar access - 76.5% of apartments receive 2 or more hours of direct sunlight between 9am and 3pm mid-winter.
- Balcony sizes - all proposed apartments provide balconies in excess of the requirements of Design Criteria 4E-1.1.
- Communal open space - the proposed communal open space rooftop, which includes a seating and BBQ area, is in excess of the requirements of Council's (Sustainable City) Development Control Plan 2015.

Principle Seven: Safety

Applicant Response

Safety and security will be provided for both the residents and any persons visiting the site through the following design measures:

- The residential apartment building will be a secure environment. Access will be by electronic security devices at both the vehicle entry point to the secure basement carpark and at the ground floor residential and commercial separate entry lobbies.
- The common areas are to be well lit, with clearly defined paths. All residential entries will be lit with ceiling mounted down lights and monitored with security cameras. There is a clear definition between public and private spaces.
- Car park areas are to be well lit and the stairs and lift areas will have security control.
- Windows and balconies will provide good natural surveillance to the surrounding streets.

Council Comment

The development application was referred to the New South Wales Police for comment in relation to the building design and associated crime prevention principles. A response was received by Council on 7 February 2017. The NSW Police response detailed that the development was a low crime risk. The response further details that a Safer by Design Evaluation was conducted for the proposed development and outlined basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be incorporated into the development to minimise risk of criminal activity. Recommendations that improve the design of the proposed development in terms of increasing safety measures within the response are recommended as conditions of development consent. It is considered that with the implementation of the NSW Police recommendations, the proposed development would optimise safety and security within the development and the public domain.

Principle Eight: Housing Diversity and Social Interaction

Applicant Response

The site is located close to excellent facilities, services, recreational areas and public transport. Apartments mix has generally prioritised well designed and efficient 2 and 3 bedroom typologies, recognising the likely buyer demographic for this development. Smaller apartments have been provided to offer variety and to provide entry level opportunities for housing in close proximity to the well-established and serviced suburb of Campbelltown. The scheme provides 10% percent adaptable units and 20% silver livable housing standard units recognising the need for access opportunities for all age groups and degrees of mobility.

The scale of the proposed building, the building façade materials and architectural detail of the elevations combine to make a positive contribution to the urban environment and general streetscape now & for the future growth of the area.

Council Comment

The development achieves an apartment mix which is consistent with the requirements of the Apartment Design Guide as follows:

Apartment	Number proposed
Studio	10 (11.8%)
1 bedroom	20 (23.5%)
2 bedroom	51 (60%)
3 bedroom	4 (4.7%)
Total	85 (100%)

Overall, it is considered that the development achieves a suitable mix of apartment types.

In addition, the development proposes a communal open space terrace which includes seating and a BBQ area. The area also includes a communal indoor space which is consistent with Campbelltown Council's (Sustainable City) Development Control Plan 2015 requirements. It is considered that the development provides areas which would increase social interactions of future residents.

Further, the development includes commercial and retail uses that would provide services to future residents.

Principle Nine: Aesthetics

Response

The proposed development will be of a modern design that is articulated both in massing and materials to achieve a human scale in keeping with the future intent, as described and defined in the Campbelltown City Council DCP.

There are a number of elements that have been developed to give the building a sculpted form to delight the eye. Balconies and balustrades; screen, façade, and horizontal planter boxes push, pull, extend, and recede to create a changing rhythm horizontally along the face of the building. Textures and colours of materials are subtly blended to add variety and visual interest. The play of the horizontal planters (primarily along the podium levels) with draping flowering and foliage will create a wonderful mixture of sensuous visual and olfactory delights to engage the residents as well as passers by all through the day and night.

The design also incorporates a number of design characteristics, which additionally contribute to the overall aesthetics of the proposal. These include,

- The use of a limited pallet of materials and colours will provide a simple and timeless character to the building. The overall design is conservative and contemporary in nature and will fit well within its surroundings & proposed future growth. The design will help to enhance the northern aspect of apartments whilst provide a consistent articulated facade to the designed view.
- The gentle dialogue among the sleek design and finishes of the buildings and the new elements of landscape pockets will enhance the aesthetic qualities of both.
- A careful composition of building elements, colours and materials contribute to the urban character of the precinct & enhance the existing street activation.

Council Comment

The building design is considered to be appropriate for the future local context of the Campbelltown CBD.

Despite the development being a flood control allotment with a minimum required finished floor level of 67.7m ADH, it is considered that the ground floor entrance and retail frontage provide an active street frontage to Dumaresq Street.

The inclusion of landscaping on the ground floor entrance to Dumaresq Street, commercial floors, and podium level provide a design element that draws the eye from the ground floor level upwards.

A comprehensive colours/materials schedule was not provided with the development application. Accordingly, a condition of development consent has been recommended for the applicant to provide a colour schedule stipulating all external surfaces for approval prior to the issue of a construction certificate.

2.2 Apartment Design Guide

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). An assessment of the application against the ADG prepared by Council is provided in Attachment 2. Non-compliances with the design criteria of the ADG are discussed in Section 6 of this report.

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

In accordance with Schedule 1 of the Regulations and SEPP 2004, a BASIX Certificate has been submitted in support of the application demonstrating that the proposal achieves the BASIX targets. A condition of development consent has been recommended for the development to comply with the BASIX commitments.

2.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 85 Development adjacent to rail corridors

The subject site is approximately 90 metres from Sydney Trains infrastructure. In accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007, the application

was referred to Sydney Trains for comment due to potential impacts of crane use near the railway corridor.

A response was received from Sydney Trains, dated 31 July 2017, which stated that no concerns were raised due to the distance and lack of Sydney Trains assets located near the proposed development works.

Clause 45 Determination of development application - other development

The subject site adjoins an easement for low voltage and 11 kV high voltage underground cables along the western side boundary. Further, a low voltage and a 11kV high voltage underground cable adjoin the rear north eastern property boundary in the laneway. In accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007, the application was referred to Endeavour Energy for comment regarding potential safety risks. A response was received, dated 1 March 2018 which advised the following:

- If any excavation works affect the electricity infrastructure, prior contact must be made to Endeavour Energy.
- A condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.
- Before commencing any underground activity the applicant is required to obtain advice from the ***Dial before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations.
- Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: ‘The demolition of structures’. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected i.e. existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g. streetlight columns, power poles, overhead power lines and underground cables etc.
- When undertaking works on or in the vicinity of Endeavour Energy’s electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.
- As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. The public safety training resources are also available via Endeavour Energy’s website.
- In case of an emergency relating to Endeavour Energy’s electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

Accordingly, the above response has been recommended as a condition of development consent.

2.5 Campbelltown Local Environmental Plan 2015

Zoning

The subject site is zoned B3 Commercial Core under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development is defined as 'shop top housing' and 'commercial premises'.

Shop top housing is defined as:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Commercial premises is defined as:

commercial premises means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

The proposed development satisfies the above definitions and is permissible with development consent in the B3 Commercial Core zone.

Zone Objectives

The objectives of the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To accommodate the redevelopment, enhancement and vitality of centres by facilitating mixed use development

The proposal is consistent with several zone objectives, particularly as the development proposes redevelopment of an existing commercial building within the commercial core of Campbelltown which would facilitate employment opportunities in an accessible central location within the CBD.

Part 4 Principal Development Standards

Clause 4.3 Height of building

Clause 4.3(2) of CLEP 2015 prescribes that the height of a building on any land is not to exceed the maximum height shown on the Height of Building Map. The maximum building height shown on the Height of Buildings map for the subject site is 45m.

The objectives of Clause 4.3 are as follows:

- (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 proposed maximum height of the development is 49.43m, resulting in a non-compliance of 4.43 metres (9.84% variation). The application includes a Clause 4.6 objection in respect of this standard, which is assessed below.

Clause 4.6 Exceptions to development standards

Clause 4.6 of CLEP 2015 provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met.

The objectives of Clause 4.6 are to:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The above clauses provide a degree of flexibility in the application of certain development standards where the applicant has provided sufficient justification satisfying the provisions of Clause 4.6 and where the consent authority is satisfied of certain prescribed matters.

Clause 4.3 Building Height

In this instance, the development application is seeking departure from Clause 4.3 Building Height. The proposed development exceeds the applicable maximum building height numerical standard of 45m, which is not a development standard that is expressly excluded for the operation of this clause.

Development departure	Clause 4.3 Building Height of CLEP - Maximum height is 45m as per the Height of Buildings map
Is the planning control a development standard	Yes - Clause 4.3 under the provisions of CLEP 2015.
4.6(3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The written variation request submitted with the development application provides reasons as to why compliance with the development standard is both unreasonable and unnecessary.

Development departure	Clause 4.3 Building Height of CLEP - Maximum height is 45m as per the Height of Buildings map
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	A written request from the applicant that seeks to justify the contravention of the development standard was submitted with the development application (Attachment 3). The applicant's arguments in support of the proposed height variation are summarised below.
4.6(4)(a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	Council considers that the applicant's written request has adequately justified that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard.
(ii) 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, and	<p>The subject site is zoned B3 Commercial Core under CLEP 2015.</p> <p>The maximum height for the subject site is identified on the Height of Buildings Map as 45m. This 45m height limit is the maximum permitted height in the Campbelltown Central Business District. It is acknowledged that the proposed height exceeds the maximum permissible by 4.43m (9.84%), however, the height non-compliance maintains the height hierarchy of the Campbelltown CBD.</p> <p>Despite the numerical non-compliance with the nominated building height, the development would be consistent with the objectives of the B3 Commercial Core zone.</p> <p>Overall, in the circumstances of this case, it is considered that the non-compliance is minor and the proposed built form of the development is not substantially different from a compliant building, particularly in terms of overshadowing impacts and when viewed from street level.</p>
(b) the concurrence of the Secretary has been obtained.	The height non-compliance does not contravene the height limit standard by more than 10% (9.84% variation proposed).

Clause 4.3A Height restrictions for certain residential accommodation

The objective of Clause 4.3A is to limit the number of storeys of certain types of residential development. Clause 4.3A(2) limits a dwelling that forms part of shop-top housing to two storeys. All of the proposed apartments within the proposed building would be single storey. The proposed development satisfies Clause 4.3A.

Clause 7.9 Mixed use development in Zone B3 and Zone B4

Clause 7.9 of CLEP 2015 applies to the proposed development as the site is zoned B3 and a mixed-use development is proposed.

- (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.

The proposed development would contain one level of retail and two levels of commercial and would therefore promote employment opportunities within Zone B3 Commercial Core.

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

The subject site is zoned B3 Commercial Core under CLEP 2015.

(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

Under the provisions of CLEP 2015, active street frontage is defined as follows:

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.

The building would contain retail premises at street level and would therefore have an active street frontage.

(b) the ground floor will only accommodate non-residential land uses, and

The ground floor would only accommodate non-residential 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.

The subject site is zoned B3 Commercial Core. The first three levels of the development would be for retail and commercial 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.

Vehicular access, service entrance, building entrance and access for fire services are provided at ground level.

Clause 7.13 Design Excellence

The objective of Clause 7.13 of CLEP 2015 is to deliver the highest standard of architectural and urban design, as part of the built environment. This clause applies to development involving the construction of a new building or external alterations to an existing building in the B3 Commercial Core zone.

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.

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

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- (c) whether the development detrimentally impacts on view corridors,
- (d) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses,
 - (iii) heritage issues and streetscape constraints
 - (iv) bulk, massing and modulation of buildings,
 - (v) street frontage heights,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (ix) the impact on, and any proposed improvements to, the public domain,
 - (x) the interface with the public domain,
 - (xi) the quality and integration of landscape design.

The proposed development is considered to comply with Clause 7.13 for the following reasons:

- The site is suitably located for high density development, being 400m from Campbelltown train station and associated bus services. The density of the proposed development is considered appropriate for the site and is consistent with the zoning objectives of the B3 Commercial Core zone.
- The development is considered to improve the existing amenity of the immediate public domain through the re-development of a dilapidated commercial building.
- Despite the development being a flood control allotment, with a minimum required finished floor level of 67.7m ADH, the proposed development provides an active retail street frontage, addressing both Dumaresq Street and the rear laneway.
- The proposed development exceeds the maximum permitted height under Campbelltown Local Environmental Plan by 4.43 metres. The proposed development is not considered to have a negative impact on view corridors within the Campbelltown CBD.
- A high level of amenity is achieved with compliance of the natural ventilation and solar access standards contained with the ADG. 53 apartments (63%) are naturally cross ventilated and 65 apartments (76.5%) receive a minimum of 2 hours direct sunlight between 9am and 3pm mid-winter. In addition, all apartments comply with the minimum balcony area and depth ADG design criteria.

- The proposal is in close proximity to public transport, supporting an alternative to car use. Secure bike parking is proposed within underground parking level 2.
- The proposed development does not give rise to any impacts on built heritage items.

3. Section 4.15(1)(a)(ii) Any Proposed Instrument

At the time of lodgment of the development application, there were no relevant draft instruments.

4. Section 4.15(1)(a)(iii) Any Development Control Plan

4.1 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 – Requirements Applying to All Types of Development

The general provisions of Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is addressed below:

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

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. Based on the roof size of the proposed building, a 5,000 litre rainwater tank is required to be provided which is included within the rooftop communal space.

Landscaping – It is considered that the application provides an adequate amount of landscaping within the communal open space on the rooftop of the development and within the residential courtyards on Level 4. A condition of development consent has been recommended for a suitably qualified landscape designer to confirm the suitability of the species selected, prior to the issue of a construction certificate.

Stormwater – Council's Development Engineer reviewed the proposed stormwater concept and has recommended conditions of development consent accordingly.

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 does not comply with this standard, as the edges of the proposed basement would abut the property boundaries. However, such a configuration is considered to be appropriate in a dense mixed use context, where eventually the adjoining site is likely to have a basement car park abutting the property boundary.

Security – The development application was referred to the New South Wales Police to provide comment on the Crime Prevention Through Environmental Design (CPTED) principles. The NSW Police response has been recommended as a condition of development consent. The proposed development is satisfactory with regard to security.

Waste Management – The application was referred to Council's Waste Management Coordinator, who advised that the management plan was insufficient. A condition of development consent has been recommended for a Waste Management Plan to be provided

by a suitably qualified waste management professional prior to the issue of a construction certificate.

Part 5 - Residential Flat Buildings and Mixed-Use Development

Part 5 of Campbelltown (Sustainable City) Development Control Plan 2015 applies to mixed use development in areas zoned B3.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.4 General Requirements for Residential Flat Buildings and Mixed Use Development			
5.4.1 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 standard within SEPP 65 and Apartment Design Guide.	An assessment against SEPP 65 and the ADG is contained within the report and Appendix 2.	Satisfactory
5.4.2 Building Form and Character a)	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	The subject site does not adjoin or is within the vicinity and does not contain any heritage items.	Satisfactory
5.4.2 Building Form and Character b)	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:	Assessment provided below.	
5.4.2 Building Form and Character b) 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	The building façade treatments are considered to appropriately address the street and add visual interest to the skyline.	Satisfactory
5.4.2 Building Form and Character b) 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	The proposed development is considered to incorporate appropriate architectural features.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.4.2 Building Form and Character b) iii)	Variation in the vertical planes of exterior walls in depth and/or direction	The building design is considered to have appropriate regard to variations in vertical planes of the exterior walls, particularly due to the balcony design.	Satisfactory
5.4.2 Building Form and Character b) 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 building design clearly defines the commercial/retail and residential levels.	Satisfactory
5.4.2 Building Form and Character b) 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	The articulation of the building façade is considered satisfactory.	Satisfactory
5.4.2 Building Form and Character b) vi)	Utilisation of landscaping and interesting architectural detailing at the ground level	Landscaping is provided on the Dumaresq Street frontage which creates street activation and visual interest.	Satisfactory
5.4.2 Building Form and Character b) vii)	Avoidance of blank walls at ground and lower levels	The building design has appropriate regard to minimising blank walls at the street frontages.	Satisfactory
5.4.2 Building Form and Character c) i)	Building design shall demonstrate to Council's satisfaction that the development will facilitate casual surveillance and active interaction with the street	The building design has appropriate regard to casual surveillance and the creation of an active street frontage to both Dumaresq Street and the rear laneway.	Satisfactory
5.4.2 Building Form and Character c) ii)	Building design shall demonstrate to Council's satisfaction that the development will be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building at street level.	Part 5.6.2 b) of the DCP allows for mixed use buildings to be setback zero metres from any street boundary in the B3 zone.	N/A

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.4.2 Building Form and Character c) iii)	Building design shall demonstrate to Council's satisfaction that the development will maximise cross flow ventilation, therefore minimising the need for air conditioning.	The development complies with the numerical provisions in the ADG for cross ventilation (Appendix 2).	Satisfactory
5.4.2 Building Form and Character d)	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.	The proposed colours provide contrasting shades of grey and white.	Satisfactory
5.4.2 Building Form and Character e)	Building materials shall be high quality, durable and low maintenance	The proposed building materials are considered to be of high quality and low maintenance.	Satisfactory
5.4.3 Site Services			
a)	The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	The location of the substation on the ground floor is considered appropriate.	Satisfactory
b)	Development shall ensure that adequate provision has been made for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	A condition of consent is recommended to ensure adequate site services can be provided prior to the issue of a construction certificate.	Can comply. Recommended condition of development consent prior to the issue of a construction certificate.
c)	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 overruns and services are integrated into the roof level.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
d)	All communication dishes, antennae and the like shall be located or integrated into the built form so as to minimise visual prominence.	Details of communication dishes etc. not provided with the development application documentation.	Can comply. Recommended condition of development consent for the communications dishes to not be seen from a public place.
e)	An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	External lighting plan not provided with development application documentation.	Can comply. Recommended condition of consent to provide an appropriate level of external lighting.
f)	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.	All services are incorporated into the design of the building.	Satisfactory
g)	An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	The application was referred to Council's Waste Management section, who advised that the waste management plan was insufficient. A condition of consent has been recommended for a Waste Management Plan (WMP) to be provided by a suitably qualified waste management professional prior to the issue of a construction certificate.	Can comply. Recommended condition of development consent for a WMP to be provided by a suitably qualified professional.
5.4.4 Acoustic Privacy			
a) i)	Residential fat buildings, and the residential component of a mixed-use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded: i) in any bedroom in the building—35 dBA.	Information not submitted with the development application.	Recommended condition of development consent for the internal bedroom levels to not exceed 35 dBA.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
a) ii)	Residential flat buildings, and the residential component of a mixed-use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dBA	Information not submitted as part of the development application.	Recommended condition of consent for the internal apartments to not exceed 40 dBA in accordance with ADG.
b)	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)	Information not submitted as part of the development application.	Recommended condition of development consent to comply with Development Near Rail Corridors and Busy Roads.
5.4.5 Vehicular Access			
a)	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.	A response from Council's City Delivery section stated that traffic generation and adjoining road network performance issues are satisfactory.	Satisfactory
5.4.6 Stormwater Drainage			
a)	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 Development.	Council's Senior Development Engineer reviewed the development proposal and conditions of development consent have been recommended accordingly.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.4.7 Thermal Comfort			
a)	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.	The proposal complies with the following requirements: i) BASIX ii) ADG natural ventilation	Satisfactory
5.4.8 Waste Management			
5.4.8.1 Number of Bins			
a) i)	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	85 apartments/2.5 = 34 bins required. 34 garbage bins are provided in the garbage waste room.	Satisfactory
b)	All buildings shall be designed with provision for recyclable bins at a ratio of one 240 litre bin per 2.5 dwellings per fortnight.	85 apartments/2.5 = 34 bins required. 12 recycle bins are proposed in the garbage waste room and 22 bins distributed throughout the residential component adjacent to the garbage chutes.	Satisfactory
5.4.8.2 Waste Services Rooms, Garbage Chutes and Provision for Recyclables			
a)	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 which is accessible for all occupants.	A waste room is provided on each residential floor.	Satisfactory
b)	All waste service rooms shall have chutes to enable residents to dispose of garbage.	A chute is provided within the waste room on each residential floor.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
c)	Chutes shall not be located adjacent to bedrooms or living rooms unless bedrooms are outside the sound transmission barrier surrounding each unit.	Chutes are located adjacent to kitchen/bathroom/study/hallway walls.	Satisfactory
d)	Chutes shall feed into appropriately sized bins located in the bin storage room.	Appropriate bin sizes located below chute.	Satisfactory
e)	The outlet area, in which the chute outlets and mechanical collection devices are located, shall be secured to prevent access by unauthorised persons.	Recommended condition of consent to restrict access to the outlet area.	Can comply. Recommended condition of development consent.
f)	While mechanical devices are permitted in order to assist with waste collection (eg. carousel), no compaction is permitted for either garbage or recyclables.	Compaction is not proposed.	Satisfactory
g)	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 ground floor garbage room is designed to accommodate twelve recycling bins (assuming twenty two bins are distributed adjacent to the garbage chutes on the residential levels of the development).	Can comply. Recommended condition of consent for the plans to show the location of all recycle bins prior to the issue of a construction certificate.
5.4.8.3 Bin Storage Room			
a) i)	The storage room shall be located behind the primary and secondary building alignment.	The bin storage room is located within the building which is considered satisfactory.	Satisfactory
a) ii)	The storage room shall 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 not provided with the development application.	Can comply. Recommended condition of development consent.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
a) iii)	The storage room shall be graded and drained to a Sydney Water approved drainage fitting.	Recommended condition of consent for the waste room to be graded and drain into a Sydney Water approved drainage fitting.	Can comply. Recommended condition of development consent.
a) iv)	The storage room shall have coving at all wall and floor intersections.	Recommended condition of consent.	Can comply. Recommended condition of development consent.
a) v)	The storage room shall:	Assessment provide below.	
a) vi)	The storage room shall be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.	Details not provided with the development application.	Can comply. Recommended condition of development consent.
a) vii)	The storage room shall have a self-closing door openable from within the room.	Details not provided with the development application.	Recommended condition of consent for the storage room door to be self-closing, openable from within the room.
b)	Bin storage rooms shall be ventilated by: i) a mechanical exhaust ventilation system; or ii) permanent, unobstructed natural ventilation openings 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.	Details not provided with the development application. Recommended condition of consent to provide a mechanical exhaust ventilation system in the bin storage room.	Can comply. Recommended condition of consent.
c) i)	Exterior doors of communal bin storage rooms shall be consistent with the overall design of the building	External doors not proposed.	N/A
c) ii)	Exterior doors of communal bin storage rooms shall be located away from the frontage of the building.	The bin storage area is located within the centre of the building.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
c) iii)	Exterior doors of communal bin storage rooms shall be (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.	The waste collection would be carried out by Council, however a site manager would present the bin for collection.	N/A
d)	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	Details not provided with the development application.	Can comply. Recommended condition of development consent.
e)	All bin storage rooms must be located in an area where bins can be easily moved to the waste collection point.	Bin storage rooms are located on the ground floor which is easily accessed.	Satisfactory
f)	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 collection point is no further than five metres from the collection vehicle location.	Satisfactory
g)	Where residents have access to bin storage rooms, signage on the correct use of the waste management system shall be displayed in all bin storage rooms.	Residents would not have access.	N/A
h)	Developments must make 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; iii) the area must not be more than 10 metres from the waste collection point.	The bulk storage area is located in on the ground floor of the development. The area is accessible to all residence and is within close proximity to the waste collection point. The storage area is 10sqm.	Recommended condition of consent for the bulk waste area to be accessible for all units.
5.4.8.4 Waste Collection			
a) i)	There shall be a minimum height clearance of 5.2 metres	7.05m clearance provided.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
a) 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.	Council's Waste Coordinator advised that the site would be serviced by a rear loading collection vehicle and the recycling bins would be collected from the kerbside fronting the rear lane using a single arm vehicle.	Satisfactory
a) 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.	The waste collection vehicle is not required to turn around on the site.	N/A
a) 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.	The path of travel is on the same ground level.	Satisfactory
a) v)	The minimum path width for a collection vehicle shall be 3.6 metres wide.	Minimum width is approximately 4.5m.	Satisfactory
a) vi)	Constructed to withstand the loaded mass of the waste collection vehicle of 24 tonnes	Details not submitted with the development application. Recommended condition of consent for the waste collection area to withstand the loaded mass of a waste collection vehicle of 24 tonnes.	Can comply. Recommended condition of development consent.
5.4.9 Access for People with Disabilities			
a)	Residential fat 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).	Details not provided with the development application documentation.	Recommended condition of development consent for the development to comply with the BCA and Access to Premises Standards.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.4.10 Advertising Material			
a)	As part of the letter box design for residential flat buildings and mixed-use 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.	Details not provided with the development application.	Can comply. Recommended condition of development consent.

Part 5.5 Residential Flat Buildings (Zone R4)

Part 5.6.1(a) of Council's DCP states the requirements for mixed-use development shall be consistent with the requirements for residential flat buildings except as specified in Part 5.6.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.5.1 Site Requirements for Residential Flat Buildings			
a)	Residential flat buildings shall only be permitted on an allotment having a minimum width of 30 metres measured at the front property boundary.	The proposed development complies with Part 5.6.2 a) of the DCP which allows RFBs to be considered on lots less than 30m.	No. Compliance is assessed under Part 5.6.2 a) of Campbelltown (Sustainable City) DCP 2015.
b)	Sites shall be amalgamated where required, to achieve the minimum site area and width requirement applicable to the proposed development.	The site is not required to be amalgamated.	N/A
c)	Development shall not result in an "isolated allotment" adjoining the development site.	The development application has demonstrated that the adjoining sites are capable of being developed.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
d)	For the purpose of Clause 5.5.1c) above, an “isolated allotment” is an allotment that has a site area of less than 1200 square metres and/or a width at the front property boundary of less than 30 metres that has no immediate potential for amalgamation with any other adjoining allotments to achieve a minimum site area of 1200 square metres and a width at the front property boundary of 30 metres.	The development application has demonstrated that the adjoining sites are capable of being developed.	Satisfactory
5.5.2 Building Setbacks for Residential Flat Buildings			
a)	Residential fat buildings shall be setback a minimum of: i) 5.5 metres from any street boundary; and ii) 6 metres from any other boundary.	Part 5.6.2 b) provides an assessment for compliance with mixed used development in the B3 zone.	Part 5.6.2 b) provides an assessment of compliance.
5.5.3 General Requirements for Residential Flat Buildings			
a)	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 required. 10 studio and 20 one bedrooms apartments are proposed which equates to a total of 30 units.	Satisfactory
b)	A minimum of 10% of the total number of dwellings within a residential flat building shall be adaptable dwelling(s).	9 adaptable dwellings required. 9 proposed apartments are adaptable.	Satisfactory
c) i)	The floor space occupied by each dwelling within a residential flat building shall not be less than 35sqm in the case of a studio flat.	All proposed studios are 40sqm.	Satisfactory
c) ii)	The floor space occupied by each dwelling within a residential flat building shall not be less than 50sqm in case of a 1 bedroom flat.	All proposed 1 bedroom apartments are greater than 50sqm, the smallest being 52sqm.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
c) iii)	The floor space occupied by each dwelling within a residential flat building shall not be less than 70 sqm in case of a 2 bedroom flat.	All proposed 2 bedroom apartments are greater than 70sqm, the smallest being 77sqm.	Satisfactory
c) iv)	The floor space occupied by each dwelling within a residential fat building shall not be less than 90sqm in case of a 3 bedroom flat or more.	All proposed 3 bedroom apartments are greater than 90sqm, the smallest being 105sqm.	Satisfactory
d)	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.	The additional bathroom floor area has been taken into consideration and the floor area complies for all proposed apartment sizes.	Satisfactory
e)	A fourth bedroom and further additional bedrooms shall increase the minimum internal area by 12sqm for each additional bedroom.	Four bedrooms units are not proposed.	N/A
f)	A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	Maximum number of apartments accessed from a common corridor is eight.	Satisfactory
g)	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.	All levels of the building are accessed by three lifts.	Satisfactory
h)	A maximum of fifty (50) dwellings shall be accessible from a single common lift.	85 units are accessible from three lifts.	Yes
i)	Access to lifts shall be direct and well illuminated.	Recommended condition of consent for lift access to be well illuminated.	Can comply. Recommended condition of development consent.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
j)	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.	<p>Deep soil planting is defined within the DCP as 'the area of land within the site that has at least 3 metres of soil directly below the whole surface of the area.</p> <p>The proposed development does not propose any areas of deep soil planting. It is considered satisfactory for a mixed use development to not include deep soil areas.</p>	Non-compliance considered satisfactory.
k)	<p>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:</p> <p>i) 4 cubic metres in the case of a studio flat;</p> <p>ii) 6 cubic metres in case of a 1 bedroom flat;</p> <p>iii) 8 cubic metres in case of a 2 bedroom flat; and</p> <p>iv) 10 cubic metres in case of a 3 bedroom flat or more.</p> <p>Note: A suspended storage facility within the basement may be included as part of, or the whole of, the required incidentals storage facility.</p>	Attachment 2 provides an assessment of storage within the ADG assessment.	Satisfactory
l)	The incidentals storage facility shall not be created as a separate (strata) allotment to the unit it services.	Strata subdivision does not form part of the proposed development.	N/A

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.5.4 Car Parking and Access			
a)	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 proposed car parking spaces comply with AS2890 (as amended).	Satisfactory
b)	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 proposed car parking spaces comply with the minimum dimensions.	Satisfactory
c)	Driveways shall be located a minimum distance of 6 metres from the splay of any unsignalled intersection (refer to Figure 5.5.4).	The proposed driveways are not located within 6 metres of an unsignalled intersection.	Satisfactory
d)	For development incorporating 20 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	Traffic Report was provided with the development application documentation.	Satisfactory
e)	Where existing, vehicular entry points shall be located at the rear or side streets.	The site does not contain existing vehicular entries.	N/A
f)	Development containing 3 or more storeys shall provide all required car parking at basement level.	All proposed levels of car parking are underground.	Satisfactory
g)	Parking provided at ground level shall be appropriately screened from public view.	Parking is provided underground.	N/A
h)	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).	85 + i) 22 and ii) 9 =116 required car parking spaces 88 residential car parking spaces are proposed.	No. Section 7.3 of this report for provides discussion of non-compliance with the minimum car parking numbers required.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
i)	No required car parking space shall be in a stacked configuration.	Proposed car parking is not stacked.	N/A
j)	Each development shall make provision for bicycle storage at a rate of 1 space per 5 dwellings within common property.	85/5 = 17 required bicycle storage. 20 bicycle storage areas are provided.	Satisfactory
5.5.5 Solar Access			
a)	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	The development is oriented north-east and south-west. The orientation is considered satisfactory due to the allotment configuration.	Satisfactory
b)	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 applicant provided shadow diagrams. The development does not adversely impact adjoining sites.	Satisfactory
c)	Living rooms and private open spaces of at least 70% of dwellings within a residential fat building shall receive a minimum of 2 hours direct sunlight between 9:00am and 3:00pm at mid-winter.	The applicant provided solar access diagrams. 65 (76.5%) units receive 2 or more hours of direct sunlight between 9am and 3pm mid-winter.	Appendix 2 provides an assessment of solar access.
d)	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.	20 (23.5%) apartments do not receive any direct sunlight between 9am and 3pm at mid-winter.	No. Section See 7.5 of the Planning Report for discussion.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.5.6 Balconies and Ground Level Courtyards			
a)	Dwellings shall be provided with a private courtyard and/or balcony.	Each proposed dwelling is provided with a balcony or courtyard.	Satisfactory
b) i)	Courtyards/balconies shall be not less than 8sqm in area and have a minimum depth of 2 metres.	All proposed courtyards are greater than 8sqm in area and have a minimum proposed depth of 2m.	Satisfactory
b) ii)	Courtyards/balconies shall be clearly defined and screened for private use.	Proposed courtyards and balconies are sufficiently screened.	Satisfactory
b) iii)	Courtyards/balconies shall be oriented to achieve comfortable year round use.	Orientation is satisfactory.	Satisfactory
b) iv)	Courtyards/balconies shall be accessible from a main living area of the flat.	All proposed balconies are accessible from the main living area of each apartment.	Satisfactory
5.5.7 Privacy			
a)	Ground level dwellings incorporating a courtyard shall be provided with a privacy screen.	Ground level apartments are not proposed. The residential component of the building is from Level 4 - Level 14.	N/A
b)	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.	The subject site is surrounded by under-developed sites.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
c)	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 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.	The subject site is surrounded by under-developed sites.	Satisfactory
d)	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 are sufficiently screened from one another.	Satisfactory
5.5.8 Communal Recreation Facilities			
a)	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).	i) A 86sqm recreation room is provided (1sqm/dwelling) ii) An outdoor rooftop terrace is provided with seating and a BBQ area > 85sqm.	Satisfactory
b)	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	The communal recreation facility is located on the rooftop.	Satisfactory
c)	All communal recreational facilities shall be provided on the same land as the residential fat building.	The communal open space area is provided on the same site as the proposed development.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
d)	Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	Part 5.6.4 (a) of Council's DCP allows the provision of a roof top terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying the respective provisions of the ADG. See Part 5.6.4 (a) within the table for compliance.	Satisfactory
e)	All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.	Recommended condition of consent in Attachment 1 for the communal open space area to be completed prior to the issue of an interim occupation certificate.	Yes. Recommended condition of development consent.

Part 5.6 Mixed Use Development (Zones B3 and B4)

This section sets out controls relating to mixed use development in areas zoned B3 and B4. Compliance with Part 5.6 of the DCP is assessed below:

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
5.6.1 General Requirements for Mixed-use Development in areas zoned B3 and B4			
a)	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).	See Part 5.5 table above for compliance.	See Part 5.5 table above for compliance.
b)	Mixed-use developments on areas zoned B3 and 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.	Retail is proposed at ground level and is permissible under the B3 Zone.	Satisfactory
c)	No ground floor level on areas zoned B3 & B4 shall be occupied by a residential use.	Ground floor is to be occupied by retail uses.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
d)	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.	Tenancy fit-out is not proposed, however standard fit-out conditions of consent are recommended.	Can comply. Recommended condition of development consent.
5.6.2 Site requirements and Building Envelope for Mixed-use Development in areas zoned B3 and B4			
a)	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.	Site area is 1280sqm. The width of the site measured at the Dumaresq street frontage is 26.4m.	Satisfactory
b)	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.	i) Ground level to Level 4 proposes a zero metre setback from all property boundaries proposed from ground to level 4. ii) Non-compliance.	Non-compliance with ii). See ADG for building separation discussion.
5.6.3 Car Parking and Access in areas zoned B3 and B4			
a)	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 level = $457\text{sqm}/25\text{sqm} = 19$ Upper levels = $2016\text{sqm}/35\text{sqm} = 58$ Total = 77 required car parking spaces. 38 proposed car parking spaces. Due to the proximity of the site to Campbelltown railway station the RMS Guide to Traffic Generating Development was used to calculate the required car parking rates for the proposed commercial and retail uses. See Section 7.3 of this report.	No. See Section 7.3 of this report for a discussion.

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
b)	Pedestrian access to residential flats shall be separated from the commercial/retail uses.	Pedestrian access is separated.	Satisfactory
c)	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.	Part 6.4.2 is assessed in the compliance table below.	Part 6.4.2 is assessed below the compliance table.
5.6.4 Roof Terraces			
a)	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 the respective provisions of the RFDC (refer to assessment ADG).	See Attachment 2 for compliance.	Satisfactory
5.6.5 Mixed-use Development and Waste Management			
a)	Self-contained and lockable areas shall be provided for commercial and residential waste.	Information not provided with the development application.	Can comply. Recommended condition of development consent.
b)	Areas for commercial and residential waste shall be kept separate.	Residential waste room and the commercial waste room are provided in separate rooms located on the ground level.	Satisfactory

Part 6.4.2 Car Parking and Access

Part 5.6.3 c) of Campbelltown (Sustainable City) DCP 2015 states that 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. The following assessment is undertaken:

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
6.4.2.2 Loading and Unloading			
a)	Where practicable, loading bays shall be separated from parking and pedestrian access.	The loading bay is located at the rear and is accessed from the unnamed laneway.	Satisfactory
b)	All loading and unloading shall take place wholly within the site.	The supporting documentation has demonstrated that all loading/unloading can occur within the service area.	Satisfactory
c)	No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	Loading and unloading would occur within the service area accessed from the unnamed laneway.	Satisfactory
d)	Parking and loading bays shall be provided and clearly identified on site.	The loading/service area is clearly visible from the unnamed laneway.	Satisfactory
e)	Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Manoeuvring areas are separate from car parking spaces.	Satisfactory
f)	Each new commercial building/unit having a gross floor area: i) up to 200 square metres shall provide a loading area to allow for a small rigid vehicle to manoeuvre on site; 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.	All loading/unloading would occur from the service entrance at the rear of the site, accessed from the laneway.	Satisfactory

		Campbelltown (Sustainable City) Development Control Plan	
Control	Requirement	Proposed	Complies
g)	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 rear loading area is visible from the laneway at the rear which is considered appropriate.	Satisfactory

5. Section 4.15(1)(a)(iia) Any Planning Agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F

There are no planning agreements entered into or any draft agreement offered to enter into under Section 93F which affect the development.

6. Section 4.15(1)(a)(iv) The Regulations

In accordance with Clause 92 of the Regulations, a condition of consent has been recommended for demolition works to comply with AS 2601.

7. Section 4.15(1)(b) The likely impacts of development

The following matters are raised in relation to the likely impact of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

7.1 Vehicular Access and Traffic Generation

The following is advised in relation to vehicle access to the development site:

- Access to the site is proposed from the unformalised laneway adjacent to the development. Currently, vehicles cannot turn from Coogans lane into the unnamed laneway due to standard kerb and gutter construction. Further, it is advised that the existing un-formalised laneway at the rear of the development site is partially used for car parking and traffic circulation.
- To provide access to the development site, the unformalised laneway is required to move traffic in a one way direction, from Coogan Lane towards Hurley Street, due to the constraint of the existing building and the substation at the corner of Coogan Lane.
- It is advised that a padmount substation is located within the unformalised laneway. The substation services No. 4 Dumaresq Street, Campbelltown (Lot 101 DP 621692). To facilitate unobstructed one-way circulation within the laneway, a condition of development consent has been recommended for the substation to be relocated prior to the issue of an occupation certificate.

- Council's Technical Services section has advised that a 10m wide road width of the unnamed laneway is required to be maintained at the rear of the site. It is recommended as a condition of consent for the applicant to construct at least half road at "road" standard. The road configuration is required to be 2.5m wide footpath on the subject site side of the laneway and a 7m wide carriageway and a 0.5m wide footpath allocation on the car park side, not to be formalised, as Council may widen this footpath width to match the 2.5m width on the development side of the laneway.
- Council's Technical Services section has advised that car parking spaces removed within the laneway should be re-instated within the adjacent public car park. A condition of development consent has been recommended for the partial re-instatement of car parking spaces within the public car park.
- The immediate locality surrounding the development site is a high pedestrian environment. To ensure pedestrian safety and continued pedestrian connectivity at the rear of the post-office site, a condition of development consent has been recommended for the applicant to formalise the laneway adjacent to the Post Office (No. 14 Dumaressq Street) building by removing the kerb and gutter prior to construction works commencing.

The following is advised in relation to the traffic generated by the proposed development:

- Council's Technical Services section advised that traffic generated by the proposed development and the adjoining network performance is considered satisfactory.

7.2 Waste Servicing

Council's Domestic Waste Service Coordinator confirmed that the site's domestic waste would be serviced by a rear loader vehicle accessing the loading bay. It was advised that the risk level for this particular site is relatively low compared to residential areas within the Campbelltown local government area and accordingly, reversing the collection vehicle into the loading bay area is considered satisfactory. Further, it was advised that the site's recycling service would be collected from the kerbside fronting the rear lane using a single arm waste vehicle.

The ground floor garbage room is designed to accommodate forty six (46) 240L bins being thirty four (34) for waste and twelve (12) for recycling, assuming twenty two (22) bins are distributed adjacent to the garbage chutes on the residential levels of the development.

It was also advised by Council's Domestic Waste Service Coordinator that the waste management plan submitted with the development application is inconsistent and does not reflect the proposed plans. Accordingly, a condition of consent has been recommended for the applicant to provide a waste management plan prepared by a suitably qualified professional prior to the issue of an occupation certificate, which includes the location of the twenty two (22) recycling bins distributed throughout the residential levels.

7.3 Car Parking

Design Criteria 3J-1.1 of the ADG states that for sites that are within 800 metres of a railway station in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is calculated using the Guide to Traffic Generating Development (GTGD). Further, due to the proximity of the site to Campbelltown railway station, the GTGD was also used to calculate the required car parking rates for the proposed commercial and retail floor area.

The required and proposed car parking space allocation for the development is shown below:

Use	Car Parking Spaces Required (GTGD)	Car Parking Spaces Proposed
Residential	49	78
Residential Visitor	13	10
Commercial	51	38
Retail	20	0
Total	133	126

The proposed allocation of the car parking spaces does not comply with the GTGD. However, the total proposed car parking results in a non-compliance of only seven commercial/retail car parking spaces. This non-compliance is considered minor, particularly given the sites proximity to Campbelltown train station and bus interchange. The non-compliant car parking allocation is discussed below.

Residential Car Parking

The proposed residential car parking spaces exceed the minimum required by the GTGD by 26 spaces. This proposed excess is not supported by the Objective 3J-1 of the ADG as follows:

- Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

Further, the excess residential parking spaces is not considered an appropriate allocation of car parking spaces, particularly when the number of commercial and retail car parking spaces is significantly less than the minimum car parking requirements of the GTGD.

Subsequently, it is recommended that the proposed residential car parking spaces be reduced to the minimum required under the provisions of the GTGD. A condition of development consent has been recommended for 49 residential car parking spaces and 13 visitor car parking spaces to be provided. The remaining residential car parking spaces are recommended to be allocated to the commercial and retail uses. This is further discussed below.

Commercial and Retail Car Parking

In accordance with the GTGD requirements, the commercial and retail car parking space calculations are shown below:

Use	Calculation (GTGD)
Commercial	1 space per 40sqm GFA 2016sqm /40sqm = 51 car parking spaces
Retail	4.3 spaces per 100sqm 457/100 x 4.3 = 20 car parking spaces
Total Required	71
Total Proposed	38

The proposed commercial and retail floor area generates 51 commercial car parking spaces and 20 retail car parking spaces. However, the proposal allocates 38 commercial spaces and does not provide any retail parking spaces. This results in a non-compliance of 33 parking spaces. The excess 26 residential parking spaces are recommended to be allocated to the commercial and retail required parking spaces.

Car Parking Credit

The applicant has requested a car parking credit be applied to the development based on the existing commercial floor area. The applicant has provided the following argument:

- We previously attached for Council's consideration Development Control Plan No 52 and Contributions Plan for Public Carparking Facilities in Campbelltown Business Centre. The latter document provides details on how contributions are calculated. DCP 52; however, at Clause 7 provides that a car parking credit will be given when redeveloping. This Clause states that:

"Council shall have regard to the history of the site, including approved uses and conditions of consents granted for that floor space and those uses. Generally retail and commercial floor space credits shall be at a rate of one car space per 40sqm of leasable floor space."

- Having regard to the Council documents, a credit needs to be given to the existing floor space, as detailed in this letter and in accordance with the DCP.
- In this regard it may be reasonable to conclude that the resident visitor spaces (10) may also be included in the 76 retail/commercial spaces required as peak retail/commercial and resident visitor car parking demands are unlikely to coincide.
- The proposal requires a total 65 resident and 70 non-resident onsite parking spaces i.e. 135 car parking spaces including visitor spaces. But if a credit is given for the existing building (59 spaces) then we would suggest that no additional spaces are required on site for the retail component.

A Traffic, Access and Parking Assessment, prepared by Transport and Urban Planning Pty Ltd, dated 13 July 2018, submitted with the development application suggests the following in relation to the requested car parking credit:

- The existing ground floor commercial retail area (11 suites) totals 843sqm whilst the first floor area including mezzanine, gym and four squash courts totals 1,527sqm. However the site adjoins a large (Council) public car park (200+ spaces) and based on the floor areas for the existing building and use we would contend the site and use warrant a credit for 59 parking spaces.

The following response is given to the request for a car parking credit:

- Council's Coordinator of Strategic Infrastructure has advised that the former Development Control Plan No. 52 (DCP 52) contained a clause which considered car parking credit when redeveloping. Former DCP 52 allowed, subject to consent from Council, for the existing site to be considered for a car parking credit. However, DCP 52 was repealed in 2009.
- The Contributions Plan for Public Parking Facilities has not been amended since 2004 and still contains references to the now repealed DCP 52. Consequently, the grant of a car parking credit is no longer a policy position of Council. Any request for consideration would need to be considered on merit.

Further, there is no evidence to conclude that residential visitor spaces and retail/commercial space demand does not coincide. This argument is not substantiated and not supported.

Overall, it is considered that a car parking credit does not apply to the redevelopment of the subject site. As such, the development results in a non-compliance of seven commercial/retail car parking spaces which is considered satisfactory due to the location of the development site in close proximity to public transport services.

7.4 Building Separation

Design Criteria 3F-1.1 of the AFG requires the proposed development to achieve the following separation distances:

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

The proposed residential levels of the development do not comply with the building separation requirements. A zero lot line is proposed for a portion of all residential levels on the south eastern and north western property boundaries. It is noted that the rear building separation distances are achieved.

The Design Guidance Design Criteria 3F-1.1 stipulates that direct lines of sight should be avoided for windows and balconies across corners and no separation is required between blank walls. As the adjoining site has not yet been developed to capacity, the proposed built form has considered the potential future built form for the neighbouring sites at No. 4 and No. 14 Dumaresq Street. The applicant has suggested that the proposed zero lot line setback for a portion of the side setbacks creates a cohesive, urban design that would increase the capacity for development, particularly on No. 14 Dumaresq Street which is a smaller sized allotment.

It is considered that the proposed zero setback achieves a design that is suitable in the Campbelltown urban centre and satisfies the following Visual Privacy Objective 3F-1 of the ADG:

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

7.5 Solar and Daylight Access

Design Criteria 4A-1.3 of the ADG requires the proposed development to achieve the following:

- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

It is proposed that 23.5% (20 apartments) of all apartments would not receive any direct sunlight between 9am and 3pm mid-winter.

A response, prepared by Planning Ingenuity, dated 11 July 2018, was provided in support of the above non-compliance (Appendix 6). The justification for the non-compliance is summarised below:

- The proposal provides 23.5% of units that do not receive direct solar access at mid-winter. Notwithstanding, if measured to 3.30pm at mid-winter, only 11.7% of apartments do not receive solar access. Furthermore, the number of units within the development that achieve 2 hours direct solar access at mid-winter is 65 (76.5%) versus a requirement for

60 (70%) apartments. Measured at other times of the year, compliance would also be significantly improved. Accordingly, it is our opinion that the proposal performs well in terms of solar access and clearly meets the objectives of the solar access provisions of the ADG.

- This objective is met by providing 5 (7.7%) more apartments with 2 hours solar access at mid-winter than the ADG requires.
- Whilst the numerics of the ADG set measurement for 4A-1.3 between 9am and 3pm, the fact that the proposal would comply if those parameters extended to 3.30pm, is also considered to meet this objective. It is agreed that numeric controls such as this must set parameters at a specific point however there should also be some discretion applied to that given the arbitrary nature of the numeric.
- The design guidance commentary in 4A-1.3 makes clear the solar access controls must be applied with discretion.
- In the current case, the orientation of the subject site provides constraints to apartment orientation. Apartments have been oriented away from both side boundaries, in particular orientation from the north-western boundary reduces the ability to meet the control. In addition, the apartments that contribute to non-compliance with the control are those facing Dumaresq Street. In urban design terms, it is important that apartments are oriented to this main street frontage. This is a circumstance that in our view is encompassed in the discretion outlined in this section of the ADG.
- In light of the overall solar performance of the proposal, with an additional 5 apartments beyond the minimum 70% receiving 2 hours solar access at mid-winter, and taking into account the constraints of the site which warrant orientation of apartments to Dumaresq Street, it is considered appropriate to apply the discretion that is inherent in the ADG where the objectives of the control are met.
- It is our view that the objectives of the ADG are met and pursuit of strict compliance with the numeric controls would result in an inferior urban design outcome for the site.

The objective of Design Criteria 4A-1 is to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. It is acknowledged that discretion can be applied in the application of the design criteria. Overall, 76.5% of proposed apartments receive 2 hours of direct solar access in mid-winter. Additionally, it is conceded that the orientation of the proposed Dumaresq is required to address Dumaresq Street for street activation purposes, therefore constraining the amount of solar access that can be achieved. In the circumstances of this case, the argument provided above is supported.

7.6 Flooding Impacts

The site is a Flood Control Lot with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property.

Council's Technical Services Section confirmed that the finished floor level of 67.70m AHD (adjoining Dumaresq Street) is acceptable. It is also advised that the proposed finished floor level of 66.40m AHD adjoining the rear laneway may be acceptable, with engineering works affording an appropriate level of protection. Accordingly, it is recommended as a condition of development consent for details to be provided prior to the issue of a construction certificate, to ensure that an appropriate level of protection is achieved for the finished floor levels adjoining the un-named laneway and the entrance to the basement carpark.

7.7 Accessibility and Building Code of Australia Assessment Report

An Access Review report, prepared by Morris Goding Accessibility Consulting, dated 19 December 2017, reference: final - v3, was submitted with the development application. Council's Senior Building Surveyor reviewed the report and advised that the report proposes recommendations to be carried out to the design of the building.

It was also advised to include a condition of consent to comply with the recommendations of the Morris Goding report and relevant requirements to the provisions of BCA volume 1, D3 to be detailed and approved by the principal certifying authority prior to the issue of a construction certificate. A condition of consent has been recommended to reflect the response provided by the Senior Building Surveyor.

Council's Senior Building Surveyor also reviewed the draft BCA Assessment Report, prepared by City Plan Services, dated 6 December 2017 submitted with the development application. It was advised that the report does not adequately address the requirements of the Category 1 fire safety provisions and structural adequacy as required by Clause 93 of the *Environmental Planning and Assessment Regulation 2000*. Accordingly, a condition of development consent has been recommended for revised documentation to be provided detailing compliance with the BCA prior to the issue of a construction certificate.

7.8 Crime Prevention Through Environmental Design (CPTED)

The development application was referred to the NSW Police to provide comment on the Crime Prevention Through Environmental Design (CPTED) principles.

The NSW Police advised that the development was a low crime risk. The response further details that a Safer by Design Evaluation was conducted for the proposed development and outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be incorporated into the development to minimise risk of criminal activity.

The NSW Police recommendations improve the design of the proposed development in terms of increasing safety measures and are recommended as conditions of development consent.

7.9 Crane Usage

POLAIR advised concerns in relation to the risk management of the crane hazard during the construction phase of the development. POLAIR recommended the imposition of a condition of development consent for written approval to be obtained from the Safety Manager of Police Transport and Public Safety Command prior to the commencement of any works on the development site. A condition of development consent has been recommended accordingly.

7.10 Endeavour Energy

The development application was referred to Endeavour Energy for comment. No objection was raised. However, Endeavour Energy noted that provision has been made for a substation on the ground floor of the development. It was advised that the applicant would need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply would be determined. A condition of development consent has been recommended accordingly.

Further, Endeavour Energy advised that an easement for low voltage and 11,000 high voltage underground cables adjoins the western side boundary of the subject site. Additionally, a low voltage and 11 kV high voltage underground cables adjoining the rear north eastern boundary in the unformalised laneway. Endeavour Energy advised that it is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. Accordingly, a condition of consent has been recommended for the applicant to contact Endeavour Energy in relation to the site works potentially impacting the adjoining electricity infrastructure.

7.11 Construction Impacts

Noise and vibration impacts during demolition, excavation and construction are unavoidable and have the potential to impact on the amenity on the locality including the operation of nearby visitors. To minimise impacts during demolition and construction, conditions of consent have been recommended relating to the provision of a construction management plan, limitation of hours of construction work, erosion and sedimentation controls, dust mitigation, waste management and use of cranes and scaffolding.

7.12 Building Façade

It is considered that the north western building elevation presents poorly to the Main Southern Railway line and distance views from the north west. A condition of development consent has been recommended for a revised north western façade plan to be provided which proposes a visually interesting design.

In addition, it is considered that carefully planned external lighting arrangements of the proposed development could assist in night time identification of the core Campbelltown CBD area creating a sense of place and contributing to the aesthetics of the night time economy. Accordingly, a condition of development consent has been recommended for an external lighting plan to be provided prior to the issue of a construction certificate.

8. Section 4.15(1)(c) The Suitability of the Site for the Development

The proposal is considered appropriate with regard to the zoning of the subject site and is not anticipated to have adverse impacts on the immediate or surrounding locality.

9. Section 4.15(1)(d) Any Submissions Made in Accordance with This Act or the Regulations

The application was publicly exhibited and notified to nearby and adjoining residents on two occasions (once for the original proposed and once for the amended plans). The initial public notification occurred between 6 February 2017 and 20 February 2017. Council received two submissions during this period. The submissions have been grouped into theme, issue and Council response in the table below.

Theme	Issue	Response
Impact on surrounding vehicle and pedestrian traffic	The designers have not considered the affect this grandiose building, its residents and users, will have on surrounding vehicle and pedestrian traffic.	Revised plans were submitted proposing a significantly reduced building height which is supported by a Clause 4.6 Variation (Attachment 3).
Parking above ground	There is not sufficient amenity in the above ground four floors to entice residents and shop owners to restrict	The proposed car parking is considered sufficient given the close proximity of the subject site to Campbelltown

Theme	Issue	Response
	their parking to within the building. This will cause an already over-burdened Council carpark to suffer even more strain.	Railway Station. Revised plans include a basement car park.
Traffic generation	The extra vehicular traffic on Dumaresq Street may eventually mean that Council be forced to make a one-way street of Dumaresq.	The traffic generation and distribution was reviewed by Council's City Delivery section and is considered satisfactory. The proposed development would not alter the existing two way traffic flow on Dumaresq Street.
Location	Would it not be wise to locate this development further away from our CBD?	The zoning and maximum prescribed height limit under the provisions of CLEP 2015 permit this development in the CBD.
Non-compliance with height	<p>The development application proposal does not comply with height guidelines set down by CLEP 2015.</p> <p>The development application proposal exceeds height guidelines by a massive 60%.</p> <p>The development application proposal is approximately 30 metres higher than CLEP 2015 height guidelines making the development higher than the Sydney Opera House or St Mary's Cathedral Sydney highest point. Adjoining areas to this development have height restrictions of 32 and 38.5 metres respectively which illustrates how extremely out of touch this development is at 76 metres.</p>	Revised plans were submitted during the assessment of the development application. The exceedance of the height limit has been reduced to 49.43 metres, a variation of 9.84%. The variation request is supported by a Clause 4.6 variation. The height non-compliance is supported.
Incorrect drawings	The artist illustration of the proposed development contains ghost images of buildings (that currently don't exist) is an attempt to justify that the development is not out of harmony with the current future development area.	Revised plans have been submitted with the amended application which do not include the development potential of the adjoining buildings. It is advised that the revised plans were also re-exhibited and re-notified and no further objections were raised.
Waste	Garbage bins not supplied for each unit.	The development application was referred to Council's Coordinator of Domestic Waste who advised that a satisfactory number of waste and recycle bins are proposed.
Waste	No separate access for residential garbage removal. Enclosed area must create a health and odour problem as it adjoins residential rear entrance lobby.	Council's Environmental Health Officer assessed the location of the garbage rooms and provided recommended conditions of consent to ensure the impact of odour is reduced.
Vandalism	Vandalism must also pose a threat to	The design on the proposed

Theme	Issue	Response
	the entrance of the building because it is hidden from street view.	<p>development incorporates an active street frontage. The entrance to the development is not considered to be hidden from view.</p> <p>Further, the development application was referred to the New South Wales Police for comment in relation to the building design and crime prevention. A response was received by Council on 7 February 2017. The NSW Police response detailed that the development was a low crime risk. Recommendations that improve the design of the proposed development in terms of increasing safety measures within the response are recommended as conditions of development consent. It is considered that with the implementation of the NSW Police recommendations, the proposed development would optimise safety and security within the development and the public domain.</p>
Shortage of parking	Proposed road at rear of the development will reduce the already shortage of parking in the CBD.	The road at the rear is a designated laneway which is currently not formalised. The removal of the car parking spaces within the laneway is not considered detrimental to the amount of available car parking spaces within Council's public car park.
Unsuitable Access	Hazardous vehicle access and egress to the residential car parking poses danger to both pedestrians and vehicle traffic as the access is from Dumaresq Street.	All access is proposed from the rear unnamed laneway which is considered satisfactory.

One submission was received outside of the initial notification period. The submission specifically states that no objection is raised in relation to the redevelopment of the site. However, the following concerns are raised and addressed below:

Theme	Issue	Comment
Construction Noise	The level of noise involved with the construction as we trade 9am to midnight 7 days a week.	Given the sensitive nature of the adjoining land use it is recommended the hours of construction are limited to 6am - 1pm Monday to Saturday and no work on Sunday.
Debris and Dust Impacts	The amount of dust and debris in the air around the cinema may affect the air conditioning and customers.	A condition of development consent has been recommended for measures to be implemented to minimise dust nuisance. It is also recommended for the required Construction Management Plan to detail the dust suppression procedures.

Theme	Issue	Comment
Access	The pedestrian access separating our building is used not only as a fire escape but also provides disabled entry to the cinema.	A condition of development consent has been recommended for pedestrian access between the development site and No. 4 Dumaresq Street, Campbelltown (the cinema site) to be maintained at all times.
Reduction of available parking during the construction phase	A large number of people working on a building site may greatly reduce available parking.	A condition of development consent has been recommended for all loading and unloading to occur on the development site. Where this cannot occur, the applicant is required to apply for a Work Zone permit.

The revised application was notified and exhibited between 8 February 2018 and 22 February 2018. No submissions were received for the amended information.

10. Section 4.15(1)(e) The Public Interest

The public interest is a comprehensive requirement that requires consent authorities to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of desired environmental and built form outcomes adequately responding to and respecting the desired future outcomes expressed in environmental planning policies and development control plans.

In this instance, the proposed development is considered appropriate with consideration to the zoning and the future desired character of the Campbelltown central business district.

Approval of the proposed development is considered to be in the public interest.

11. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development is permissible with consent under the provisions of Campbelltown Local Environmental Plan 2015 and is consistent with the objectives of the B3 Commercial Core zone. A Clause 4.6 in relation to a height variation request accompanied the development application and is supported.

The development is generally consistent with State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and the Apartment Design Guide. Variations to Design Criteria for building separation and solar access are considered satisfactory in the circumstances of this case.

The development appropriately creates an active street frontage to both Dumaresq Street and the unnamed laneway. The proposed building form and scale is considered satisfactory and to positively contribute to the commercial core and public domain of the Campbelltown CBD.

The submissions received during the notification period have been adequately addressed by the revised building design.

Overall, having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant matters discussed within this report, it is considered appropriate that the development be approved, subject to the recommended conditions of consent in Attachment 1.

12. Recommendation

It is recommended that development application 4204/2016/DA-RA for the demolition of existing structures and construction of a 15 storey mixed use building comprising of 85 residential apartments over 11 levels, four (4) levels of basement car parking, one (1) level of retail, two (2) levels of commercial at 6-12 Dumaresq Street, Campbelltown, be approved subject to the recommended conditions in Attachment 1.

13. Attachments

Attachment 1 - Recommended Conditions of Consent

Attachment 2 - Apartment Design Guide Assessment

Attachment 3 - Applicant's Clause 4.6 Variation Request

Attachment 4 - Architectural Plans

Attachment 5 - Landscape Plans

Attachment 6 - Applicant's Solar Access Variation Request

Attachment 7 - Design Verification Statement