

## SUPPLEMENTARY COUNCIL ASSESSMENT REPORT

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| <b>Panel Reference</b>   | 2017SSW012  |
| <b>DA Number</b>   | 4204/2016/DA-RA   |
| <b>LGA</b>   | Campbelltown  |
| <b>Proposed Development</b>  | 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 |
| <b>Street Address</b>  | 6-12 Dumaresq Street, Campbelltown, SP 63212  |
| <b>Applicant/Owner</b>   | Michael Brown Planning Strategies<br>Bassal Holdings Pty Ltd and Mr Albert Bassal and Saxon Development   |
| <b>Date of DA lodgement</b>  | 22 December 2016  |
| <b>Number of Submissions</b>   | 2 objectors<br>Amended application not required to be renotified/exhibited  |
| <b>Recommendation</b>  | Approval  |
| <b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>             | Development that has a capital investment value of more than \$20 million (lodged prior to 1 March 2018)  |
| <b>List of all relevant s79C(1)(a) matters</b>                                     | State Environmental Planning Policy No 55 - Remediation of Land   |
| <b>List all documents submitted with this report for the Panel's consideration</b> | Attachment 1 – Preliminary Site Investigation report<br>Attachment 2 – Applicant's response to raised items dated 17 November 2018<br>Attachment 3 – Laneway movement plan                                  |
| <b>Report prepared by</b>  | Emma Page - Senior Development Planner  |
| <b>Report date</b>   | 19 November 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)? **NA**

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## Executive Summary

The proposal was reported to the Sydney Western City Planning Panel (the Panel) pursuant to Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, on 29 October 2018 for determination.

The Panel considered Council's Assessment Report 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.

The Panel deferred the development application for further assessment of the following:

- Consideration of a report specifying the findings of a preliminary investigation of the land within the meaning of clause 7 of State Environmental Planning Policy No 55 - Remediation of Land;
- The visual appearance of the proposed building when viewed from the Main Southern Railway line;
- The design for safe and efficient access between the building carpark and Coogan Lane; and
- Whether a mutually agreeable arrangement is possible between the Applicant and the Council in relation to the existing electrical substation adjacent to the cinema building within the unmarked road.

This supplementary report addresses the specific matters raised by the Panel with a view to progress and determine the development application.

# Report

## Introduction

Development Application 4204/2016/DA-RA (2017SSW012) was considered and subsequently deferred by the Sydney Western City Planning Panel (the Panel) on 29 October 2018. This report addresses the specific matters raised by the Panel and includes the response to the deferral items provided by the applicant on 17 November 2018. A recommendation is provided under each matter raised to assist the Panel to progress and determine the development application.

### **1. Consideration of a report specifying the findings of a preliminary investigation of the land within the meaning of clause 7 of State Environmental Planning Policy No 55 - Remediation of Land**

The Panel deferred the development application for further consideration of a report specifying the findings of a preliminary investigation of the land within the meaning of clause 7 of State Environmental Planning Policy No 55 – Remediation of Land.

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

Clause 7(2) of State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) states that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. The land is specified in subclause (4) as it is for residential purposes.

In accordance with subclause (3) of SEPP 55, the applicant has provided a Preliminary Site Investigation (PSI) report, prepared by NEO Consulting Pty Ltd, dated 14 November 2018 (Attachment 1). The objective of this investigation was to assess for the likelihood of contamination to exist on the site based on a preliminary investigation.

The report states that the site can be considered suitable for the proposed development and recommends the following:

- A HAZMAT survey should be completed prior to any potential demolition of structures at the Site. An appropriately licensed HAZMAT and demolition contractor should be engaged for all HAZMAT and demolition works at the Site;
- A waste classification should be prepared for any soil materials being disposed off-site in accordance with NSW EPA 2014 Waste Classification Guidelines Part 1;
- During any potential re-development, care should be taken to segregate the waste streams. Each waste stream should be assessed for its suitability for re-use individually and subsequent validation samples, screening records, results or qualitative information reported for inclusion in the site validation report;
- Further, in the event that any further contaminating materials or other un-expected finds (i.e. burial pits) are identified during redevelopment, an appropriately experienced consultant should be engaged to attend site. The works should cease immediately in the area of the discovery. This report should be read in conjunction with its limitations presented in this report.

The PSI report does not recommend further detailed investigations of the site. It is considered that Clause 7 of SEPP 55 is satisfied, subject to the recommendations below.

## 1.1 Recommendation

The recommended conditions of consent considered by the Panel are consistent with the following recommendations of the PSI:

| <b>Preliminary Site Investigation recommendation</b>   | <b>Recommended conditions previously considered by the Panel</b>  |
|--|---|
| A waste classification should be prepared for any soil materials being disposed off-site in accordance with NSW EPA 2014 Waste Classification Guidelines Part 1;   | <p><b>41. Excavated Soil Material Disposal Plan</b></p> <p>Prior to Council or an accredited certifier issuing a construction certificate, the applicant must submit an excavated soil material disposal plan to the accredited certifier, with the batching, sampling and analysis procedures as per the DECCW (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Campbelltown City Council for record keeping purposes.</p>  |
| In the event that any further contaminating materials or other unexpected finds (ie. burial pits) are identified during redevelopment, an appropriately experienced consultant should be engaged to attend site. The works should cease immediately in the area of the discovery. This report should be read in conjunction with its limitations presented in this report. | <p><b>81. Unexpected Finds Protocol</b></p> <p>Prior to the commencement of any works on the land, the applicant must engage a suitably qualified professional to prepare an unexpected finds protocol outlining the management of any unexpected finds identified during works, which includes, but is not limited to, an assessment of potential groundwater contaminant detection.</p> <p>The unexpected finds protocol must be submitted to Campbelltown City Council for record keeping purposes</p>   |
| During any potential re-development, care should be taken to segregate the waste streams. Each waste stream should be assessed for its suitability for re-use individually and subsequent validation samples, screening records, results or qualitative information reported for inclusion in the site validation report;  | <p><b>86. Contamination Management</b></p> <p>Prior to the commencement of any works on the site, the applicant is to commission an appropriately qualified person to prepare a method for progressive analysis of excavated material and groundwater for the written approval of Council's Executive Manager of City Centres.</p> <p>During excavation, the approved method is to be implemented by an appropriately qualified person in order to detect and remove potentially contaminated material.</p> <p>If any contaminated material is found, it is to be disposed of at an appropriately licensed waste management facility.</p> |

To facilitate compliance with all recommendations of the PSI report, the following PSI recommendation is proposed to be included in the conditions of development consent.

| <b>Preliminary Site Investigation recommendation</b>   | <b>Condition proposed to be included in the recommended conditions</b>   |
|--|--|
| <p>A HAZMAT survey should be completed prior to any potential demolition of structures at the Site.</p> <p>An appropriately licensed HAZMAT and demolition contractor should be engaged for all HAZMAT and demolition works at the Site;</p> | <p>Prior to the commencement of any demolition of structures on the land, a HAZMAT survey should be completed. An appropriately licensed HAZMAT and demolition contractor should be engaged for all HAZMAT and demolition works at the Site.</p> |

The inclusion of the above recommended condition is required to satisfy clause 7 of State Environmental Planning Policy No 55 – Remediation of Land.

## **2. The visual appearance of the proposed building when viewed from the Main Southern Railway line**

The Panel deferred the development application for further assessment of the visual appearance of the proposed building when viewed from the Main Southern Railway line (north-western elevation).

The following condition of development consent was recommended by Council staff in relation to the visual appearance of the proposed building from the Main Southern Railway line:

### **2. Amended Plans**

*The development is to incorporate the following amendments and the amended plans are to be submitted to Campbelltown City Council, for the written approval of the Executive Manager of Urban Centres, prior to the issuing of a Construction Certificate:*

*(ii) Provide a revised north-western building elevation plan which proposes a visually interesting design when viewed from the Main Southern Railway line and distance views from the north west.*

*(iii) Provide an external architectural lighting design plan for the development which creates a sense of place and contributes to the identification of the Campbelltown CBD core and the night time economy.*

The applicant's response to the matters raised by the Panel (Attachment 2) includes the following photomontages:



Figure 1: Revised architectural treatment to north-western elevation of proposed mixed-use development at 6-12 Dumaresq Street, Campbelltown.



Figure 2: Revised architectural treatment, including lighting design, to north-western elevation of proposed mixed-use development at 6-12 Dumaresq Street, Campbelltown.





Figure 3: Revised architectural treatment, including lighting design, to north-western elevation of proposed mixed-use development at 6-12 Dumaresq Street, Campbelltown.

The applicant's proposed photomontage of the north-western improves the visual appearance of the building when viewed from the Main Southern Railway line. However, revised north-western elevation architectural plans, and the associated colour/material schedule, have not been provided.

Further, the applicant provides the following for consideration:

- 'We believe that the final design outcome can be the subject of further discussion to ensure that the best approach to the side wall and that each of the images would be appropriate and would highlight the building, particularly at night with the introduction of LED lighting.'
- 'Having regard to the above, a condition of consent requiring the Council to approve the final design would be considered appropriate.'

## 2.1 Recommendation

The development application was deferred by the Panel to address the visual appearance of the proposed building when viewed from the Main Southern Railway line (north-western elevation). The applicant has requested a condition of development consent requiring Council to approve the final design of the north-western elevation prior to the issue of a construction certificate. This condition has previously been recommended and is considered suitable.

### **3. The design for safe and efficient access between the building carpark and Coogan Lane**

The following is advised in relation to the proposed 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.
- 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 substations at the corner of Coogan Lane.
- 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 (No. 14 Dumaresq Street), a condition of development consent has been recommended for the applicant to formalise the laneway adjacent to the Post Office building by removing the kerb and gutter prior to construction works commencing.
- The existing car parking area, currently within the un-formalised laneway, does not have any formal pavement underneath the sealed surface. The existing surface is not suitable for the expected traffic through the laneway. The full laneway is required to be upgraded to "Local Access" standard.
- The applicant has provided a plan detailing the proposed circulation from Coogan Lane to Hurley Street, around the existing substation at the rear of No. 4 Dumaresq Street (Attachment 3). The applicant is also proposing to provide 10 car parking spaces within Lot 201 DP 785774, which is supported.

#### **3.1 Recommendation**

In order to facilitate safe access, it is recommended include the unnamed laneway vehicle access arrangements and construction works within condition no. 42 and delete condition no. 43 as per the below:

| <b>Proposed Condition of Development Consent</b>   | <b>Recommendation</b>   |
|--|---|
| <b>42. Vehicle Access to Unnamed Laneway</b><br><br>Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide plans, and obtain written approval from Council's Executive Manager Infrastructure, detailing the removal of the concrete plinth at the rear of the Post Office to allow one way vehicle access into the car parking area from Coogan Lane.<br><br>The works must not restrict pedestrian access between the car park and the Post | <b>42. Vehicle Access to Unnamed Laneway</b><br><br>Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide plans, and obtain written approval from Council's Director City Delivery, detailing the following works that form part of the development consent:<br><br>(i) Removal of the concrete plinth at the rear of the Post Office to allow one way vehicle access into the unnamed laneway from Coogan Lane including line marking and signposting; |



|   |   |
|---|---|
| <p>Office.</p> <p>The formalisation of the one way access works must be completed prior to construction works for the development site.</p> <p>All costs associated with these works are to be funded by the developer.</p>   | <p>(ii) One way access from the unnamed laneway to Hurley Street, with swept paths maneuvering around the existing substation located behind the cinema building;</p> <p>(iii) Suitable protection devices around the existing substation at the rear of the Post Office (Lot 1 DP 543368); and</p> <p>(iv) Inclusion of ten (10) additional car parking spaces within Lot 201 DP 785774 in accordance with AS 2890.1.</p> <p>(v) The pavement of the unnamed laneway is to be upgraded to "Local Access" standard. Design Equivalent Single Axle Load should be considered as <math>4 \times 10^4</math>. The pavement design must be informed by a geotechnical investigation.</p> <p>The removal of the concrete plinth works must be completed prior to the commencement of construction works for the development site to maintain rear access to the Post Office building (Lot 1 DP 543368).</p> <p>The works must not restrict pedestrian or vehicle access between the car park and the Post Office.</p> <p>All works listed in (ii) - (v) above must be completed prior to the issue of an occupation certificate.</p> <p>All costs associated with these works are to be funded by the developer.</p> |
| <p><b>43. Road Construction Details</b></p> <p>Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide plans, and obtain written approval from Council's Executive Manager Infrastructure, detailing the half road construction standard for the rear laneway. The road configuration will be 2.5m footpath on the subject site side, 7m wide carriageway that is suitable to accommodate sharp left turnings of the vehicles egressed from the site and 0.5m footpath allocation on the Council car park side.</p> | <p><b>43. Road Construction Details</b></p> <p>Delete</p>   |

Vehicles spaces removed from the laneway are to be provided as public parking within the existing adjacent public car park. Details of the reconfigured public car park are also to be provided to Council's Executive Manager Infrastructure for written approval.

All costs associated with these works are to be funded by the developer.

The works must be completed prior to the issue of an occupation certificate.

**4. Whether a mutually agreeable arrangement is possible between the Applicant and the Council in relation to the existing electrical substation adjacent to the cinema building within the unmarked road**

A padmount substation is located within the unformalised laneway at the rear of No. 4 Dumaresq Street, Campbelltown (Lot 101 DP 621692).

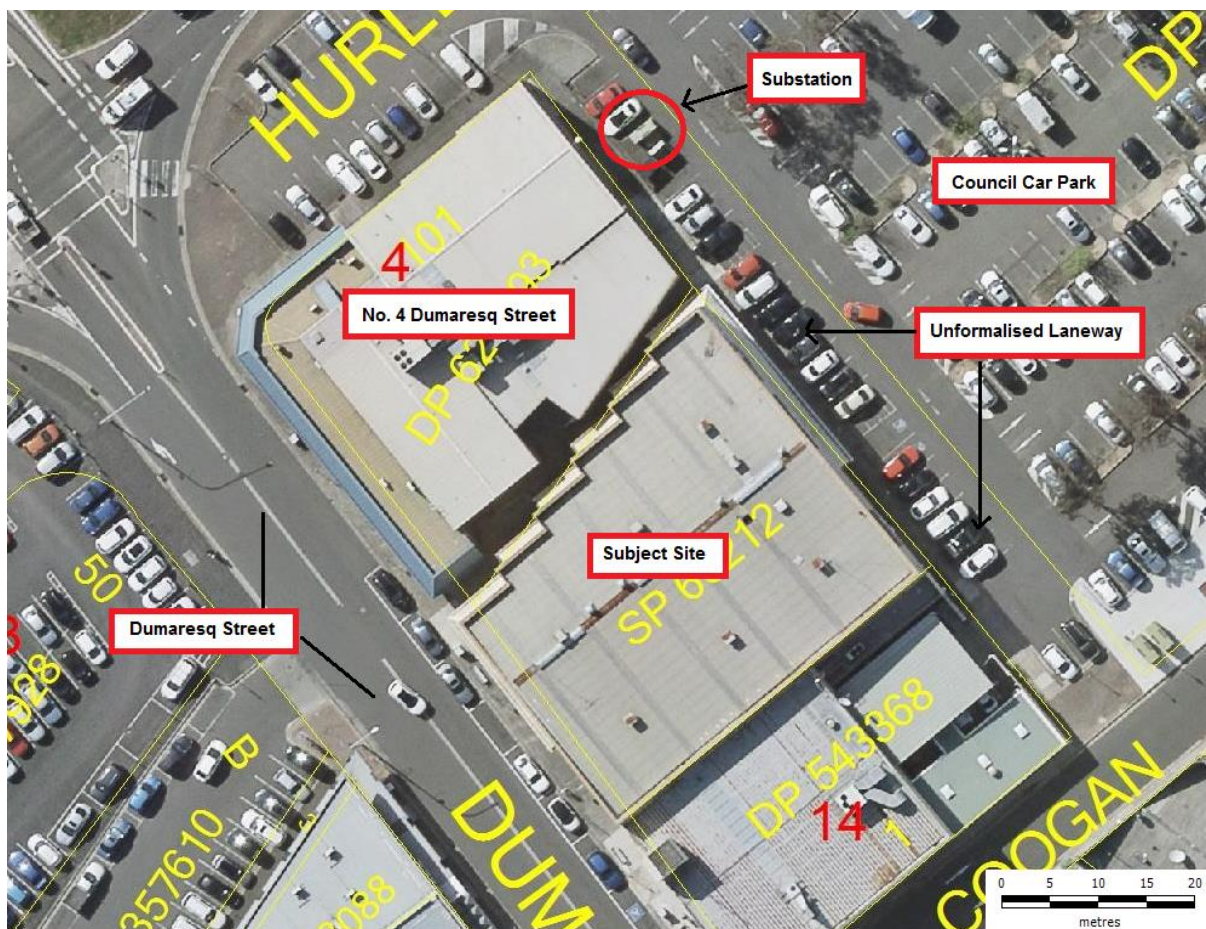


Figure 4: Location Plan of substation in unformalised laneway at the rear of Lot 101 DP 621692.

Council's Executive Manager Property advised the following in relation to the existing electrical substation:

- Formal encroachments on Lot 201 DP 785774 are a very significant issue for this community owned site, (given its anticipated future use and the associated job creation) and cannot be formalised or accepted other than in very temporary circumstances.
- No objection is raised to vehicles associated with this development, driving around the substation across Council's land at the present time.
- This position would be expected to change if or when the substation is relocated and the laneway completed within its legal alignment, or if Council commences redevelopment, or any other work, on any part of Lot 201 DP 785774.

It is Council's position that the substation will remain in the current location until such time as redevelopment of Council owned land takes place. When redevelopment takes place on Lot 201 DP 785774, Council would relocate the substation to facilitate the movement of vehicles within the unnamed laneway.

The applicant is satisfied with Council's position and has provided a plan (Attachment 3), consistent with Council's advice, demonstrating access from the Coogan Lane through to Hurley Street, within the designated laneway, and manoeuvring around the existing substation.

#### **4.1 Recommendation**

Condition no. 112 requires the substation to be relocated prior to the issue of an occupation certificate. To facilitate movement around the substation, it is recommended that condition no. 112 is deleted.

| <b>Proposed condition of Development Consent</b>  | <b>Recommendation</b> |
|---|-----------------------|
| <b>112. Substation Relocation</b><br><br>Prior to the principal certifying authority issuing an occupation certificate, the substation that is located within the unnamed, unformalised laneway at the rear of No. 4 Dumaresq Street, is to be relocated in consultation with Endeavour Energy and Campbelltown City Council, in order to facilitate egress from the site to Hurley Street. | Delete                |

#### **5. Other Issues**

##### **Construction Hours**

Condition no. 85 is recommended to be amended due to the commercial nature of the adjoining businesses as per below. The applicant is satisfied with the condition amendments.

| Proposed Condition of Development Consent   | Recommendation  |
|---|---|
| <p><b>85. Construction Work Hours</b></p> <p>The following construction work hours apply to the specific type of construction work taking place on the development site:</p> <ul style="list-style-type: none"> <li>Demolition works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 5pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Bulk excavation works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 3.30pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Structure (concrete frame) works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 6pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Internal fitout works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 6pm</li> <li>Saturday 6am to 6pm</li> <li>Sunday No work</li> </ul> </li> <li>External works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 6pm</li> <li>Saturday 6am to 6pm</li> <li>Sunday No work</li> </ul> </li> </ul> <p>Any request to vary these hours shall be submitted to the Council in writing detailing:</p> <ul style="list-style-type: none"> <li>(a) the variation in hours required</li> <li>(b) the reason for the variation</li> <li>(c) the type of work and machinery to be used.</li> </ul> | <p><b>85. Construction Work Hours</b></p> <p>The following construction work hours apply to the specific type of construction work taking place on the development site:</p> <ul style="list-style-type: none"> <li>Demolition works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 5pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Bulk excavation works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 3.30pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Structure (concrete frame) works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 3.30pm</li> <li>Saturday 6am to 1pm</li> <li>Sunday No work</li> </ul> </li> <li>Internal fitout works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 6pm</li> <li>Saturday 6am to 6pm</li> <li>Sunday No work</li> </ul> </li> <li>All Other Works <ul style="list-style-type: none"> <li>Monday to Friday 6am to 6pm</li> <li>Saturday 6am to 6pm</li> <li>Sunday No work</li> </ul> </li> </ul> <p>Any request to vary these hours shall be submitted to the Council in writing detailing:</p> <ul style="list-style-type: none"> <li>(a) the variation in hours required</li> <li>(b) the reason for the variation</li> <li>(c) the type of work and machinery to be used.</li> </ul> |

## 6. Conclusion

Development Application 4204/2016/DA-RA (2017SSW012) was considered and deferred by the Sydney Western City Planning Panel on 29 October 2018. This report provided a response to each item raised to enable the Panel to progress and determine the development application.

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 determined by the Panel, subject to the recommendations contained under each matter raised.

## **7. Attachments**

Attachment 1 – Preliminary Site Investigation report.

Attachment 2 – Applicant's response to raised items dated 17 November 2018.

Attachment 3 – Laneway movement plan.