

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2017SSW042
DA Number	389/2017/DA-RA
LGA	Campbelltown
Proposed Development	Refurbishment of the existing heritage residence (Raith), construction of 72 dwellings in the form of attached dwellings and residential flat buildings, conversion of two existing outbuildings into dwellings, and subdivision of the site by way of Community, Torrens and Strata title subdivision
Street Address	74 Fern Avenue, Bradbury
Applicant/Owner	KYS Properties Pty Ltd
Date of DA lodgement	9 February 2017
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 39 • 30
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>Capital Investment Value (CIV) exceeding \$20 million when the DA was lodged in 2017 prior to the increase of the CIV trigger to \$30 million.</p> <p>The CIV of the current proposal is \$16.5 million.</p>
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policy 55 – Remediation of Land</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development</p> <p>Apartment Design Guide</p> <p>State Environmental Planning Policy (BASIX) 2004</p> <p>Campbelltown Local Environmental Plan 2015</p> <p>Campbelltown Sustainable City Development Control Plan 2015 (including Amendments 17 and 24)</p>
List all documents submitted with this report for the Panel's consideration	<p>Architectural Plans</p> <p>Landscape Plans</p> <p>Stormwater Drainage Plans</p> <p>Clause 4.6 objections x 3</p> <p>Heritage Impact Statement</p> <p>2014 Conservation Management Plan</p> <p>Proposed Conservation Management Plan</p> <p>Conservation Works Schedule</p> <p>Recommended Conditions of Consent</p>
Clause 4.6 requests	<ul style="list-style-type: none"> • Clause 4.1C of Campbelltown Local Environmental Plan 2015 – Minimum allotment size for subdivision of attached dwellings • Clause 4.3 of Campbelltown Local Environmental Plan 2015 – Maximum Building Height • Clause 4.3A of Campbelltown Local Environmental Plan 2015 – Maximum Number of Storeys
Summary of key submissions	<ul style="list-style-type: none"> • Increased traffic volumes • Vehicular access • Parking problems

	<ul style="list-style-type: none"> • Building height • Noise levels • Tree removal • Heritage impacts • Visual privacy • Solar access • Built form • Flooding
Report prepared by	Luke Joseph – Senior Development Planner
Report date	30 August 2021

Summary of s4.15 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 summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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 (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

- This development application proposes the refurbishment of an existing heritage residence (Raith), construction of 72 dwellings in the form of attached dwellings and residential flat buildings, conversion of two existing outbuildings into dwellings, and subdivision of the site by way of Community, Torrens and Strata title subdivision.
- Due to the Capital Investment Value of the proposed development exceeding \$20 million when the DA was lodged in 2017 (prior to the increase of the CIV trigger to \$30 million), the Sydney Western City Planning Panel is the consent authority for this application. The CIV of the current proposal is \$16.5 million.
- The application is accompanied by three Clause 4.6 objections, in relation to non-compliant building height, number of storeys and minimum allotment size for subdivision of attached dwellings. These objections are considered to be sound and reasonable.
- The application is compliant with the provisions of SEPP 55 – Remediation of Land, SEPP 65 - Design Quality of Residential Apartment Development, the Infrastructure SEPP and the BASX SEPP.
- The application seeks to utilise the heritage conservation incentives provisions of the Campbelltown Local Environmental Plan 2015, which allows the consent authority, under certain circumstances, to grant consent to development for any purpose on which a heritage building is erected, even though development for that purpose would otherwise not be allowed by the Plan. In Council's opinion, these provisions should be utilised in this situation and consent should be granted, and the report discusses this matter in greater detail.
- Apart from variations to maximum building height, number of storeys and minimum allotment size for subdivision of attached dwellings, the proposed development is generally consistent with the provisions of the Campbelltown Local Environmental Plan 2015 and Campbelltown Sustainable City Development Control Plan 2015, with a few minor exceptions that are discussed within this report.
- A total of 30 unique objections to the proposal were received, most of which raised issues with the original configuration of the proposed development, which Council concurred with. None of the matters raised within the objections prevent the approval of the application by the Panel.
- The application has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be generally satisfactory, noting that there are some matters that are not fully resolved however these are capable of being resolved subject to the imposition of appropriate Deferred Commencement conditions. The application is therefore recommended for approval on a Deferred Commencement basis.

Site and Locality

The subject site is located within the predominantly low-density suburb of Bradbury. It has an area of 22,420sqm and a 138 metre frontage to Fern Avenue. The site contains the heritage-listed two-storey dwelling known as Raith, a concrete tennis court and cricket pitch, two outbuildings, and clusters of vegetation. The site slopes upward significantly from Fern Avenue in a southerly direction, and parts of the site have been subject to historical reconstitution of

ground levels. The site is adjoined to the west by Appin Road, to the north and east by detached dwellings, and to the south by a multi-dwelling development and a property known as Lark Hill that is owned by FACS and used as an out-of-home care facility for young people. The surrounding locality is predominantly characterised by detached dwelling houses.

An aerial photograph of the site is below:



Background and History

Raith was originally constructed in 1903 and is a substantial and rare surviving example of a Federation era country residence. Several subdivisions of land since the construction of Raith have reduced its land size from a large estate to its current size.

From 1964 to the mid-1990s the property was used by the NSW Government as a child welfare institution, after which it was leased as a private residence. In 2014 Raith suffered fire damage and was sold to the current owner, following the preparation of a Conservation Management Plan commissioned by the Government, on the basis that the Government would restore and reconstruct damaged parts of the building. The 2014 CMP included the recommended setting for Raith identified in the diagram below by the red border, and found that the land outside of this setting could be developed. Whilst the CMP was never formally adopted by Council, it is supported by Council staff because of its sound methodology and on the basis that the Government disposed of the land in conjunction with the preparation of the CMP.



Since the lodgement of this application, several iterations of the proposal have been submitted to Council and publicly exhibited and notified. These iterations were assessed and found to be unsatisfactory in terms of their impact upon the heritage values of Raith and the amenity of surrounding properties, and the applicant expended significant time in redesigning the proposal on each occasion.

Proposal

This application proposes the following works:

- Refurbishment of Raith, incorporating the works outlined in the attached Conservation Works Schedule
- Construction of 33 attached dwellings across six buildings
- Construction of two residential flat buildings containing a total of 39 apartments
- Conversion of two outbuildings in the eastern part of the site to dwelling houses
- Provision of three areas of communal open space
- Provision of landscaping throughout the site
- Subdivision of the site by way of Community, Torrens and Strata title subdivision (the precise subdivision configuration is yet to be resolved and is the subject of a recommended Deferred Commencement condition)

The application proposes to stage the construction of the development, and a staging plan has been included with the application. Refurbishment of Raith is proposed as part of the first stage of development.

No land use for the Raith building is proposed, however arrangements for the building's long-term maintenance have been put forward under the attached Conservation Works Schedule, and are also the subject of recommended conditions of consent.

Assessment

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.

1. Planning Provisions

1.1 State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Detailed Site Investigation (DSI) report has been submitted with the application, which concluded that the site can be made suitable for the proposed residential development subject to identified areas of contamination be remediated through implementation of the following recommendations:

- A Remediation Action Plan (RAP) should be developed for the site by an experienced Environmental Scientist who is a qualified NSW Licensed Asbestos Assessor (LAA), which details the objectives and processes for remediating contaminated soils in accordance with relevant Australian Standards and guidelines. The RAP should set objectives for the remediation strategy and the recommended clean-up criteria.
- Preparation of a Site Validation Report concluding that the site has been remediated to allow the proposed development for residential purposes should be prepared for the site.
- If fill material is to be removed offsite for disposal, it will require classification in accordance with the NSW Environmental Protection Authority's *Waste Classification Guidelines Part 1: Classifying Waste*, 2014. These materials should be disposed of at an appropriately licensed landfill facility.
- If fill material is to be removed from AEC3, as a minimum a Class B (bonded) licenses asbestos removal contractor should be engaged to remove the asbestos-impacted material.
- A Hazardous Materials (HAZMAT) Survey should be completed for all on-site structures scheduled to be demolished as per Australian Standards.
- In the event of any unexpected finds including the discovery of underground storage tanks, ACM, odorous and/or stained soil material during excavation activities, all site works must cease, and REE must be notified immediately for further investigation.

In this regard, the recommended conditions of consent require compliance with the DSI Report, and the required RAP has already been submitted to Council. Both the DSI and RAP have been reviewed by Council's Environment Officer, and have been found to be generally

satisfactory. In this regard, subject to the imposition of and compliance with recommendation conditions of consent requiring compliance with the DSI and RAP, the site is considered to be suitable for the proposed development pursuant to clause 7 of SEPP 55.

1.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 (Development with frontage to classified road) of the Infrastructure SEPP states the following:

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

As the subject site has a frontage to Appin Road, which is a classified road, this clause applies to the application.

With regard to subclause 2(a) above, access to the proposed development would be gained from Fern Avenue and Pine Avenue (and not Appin Road), and therefore the proposed development satisfies this subclause.

With regard to subclause 2(b), as the proposed development would not gain vehicular access from Appin Road and the traffic volumes it generates would be minor in the context of the Appin Road catchment, the safety, efficiency and ongoing operation of the classified road would not be adversely affected by the development as a result of the matters outlined in this subclause.

With regard to subclause 2(c), the development is of a type that is sensitive to traffic noise (residential), and accordingly, the applicant was required to provide an acoustic report with the application to demonstrate that measures to ameliorate traffic noise from Appin Road would be put forward.

An acoustic report prepared by a qualified acoustic consultant was provided, which assessed the proposed development against the *Development Near Rail Corridors and Busy Roads – Interim Guideline* document, prepared by the NSW Department of Planning. The acoustic criteria established under Clause 102 of the SEPP do not apply as the daily traffic volumes passing the site do not exceed 20,000 vehicles.

The acoustic report concludes that the proposed development would achieve compliance with these standards, subject to adopting certain recommendations regarding building materials, glazing and mechanical ventilation. Conditions requiring the recommendations of the acoustic report to be shown on the Construction Certificate plans and installation thereof verified prior to the issue of an Occupation Certificate have been recommended, which would ensure that the proposed development satisfies subclause (c) above.

The proposed development therefore satisfies the provisions and objectives of clause 101 of the Infrastructure SEPP.

1.3 Environmental Planning and Assessment Regulation 2000

Clause 50 the Environmental Planning and Assessment Regulation 2000 states that an application for development to which the SEPP applies must include a statement by a qualified designer, which must:

- (a) verify that he or she designed, or directed the design, of the development, and
- (b) provide an explanation that verifies how the development:
 - (i) addresses how the design quality principles are achieved, and
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

A statement to this effect has been received from Tony McBurney of Integrated Design Group.

1.4 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

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

Part 4 of the SEPP states that in determining a development application for consent to carry out development to which the SEPP applies, a consent authority is to take into consideration the design quality of the development when evaluated in accordance with the design quality principles.

The table below contains an assessment of the application against the design quality principles in the SEPP, as outlined within the design verification statement referred to above.

Principle One: Context and Neighbourhood Character	Response
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<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Topography and vegetation divide the site into 3 distinct zones. The built form responds directly to these, reinforcing and benefitting from the natural division.</p> <p>The dominant character and scale along Fern Avenue is of one to two storey freestanding homes. Average street frontage of around 18-20m is typical.</p> <p>The Fern Avenue street frontage responds directly to the adjacent context in size and scale. The attached-dwelling typology proposed is of a matching bulk, equal in size to existing adjacent development and relief between each component creates a sense of houses in a street.</p> <p>At the boundaries, building scale responds to adjacent development, being two-storey at the Fern Avenue interface and three-storey at the south-western boundary.</p>
Principle Two: Built Form and Scale	Response
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Building envelopes respond to the existing topography and adjacent conditions. Bulk is reduced in response to the adjacent development.</p> <p>The apartments vary in depth with articulation in a range between 7.4-12.8m with generous corridor width contributing to this depth. Corner units assist sunlight penetration and ventilation. Unit types comply with the building depth guidelines.</p> <p>Spacing between buildings is appropriate to the massing of the buildings, achieving the objectives of the guidelines.</p> <p>Clearly defined and secure ground-level entries and building lobbies are provided. Direct access is also available from the secured basement carpark. Entry to building lobbies are accessible, compliant with AS1428.1 (2009).</p> <p>Ample recreational areas are provided within the development. The main village green and front garden provides the primary open space. This in turn is linked back to the heritage item, with generous curtilage also providing opportunity for recreational use. These areas benefit from passive surveillance afforded by the orientation of the proposed new development contributing to their safety, as detailed in the accompanying CPTED report.</p>
Principle Three: Density	Response

<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed development achieves an appropriate response to the adjacent heritage building, providing for its long term maintenance and upkeep. It is consistent with the DCP objective to preserve views between Raith and Fern Avenue, and maintains an appropriate separation from the heritage item (min. 25m between structures).</p> <p>The density responds to the adjacent neighbourhood conditions with reduced density (low-rise medium density dwellings) at the interface.</p>
Principle Four : Sustainability	Response
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed development is designed with passive environmental principles in planning and solar control but will also incorporate energy saving measures such as energy efficient hot water systems, water saving devices, including a native garden area, basement light sensors and timers.</p>
Principle Five : Landscape	Response
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks.</p> <p>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for</p>	<p>The landscaping has been designed to satisfy the objectives and Council's Landscape Code, by providing shade, screening, visual softening and improved energy efficiency and solar access.</p> <p>The proposal exceeds the minimum deep soil zone requirements of the SEPP 65 Apartment Design Guide and the Council DCP of 20% of the site area. This proposal achieves 31% of site the area, calculated using areas with a minimum dimension of 6m.</p> <p>Where appropriate, low height planters and fences define boundaries between dwellings creating 'defensible' spaces.</p>

Principle Six : Amenity	Response
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the residential apartments provides a variety of accommodation options and lifestyle preferences. Access to multiple large outdoor spaces contributes to the broad appeal.</p> <p>The design where possible achieves active and noisy areas adjacent to each other: Living rooms to living rooms and quiet areas bedroom to bedroom. Visual screening is provided between balconies as required. Installing seals at the entry doors in accordance with the BCA will reduce noise from common corridors.</p>
Principle Seven : Safety	Response
<p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development reinforces the distinction between public and private utilising landscaping, terraces and variation in levels, clearly mark entry points. Well-lit access between car park and apartments and between basement car park and stairway.</p> <p>Unsecured concealed areas have been minimised and will be well lit. All common areas and pathways will be illuminated. Lobbies are accessed via secure entries.</p>
Principle Eight : Housing Diversity and Social Interaction	Response
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposed apartment buildings contain a range of apartment types, thus providing a number of options to various members of the community. The selection of unit types will make these buildings attractive to a broad cross section of the community.</p> <p>Adaptable apartments (8 in total) are provided in accordance with the recommendations of the Campbelltown Council DCP.</p> <p>The proposed development is close to local schools, Campbelltown Hospital and other community services.</p>
Principle Nine : Aesthetics	Response

<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The facades of the building respond to the orientation and usage of the rooms within, providing liveable indoor and outdoor spaces therefore encouraging residents to utilise the threshold between semi private and the public domain.</p> <p>Articulation is achieved with balconies, colonnades and plug-on type details giving the buildings a 'human' scale. Moreover, many of the architectural features have been conceived as an abstraction of elements originating in the existing heritage building. In this way the proposal references (but does not mimic) the historic homestead, a focal point of the scheme.</p> <p>The development references a base finishes schedule, with each individual building a 'variation on a theme' to ensure individual identity is maintained within the broader context of a unified scheme.</p> <p>Defined horizontal edges incorporated into the roof plane appear as an extended eave overhang. This structure conceals A/C, solar, and HW plant on the roof while simultaneously reducing the scale of the building and providing an eave line. Shading devices and balconies contribute to shading of the units and create the traditional 'Australian verandah' with a useable dimension.</p>
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1.4 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 presented below.

Control	Required	Proposed	Compliance
Building separation for massing and solar access (up to four storeys)	12 metres between habitable rooms/ balconies	Mostly greater than 12 metres between the two apartment buildings, with a minor encroachment to 8 metres that does not detrimentally affect massing or solar access	Satisfactory
Building separation for visual privacy (up to four storeys)	6 metres between habitable rooms and balconies Recessed balconies and/or vertical fins should be used between adjacent balconies	Minimum of 8 metres between habitable rooms/ balconies No overlooking between balconies would be apparent due to the configuration proposed.	Yes Yes

Control	Required	Proposed	Compliance
Street setbacks	Street setbacks are to be consistent with existing/desired future setbacks.	The proposed apartment buildings would be significantly set back from Appin Road.	Yes
Deep soil zones	Minimum 7% of site area	The proposed deep soil zones would exceed 7% of the site area to be occupied by the proposed apartment buildings.	Yes
	Minimum width of 6 metres	6 metres	Yes
Communal Open space	Communal open space must have a minimum area equal to 25% of the site (4,800sqm of the site would contain the proposed apartments).	The RFBs would have two areas of COS; one between the apartment buildings and one in front of Raith, which achieve the minimum required area.	Yes
	Developments must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.	The communal open space areas would achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.	Yes
	Communal open space should be consolidated into a well-designed, easily identified and usable area	Communal open space would be well-designed, easily identified and usable. Two separate areas of COS means it would not be "consolidated" but this is justified based on the unique site, and the two areas are well connected.	Satisfactory
	Communal open space should have a minimum dimension of 3 metres.	The communal open space would be wider than 3 metres at all points.	Yes
	Communal open space should be co-located with deep soil areas	The communal open space in front of Raith would be co-located with deep soil areas.	Yes
	Where communal open space cannot be provided at ground	The proposed communal open space	Yes

Control	Required	Proposed	Compliance
	<p>level, it should be provided on a podium or roof</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> • bay windows • corner windows • balconies 	<p>would be provided at ground level.</p> <p>A playground and seating facilities are proposed.</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Car and Bicycle Parking	<p>For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>The proposed apartment buildings are not within 800 metres of a railway station, and therefore the parking requirements within Council's DCP continue to apply.</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Secure bicycle parking is proposed within the basement level.	Yes
	Protrusion of car parks should not exceed 1 metre above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	The protrusion of car parks above natural ground level would not exceed 1 metre.	Yes
Site access	Car park entries should be located behind the building line	The car park entry points to the apartment buildings would be behind the building lines and not visible from any streets.	Yes
	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout	The basement vehicle entry point would be at the lowest point of the part of the site containing the proposed apartment buildings.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	The basement car park entries would be located in locations that are not visible from the street.	Yes
	Access point locations should avoid headlight glare to habitable rooms	Satisfactory	Yes
Apartment layout	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Complies	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	Complies	Yes

Control	Required	Proposed	Compliance
	A window should be visible from any point in a habitable room	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies	Yes
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	Complies	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies	Yes
	The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts	All cross-through apartments comply have an internal width of 4.2 metres	Yes
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Complies	Yes
	All bedrooms allow a minimum length of 1.5m for robes	Complies	Yes
		Complies	Yes

Control	Required	Proposed	Compliance
	The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high		
Apartment mix	<p>A variety of apartment types is to be provided</p> <p>The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups 	A Mixture of 1, 2 and 3 bedroom apartments is proposed.	Yes
Minimum Apartment Sizes	<p>Studio – 35sqm 1 bedroom – 50sqm 2 bedroom – 70sqm 3 bedroom – 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p>	All apartment would comply with these minimum sizes, except for apartments 1 and 8 in building 1 fail to comply – they should be 95sqm as they have a second bathroom, however a recommended condition of consent would ensure that compliance is achieved.	Satisfactory
Balcony size, Depth and Configuration	<p>Studios – 4sqm 1 bedroom - 8sqm 2 bedroom – 10sqm 3+ bedroom – 12sqm</p> <p>Depth: 1 bedroom - 2m 2 bedroom – 2m 3+ bedroom – 2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1 metre</p> <p>Primary open space and balconies should be located adjacent to the living room, dining</p>	<p>All balconies would comply with these standards.</p> <p>All balconies' depth comply with these standards.</p> <p>Satisfactory</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>room or kitchen to extend the living space</p> <p>Private open spaces and balconies predominantly face north, east or west</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</p>	<p>Complies</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>
Ceiling heights	2.7 metres minimum	Complies	Yes
Internal Access	<p>Entry from circulation core to maximum of eight units</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p>	<p>Complies – access to maximum of five units proposed.</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
Storage	<p>Studio – 4m³ 1-bed unit – 6m³ 2-bed unit – 8m³ 3-bed unit – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment</p> <p>Storage is accessible from either circulation or living areas</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Solar access	<p>Living rooms and private open spaces of at least 70% of apartments in a <u>building</u> receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-Winter</p>	<p>Building 1 - 74% (25 of 34)</p> <p>Building 2 – 100% (9 of 9)</p> <p>Building 1 – 17% (6 of 34)</p> <p>Building 2 - 0% (All units would receive some sunlight)</p>	<p>Yes</p> <p>Building 1 fails however between the two buildings, compliance is achieved, which is satisfactory</p>

Control	Required	Proposed	Compliance
	The design maximises north aspect and the number of single aspect south facing apartments is minimised.	Complies	Yes
	Single aspect, single storey apartments should have a northerly or easterly aspect	Generally satisfactory	Yes
	Living areas are best located to the north and service areas to the south and west of apartments	Satisfactory	Yes
	To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows 	Satisfactory	Yes
	A number of the following design features are used: <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off 	Satisfactory	Yes

Control	Required	Proposed	Compliance
	<p>windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access</p>	<p>Satisfactory. All adjoining properties would maintain a compliant level of solar access.</p>	Yes
Natural ventilation	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</p> <p>Depths of habitable rooms support natural ventilation</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as 	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	vertical louvres, casement windows and externally opening doors		
	Apartment depths are limited to maximise ventilation and airflow	Satisfactory	Yes
	<p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells 	Satisfactory	Yes
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Complies	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Complies	Yes
	The building should include dual aspect	Corner and dual aspect apartments are	Yes

Control	Required	Proposed	Compliance
	apartments, cross through apartments and corner apartments and limit apartment depths	proposed, and the depths of all apartments are reasonable.	
Facades	Design solutions for front building facades may include: <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements 	The proposed apartment buildings would comply with this criteria.	Yes
	Building services should be integrated within the overall facade	Complies	Yes
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings 	Complies	Yes
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets,	Apartment building 1 datum lines are consistent with the adjoining multi-level townhouses.	Yes

Control	Required	Proposed	Compliance
	<p>cornices, awnings or colonnade heights</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals</p> <p>Building entries should be clearly defined</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Roof Design	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings <p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated 	<p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun 	Satisfactory	Yes
Universal Design	<p>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features</p>	A recommended condition of consent requires compliance with this standard.	Yes
Energy Efficiency	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable 	Satisfactory	Yes

Control	Required	Proposed	Compliance
	rooms, common areas and circulation spaces as possible		
Water Management and Conservation	Rainwater should be collected, stored and reused on site	A recommended condition of consent requires the provision of rainwater tanks for the proposed apartment buildings.	Yes
Waste management	A waste management plan should be prepared	A Waste Management Plan accompanies the application.	Yes
	Circulation design allows bins to be easily manoeuvred between storage and collection points	Bins would be able to be easily manoeuvred between storage and collection points.	Yes

The table above demonstrates that the proposed apartment buildings are consistent with the Apartment Design Guide.

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

A BASIX certificate has been submitted in respect of the proposed development, which demonstrates that the proposed development would meet the relevant energy, water and thermal comfort targets.

1.6 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as dwelling houses, attached dwellings and residential flat buildings.

Dwelling houses and attached dwellings are permissible within the R2 zone.

Attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Each of the proposed dwellings would be attached to another by a common wall, and none of the proposed dwellings would be located above any part of another dwelling. Whilst the proposed dwellings would only be located on their own lot of land upon the subdivision of the site (which is proposed under this application), the definition of the development as attached dwellings is accurate provided that subdivision of the site occurs prior to the issue of an occupation certificate. The development consent is structured so as to require this to occur.

Residential flat buildings are prohibited in the R2 zone, however the application seeks consent for this prohibited land use under the CLEP's conservation incentives clause (clause 5.10(10)), which allows the consent authority to grant consent to prohibited development on land containing a heritage item, subject to certain criteria being satisfied. This matter is discussed in detail later in this report.

Zone objectives

The proposal is consistent with the objectives of the R2 Low Density zone, which are listed below:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

With particular regard to the first of these objectives, it is noted that the proposed development includes residential flat buildings, which are generally a higher density form of development, the overall residential density of the proposed development would still be low (1 dwelling per 355sqm if the entire site area is used or 1 dwelling per 238sqm if the site area containing Raith and its recommended setting is excluded). This density is comparable to that of other development that is permissible in the R2 Low Density zone such as attached dwellings and dual occupancies. In this regard, the proposed development is considered to be consistent with the objective of the R2 Low Density zone of providing for the housing needs of the community within a low density residential environment.

Minimum qualifying site area

The CLEP 2015 establishes a minimum site area for attached dwellings in the R2 zone of 1,000sqm. The subject site has an area of 2.221 hectares and therefore complies with this standard.

Floor space ratio

The two floor space ratio standards that apply to the proposed development are:

- 0.55:1 for dwelling houses in the R2 Low Density Residential zone
- 0.45:1 for attached dwellings in the R2 Low Density Residential zone

The combined gross floor area of the two proposed dwelling houses (which are proposed to be converted from outbuildings into dwelling houses) is 175sqm, which equates to a floor space ratio of 0.008:1, given that the site is 22,420sqm in area.

The combined gross floor area of the 33 attached dwellings is 4,328sqm, which equates to a floor space ratio of 0.19:1, given that the site is 22,420sqm in area.

The overall relevance of these standards to the proposed development is considered to be quite low, given that each floor space ratio standard necessarily excludes the remainder of the proposed development as well as the existing Raith dwelling from the calculation. Notwithstanding this, the proposed development is compliant with the applicable floor space ratio standards.

Minimum allotment sizes for subdivision of attached dwellings

The CLEP 2015 states that attached dwellings shall not be subdivided into allotments of less than 300sqm in size. The proposed attached dwellings in the northern part of the site are

proposed to be subdivided in a Torrens title configuration (within a Community Title scheme), whilst the remainder of attached dwellings would be strata titled.

The proposed Torrens title allotments in the northern part of the site upon which the proposed attached dwellings would be located range in area from 147sqm to 359sqm, and of the eleven proposed Torrens Title allotments that would contain attached dwellings, nine would fail to comply with the minimum 300sqm lot size standard.

An objection pursuant to clause 4.6 of the CLEP 2015 has been submitted in relation to these non-compliant allotment sizes, and this is discussed further later in this report.

Height restrictions for certain residential accommodation

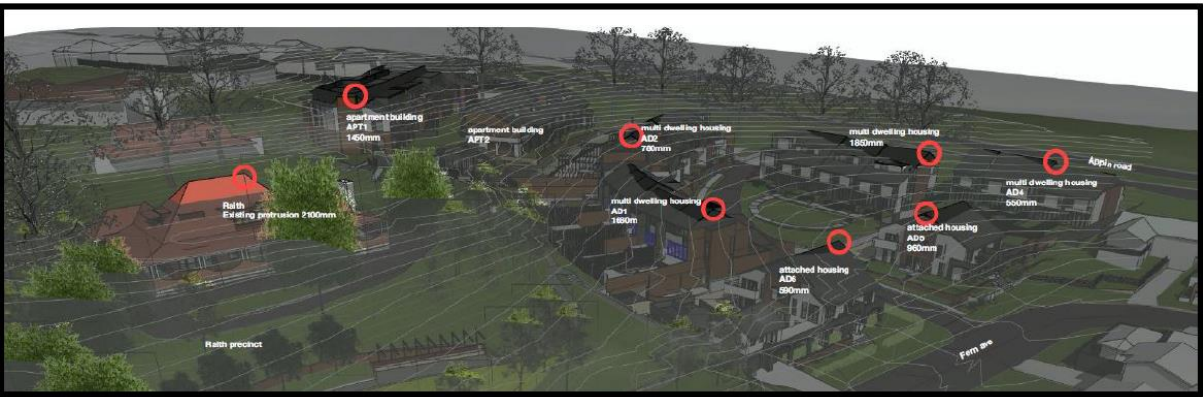
The CLEP 2015 limits a dwelling that forms part of an attached dwelling or a dwelling contained within a residential flat building to a maximum of two storeys in height. Four of the proposed attached dwellings have a height of three storeys and therefore fail to comply with this standard.

An objection pursuant to clause 4.6 of the CLEP 2015 has been submitted in relation to these non-compliant storey heights, and this is discussed further later in this report.

Building height

The subject site has a maximum building height of 8.5 metres under the CLEP 2015. The proposed development has a height of 10.35 metres and therefore fails to comply with this standard. Of the eight buildings proposed, six would exceed the site's maximum building height. The table and height plane diagram below illustrate the locations and magnitudes of the proposed building height non-compliances.

Building	Height Variation
AD1	1.68 metres
AD2	0.78 metres
AD3	1.85 metres
AD4	0.55 metres
AD5	0.96 metres
AD6	Nil
APT1	1.85 metres
APT2	Nil



An objection pursuant to clause 4.6 of the CLEP 2015 has been submitted in relation to these non-compliant building heights, and this is discussed further later in this report.

Exceptions to development standards

Clause 4.6 of the CLEP 2015 states that development consent may be granted for development even though the development would contravene a development standard imposed by the CLEP 2015 or any other environmental planning instrument.

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

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

Three written requests from the applicant have been received that seek to justify the contravention of development standards. These requests relate to the following development standards:

- Minimum allotment sizes for subdivision of attached dwellings
- Maximum building height
- Maximum number of storeys

The three requests are discussed and assessed individually below.

Minimum allotment sizes for subdivision of attached dwellings

As outlined earlier in this report, the proposed Torrens title allotments in the northern part of the site upon which some of the proposed attached dwellings would be located range in area from 147sqm to 359sqm, and of the eleven proposed Torrens Title allotments that would contain attached dwellings in this location, nine would fail to comply with the minimum 300sqm lot size standard.

A written request from the applicant that seeks to justify the contravention of the development standard is attached to this report. The request makes the following points in support of the proposed contravention of the minimum lot size standard for the subdivision of attached dwellings:

- The site and its surrounds as existing are a mix of low and medium density residential land uses in the form of single and double storey dwellings and multi dwelling housing. The proposed development is consistent with the character of the area and has been designed to best respond to the existing development onsite and in the surrounding area.
- Despite the proposed variation to the minimum lot size development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.
- The proposal is consistent with the objectives of the minimum lot size standard, which are:
 - (a) To achieve planned residential densities in certain zones,
 - (b) To achieve satisfactory environmental and infrastructure outcomes,
 - (c) To minimise any adverse impact of development on residential amenity,
 - (d) To minimise land use conflicts.

- The proposed development will not create an undesirable precedent.
- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposal provides residential built form that is compatible and reflective of the existing character of the area and complements the heritage item on site. The contravention of the minimum lot size control is considered reasonable in the context of the site, the layout of the proposed development and its ability to result in no adverse impacts on adjoining neighbours.

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (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
- (b) the concurrence of the Secretary has been obtained

With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, in the opinion of Council staff, the applicant's written request does satisfy these two tests.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the minimum lot size standard and the objectives of the R2 Low Density Residential zone, and is considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Director-General's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by Councils where a development contravenes a numerical development standard by greater than 10% (as is the case in this situation). This restriction does not apply to regionally significant development determined by a district panel, so a referral to the Director-General is not required in this case and the concurrence of the Director-General can be assumed.

In terms of consideration of subclauses (a) and (b) above, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.

- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the smaller lot sizes for the proposed attached dwellings would allow for a unique built form response tailored to what is a uniquely constrained site, and the additional attached dwellings that the variation would essentially permit would allow for sufficient commercial capacity to facilitate the ongoing maintenance of Raith over time.

Maximum building height

As outlined earlier in this report, six of the eight proposed buildings have a height that exceeds the site's maximum building height of 8.5 metres.

A written request from the applicant that seeks to justify the contravention of the development standard is attached to this report. The request makes the following points in support of the proposed contravention of the maximum building height standard:

- The principle reason for the exceedance of the maximum building height limit is designing the development to best respond to the topography of the site and the existing heritage item on site.
- Despite the proposal's non-compliance with the height control the development does not result in any unnecessary bulk or visual impacts on adjoining properties.
- The development has been designed to ensure it minimises impacts on adjoining properties and maintains a high level of residential amenity and privacy.
- The proposed development has been assessed against the objectives for the R2 Low Density Residential zone below. Despite the proposed variation to the maximum building height development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.
- The proposal provides residential built form that is compatible and reflective of the existing character of the area and complements the heritage item on site. The exceedance of the maximum building height control is considered reasonable in the context of the site and its ability to result in no adverse impacts on adjoining neighbours.
- The proposed development, including the proposed building elements that exceed the height limits, will continue to achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the height of buildings standard.
- The development achieves a better planning outcome by grouping dwellings where they have least impact whilst providing more space / curtilage around Raith.

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (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
- (b) the concurrence of the Secretary has been obtained

With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, in the opinion of Council staff, the applicant's written request does satisfy these two tests.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the maximum building height standard and the objectives of the R2 Low Density Residential zone, and is considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Director-General's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by Councils where a development contravenes a numerical development standard by greater than 10% (as is the case in this situation). This restriction does not apply to regionally significant development determined by a district panel, so a referral to the Director-General is not required in this case and the concurrence of the Director-General can be assumed.

In terms of consideration of subclauses (a) and (b) above, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the additional building height would facilitate a more compact built form to allow more of Raith's curtilage to remain undeveloped and it's setting to be preserved authentically.

Maximum number of storeys

As outlined earlier in this report, the proposed development includes four attached dwellings that would have a height of three storeys, which exceeds the maximum of two storeys allowed for attached dwellings.

A written request from the applicant that seeks to justify the contravention of the development standard is attached to this report. The request makes the following points in support of the proposed contravention of the maximum number of storeys for attached dwellings.

- The proposed development is consistent with the character of the area and has been designed to best respond to the existing development on the site and in the surrounding area.
- Despite the proposed variation, the proposal is considered to be in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

- The proposed three-storey dwellings are no higher and are in fact lower than two storey dwellings and provides modulation in built form which is a positive outcome for the proposed development.
- The proposal would not result in any adverse impacts to adjoining properties.

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (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
- (b) the concurrence of the Secretary has been obtained

With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, in the opinion of Council staff, the applicant's written request does satisfy these two tests.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the number of storeys standard and the objectives of the R2 Low Density Residential zone, and is considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Director-General's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by Councils where a development contravenes a numerical development standard by greater than 10% (as is the case in this situation). This restriction does not apply to regionally significant development determined by a district panel, so a referral to the Director-General is not required in this case and the concurrence of the Director-General can be assumed.

In terms of consideration of subclauses (a) and (b) above, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the third storey of four of the attached dwellings would enable additional residential floor space to improve the amenity of these dwellings, whereas strict compliance would needlessly thwart these outcomes.

Heritage conservation

Clause 5.10(4-6) of the CLEP 2015 stipulates the following:

(4) **Effect of proposed development on heritage significance** - The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** - The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** - The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

With regard to sub-clause (4) and (5) above, the application includes a Heritage Impact Statement (attached), which determines that the proposed development “has responded to the specific constraints of the site as outlined in the CMP 2018 in a nuanced and appropriate manner that is sensitive to the surrounding area and provides for the ongoing conservation of Raith, and appreciation of its heritage significance to a wider public audience”. In this regard, the opinion of Council’s Heritage Officer is that the Heritage Impact Statement has been thoroughly prepared and supports the approval of the application subject to recommended conditions of consent.

With regard to sub-clause (6) above, a Conservation Management Plan has been submitted with the application (attached). The opinion of Council’s Heritage Officer is that the Conservation Management Plan has been thoroughly prepared, and notes that the proposal will provide for ongoing conservation and management of Raith, providing a regular source of maintenance income as well as public access to its outer curtilage. However, Council’s Heritage Officer notes that the Conservation Works Schedule was prepared in November 2018, and therefore needs to be revised prior to a development consent being issued to address any further deterioration in Raith’s condition since its last inspection. In this regard, a Deferred Commencement condition has been recommended, requiring an updated Conservation Works Schedule to be provided for Council’s approval prior to the issue of an operational development consent.

Heritage conservation incentives

Clause 5.10(10) of the CLEP 2015 stipulates the following:

(10) *The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*

- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

- (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

An assessment of the application against these sub-clauses is outlined below.

In relation to point (a) of Clause 5.10(10), there are two main ways that the granting of consent to residential flat buildings, which would be prohibited development in the absence of this clause, would facilitate the conservation of Raith:

- Additional development density outside of the recommended setting for Raith identified in the 2014 CMP by the red border in the diagram at the beginning of this report would provide additional funding for the physical rehabilitation of Raith.
- Residential flat buildings would occupy less site area than permissible forms of residential development would with the same number of dwellings. The inclusion of residential flat buildings would therefore allow as much as possible of Raith's curtilage/setting to be conserved whilst ensuring a sufficient development yield is achieved to allow for the funding of rehabilitation and maintenance for Raith.

In relation to point (b) of Clause 5.10(10), it is noted that the definition of heritage management document in the CLEP 2015 is:

- (a) *a heritage conservation management plan, or*
- (b) *a heritage impact statement, or*
- (c) *any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.*

Whilst no CMP or HIS have been approved by the consent authority (the SWC Planning Panel) for Raith, the CMP and HIS would be approved in conjunction with the approval of this application, which this report recommends, and the proposed development is in accordance with these documents. In addition, Volume 2 - Part 4 of the SCDCP 2015 (Site Specific DCP for Certain Heritage Items) would suffice as a document that provides guidelines for the ongoing management and conservation of Raith, and the assessment of the proposed development against this document, which is outlined later in this report, shows that the proposed development satisfies its provisions.

In relation to point (c) of Clause 5.10(10), the recommended conditions of consent include conditions that ensure that all of the necessary conservation work identified in the Conservation Works Schedule (both upfront restoration works and ongoing maintenance works) would be carried out.

In relation to point (d) of Clause 5.10(10), the proposed development respects the recommended setting for Raith identified in the 2014 CMP by the red border in the diagram at the beginning of this report by locating all proposed buildings outside of this area. It would have a positive impact on the heritage significance of Raith by facilitating the funding of its restoration and maintenance.

In relation to point (e) of Clause 5.10(10), in the opinion of Council, the proposed development (in particular the residential flat buildings to which this clause is most relevant) would not have adverse effects on the amenity of the surrounding area.

Accordingly, Council's assessment is that the proposed development is satisfactory with regard to clause 5.10(10) of the CLEP 2015.

1.7 Campbelltown Local Environmental Plan 2015 (Amendment No 17)

On 22 November 2019, Amendment No 17 to the CLEP 2015 was gazetted. The amendment involved the prohibition of multi-dwellings in the R2 Low Density zone. In this regard:

- The Amendment contained a savings provision and therefore does not apply to this application.
- This application does not propose any multi-dwellings.

Therefore Amendment 17 has no effect on the application.

1.8 Campbelltown Local Environmental Plan 2015 (Amendment No 24)

On 30 April 2021, Amendment No 24 to the CLEP 2015 was gazetted. The Amendment contained no savings provision and therefore applies to the application. The amendment involved, of relevance to this application, the reduction of the floor space ratio for attached dwellings in the R2 zone from 0.6:1 to 0.45:1.

In this regard, the combined gross floor area of the 33 attached dwellings is 4,328sqm, which equates to a floor space ratio of 0.19:1, given that the site is 22,420sqm in area.

The overall relevance of this standard to the proposed development is considered to be quite low, given that each floor space ratio standard necessarily excludes the remainder of the proposed development as well as the existing Raith dwelling from the calculation. Notwithstanding this, the proposed development is compliant with the applicable floor space ratio standard under Amendment 24 to the CLEP 2015.

1.9 Draft Housing Diversity SEPP

An Explanation of Intended Effect for a proposed Housing SEPP was exhibited between 19 July 2020 and 9 September 2020. The draft Housing SEPP relates to forms of housing that are not proposed under this application and therefore has no effect upon the application.

1.10 Draft Design and Place SEPP

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

The proposed Design and Place SEPP establishes principles, matters for consideration and guidance to encourage innovative design that maximises public benefit. It will provide an integrated instrument to include design and place requirements in other SEPPs. It is proposed the Design and Place SEPP will support consolidation and simplification by repealing and replacing SEPP No 65 – Design Quality of Residential Apartment Development (SEPP 65) and SEPP (Building Sustainability Index: BASIX) 2004 (BASIX SEPP).

A range of standards relating to residential flat buildings are proposed to be modified, however the precise wording of the new standards have not yet been formulated. Accordingly, a detailed of the application against the proposed new standards is not possible at this time. However a

review of the Explanation of Intended Effect has found no proposed modification to standards applicable to residential flat buildings that would necessitate changes to this application.

1.11 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 - Requirements Applying to All Types of Development

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

Sustainable building design – BASIX certificates have been submitted in respect of the proposed development, and rainwater tanks are included as part of the proposal. BASIX commitments have been shown on the plans. The relevant energy, water and thermal comfort targets would be met by the proposed development.

Landscaping – The landscape plan submitted makes provision for most of the existing native trees on the site to be retained and for development to be largely limited to the cleared areas. The plan proposes an adequate amount of landscaping within the front and rear setbacks of proposed dwellings, and within both of the communal open space areas. The proposed landscaping incorporates a mixture of plants and trees, and several of the species to be used have been selected from the Campbelltown Native Gardening Guide. The proposed landscaping scheme is considered to enhance the aesthetic appeal of the development, restore some of the site's heritage values, and provide a high level of amenity for the site's occupants.

Cut, fill and floor levels – The SCDCP specifies that for any dwellings within residential zones, the maximum level of cut or fill shall not exceed one metre above or below the existing ground level, when measured at any corner of the building platform. This standard is appropriately applied for development on regular residential allotments, where excessive cut and fill can have adverse visual privacy, overshadowing and aesthetic impacts. However in the present case, where both the site and built form response to it are relatively unique, significant excavation is proposed in order to lower as much as possible the height above natural ground level of the proposed buildings, so as to maintain the prominence of Raith. Accordingly, it would be inappropriate to apply this standard to the proposed development and no assessment is necessary in this regard.

Stormwater – Council's Development Engineer and Flooding Engineers have reviewed the proposed development, and have raised numerous issues with the proposed stormwater drainage design and flood modelling. Whilst at the present time these matters have not been resolved, they are the subject of deferred commencement conditions, and are capable of being resolved in this manner.

Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures

Part 3 of the SCDCP sets out development standards for certain residential development within the City of Campbelltown. An assessment of the proposed development against the relevant development standards is detailed below:

General requirements for attached dwellings, multi-dwellings and dwelling houses

Control	Required	Proposed	Compliance
Building Form and Character objectives	Ensure that the massing and scale of new development are complementary to the	The scale of the attached dwellings facing Fern Avenue is complementary to the	Yes

	<p>desired future character of residential neighbourhoods.</p> <p>Ensure that buildings are designed to enhance the existing and future desired built form and character of the neighbourhood by encouraging innovative and quality designs that fit harmoniously with their surroundings.</p>	<p>scale of the Fern Avenue streetscape, and the scale of the apartment buildings is complementary to the adjoining multi-level townhouses.</p> <p>The proposed development would satisfy this objective.</p>	Yes
Streetscape design requirements	<p>Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods.</p>	<p>The design of the proposed development would complement the scale and character of the surrounding residential neighbourhood.</p>	Yes
	<p>Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design. Landscaping shall be used to reduce the impact of any privacy fencing.</p>	<p>The attached dwelling buildings on the corner of Fern Avenue and the internal access road would face both street frontages.</p>	Yes
	<p>The built form shall relate to the natural landform and setting.</p>	<p>The built form is respectful of the site's landform and tree-lined setting.</p>	Yes
	<p>On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.</p>	<p>On-site parking areas would not be visually prominent when viewed from the street and public spaces.</p>	Yes
	<p>Garage doors facing a public street shall not be</p>	<p>The garage doors facing Fern Avenue</p>	Yes

	<p>wider than 50% of the width of the building's facade fronting the street</p> <p>No carports or garages (or like structures) shall be located within 6 metres of the primary street boundary</p> <p>No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment</p>	<p>would be less than 50% of the building's</p> <p>The garage of one dwelling facing Fern Avenue would be 2.4 metres from the Fern Avenue boundary.</p> <p>No bathroom, ensuite, toilet or laundry windows would face the street.</p>	<p>No, however a unique integrated architectural response with high-quality arched screening is proposed, which makes the non-compliance less obvious.</p> <p>Yes</p>
Car Parking and Access	<p>The minimum dimensions of any required parking space shall be 2.5 metres x 5.5 metres. If the car parking space adjoins a vertical edge which is 100mm or higher, the minimum width of the car parking space shall be 2.7 metres.</p> <p>The minimum internal dimension of an enclosed garage shall be 3 metres x 6 metres.</p> <p>Driveways greater than 30 metres in length as viewed from the street shall be avoided.</p> <p>Driveways shall be located a minimum distance of 6 metres from the tangent point of any unsignalised intersection.</p> <p>The minimum width of the driveway at the street kerb shall be 5 metres where a single driveway provides access for two or more dwellings (excluding secondary dwellings).</p> <p>For residential developments incorporating more than</p>	<p>All parking spaces are compliant</p> <p>All parking spaces are compliant</p> <p>The proposed driveway would appear to be less than 30 metres when viewed from the street.</p> <p>No driveways would be within 6 metres of the tangent point of an unsignalised intersection.</p> <p>The proposed new driveway accessing the new dwellings would be 6 metres wide throughout.</p> <p>A traffic impact assessment report</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>20 dwellings, a Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted with the development application.</p> <p>Internal driveways for multi dwellings shall be designed to provide two-way vehicle access</p>	<p>was submitted with the application.</p> <p>The proposed driveway would be able to accommodate two-way vehicle access.</p>	Yes
Acoustic Privacy	<p>Development that adjoins significant noise sources, (such as main roads, commercial/ industrial development, public transport interchanges and railways) shall be designed to achieve acceptable internal noise levels, based on recognised Australian Standards and any criteria and standards regulated by a relevant State Government Authority.</p>	<p>An acoustic report prepared by a qualified acoustic consultant assessed the proposed development against <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i>. The acoustic report concludes that the proposed development would achieve compliance with these standards, subject to adopting certain recommendations regarding building materials, glazing and mechanical ventilation.</p>	Yes
Visual privacy	<p>No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened</p> <p>Notwithstanding the above, any window of a living room located on an upper level shall:</p> <ul style="list-style-type: none"> i) be offset by 2 metres to limit views between windows and balconies; or ii) have a sill height 1.7 metres above the floor level; or 	<p>The proposed development complies with this criteria, and the proposed development would not overlook adjoining dwellings.</p>	Yes

	<p>iii) be splayed to avoid direct views between windows; or</p> <p>iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.</p> <p>Notwithstanding the above, a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p> <p>No wall of a proposed building shall be permitted to be constructed on the boundary for that portion of the boundary that is directly adjacent to an existing required private open space area on the adjoining allotment.</p>	<p>The proposed balconies would not overlook the private open space of other dwellings.</p> <p>No building walls would be constructed on boundaries with existing dwellings.</p>	<p>Yes</p> <p>Yes</p>
Solar access	<p>Living areas shall generally have a northerly orientation.</p> <p>A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.</p> <p>Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development.</p> <p>Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing</p>	<p>Dwellings generally have a northern orientation where possible.</p> <p>All of the proposed attached dwellings would comply with this criteria.</p> <p>The proposed development would comply with this criteria.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	building and other structures.		
Fencing	<p>Bonded sheet metal fencing shall not be constructed at any location other than along side and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.</p> <p>Residential fencing along the rear and side boundaries shall be:</p> <p>i) located behind the primary street building line;</p> <p>ii) a maximum 2.1 metres in height (excluding retaining walls); and</p> <p>iii) a maximum 1.8 metres in height, if adjoining a secondary street.</p> <p>Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.</p>	<p>The proposed fencing along the Fern Avenue and Appin Road boundaries is unclear, as is compliance with these standards.</p> <p>A recommended condition of consent requires a fencing plan to be submitted for Council's approval that is sensitive to the site's heritage values and complies with these standards.</p>	Yes

Attached Dwellings

Control	Required	Proposed	Compliance
Design Requirements	<p>Each lot of land for each attached dwelling shall have a minimum width of 7.5 metres measured along the side boundaries at a distance of 5.5 metres from the primary street boundary unless each individual allotment is in existence prior to the commencement date of the CLEP.</p> <p>Subject to the satisfaction of other requirements within the Plan, the number of dwellings permitted</p>	<p>The proposed allotments on which the attached dwellings are proposed would have widths ranging between 4.5 metres and 5.7 metres.</p> <p>33 attached dwellings are proposed.</p>	<p>No, however on a large unique site such as Raith, where there is no established street pattern of attached dwellings, this is acceptable, as the non-compliance would not be perceptible from public places.</p> <p>No, however the site is extremely large and the attached dwellings are part of a mixture of various housing types.</p>

	within attached dwelling development shall not exceed three dwellings within the R2 zone.		This standard is not particularly relevant to the subject site.
Setbacks	<p>5.5 metres from the primary street boundary;</p> <p>6.0 metres from the primary street boundary for the garage or the undercover parking space;</p> <p>3 metres from the secondary street boundary;</p> <p>5.5 metres from the secondary street boundary for the garage or the undercover parking space, where the garage is accessed directly from the secondary street;</p> <p>0.9 metres from any side boundary for the ground level;</p> <p>1.5 metres from any side boundary for all levels above the ground level; and</p> <p>5 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and</p> <p>10 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing)</p>	<p>5.1 metres to Appin Road and 5.5 metres to Fern Avenue.</p> <p>5.5 metres to Fern Avenue.</p> <p>The site has no secondary street frontages.</p> <p>The site has no secondary street frontages.</p> <p>3 metres</p> <p>3 metres</p> <p>Attached dwellings would not be located adjacent to the site's existing rear boundaries.</p> <p>Attached dwellings would not be located adjacent to the site's existing rear boundaries.</p>	<p>No, however the Appin Road setback is generally compliant apart from minor point encroachments</p> <p>No however the garage in this location would have arched detailing in front of it, resulting in a high quality architectural outcome.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>NA</p>
Size of Indoor Living Areas for Attached Dwellings	The indoor living areas (i.e. family room and lounges) within each dwelling contained within attached dwellings shall have a minimum of one	The proposed attached dwellings are generally compliant in terms of their living area dimensions. Although there are some minor non-compliances, the	Yes

	<p>unfragmented area that is not less than 3.5x4sqm square meters in the case of two or three bedroom dwelling.</p> <p>For the purpose of this clause, the total number of bedrooms within each dwelling shall include any room that is capable of being used as a bedroom (i.e. study room).</p>	proposed indoor living areas are very generous and well-designed.	
Rear Access for Attached Dwellings	<p>Where there is no access to a rear lane or rear street directly available from the back of attached dwellings, each dwelling shall be provided with a separate and direct access from the backyard to the front yard that does not pass through any habitable area of the dwelling</p> <p>For the purpose of the above, the direct access from the rear to the front of the dwelling shall have a minimum width of 0.9 metres and shall not be obstructed by hot water systems, air conditioning units, gardens or anything that may result in the obstruction of the access way.</p>	All attached dwellings would be able to have separate access from the back yard to the front yard without passing through the habitable areas of dwellings.	Yes
Car Parking Rates for Attached Dwellings	Each dwelling that is part of attached dwellings shall be provided with a minimum of one single garage.	All attached dwellings would have a minimum of one car parking space.	Yes
Private Open Space for Attached Dwellings	<p>Each dwelling that is part of attached dwelling development shall be provided with an area of private open space that:</p> <p>i) is located behind the primary building setback;</p>	Private open space for attached dwellings building 3 would be in front of the Appin Road building line, however this is consistent with	Satisfactory

	<p>the prevailing development pattern in the locality.</p> <p>ii) has a minimum area of 60 sqm;</p> <p>iii) has a minimum width of 3 metres;</p> <p>iv) includes a minimum levelled area of (5x5)sqm;</p> <p>v) has a minimum unfragmented area of 40sqm;</p> <p>vi) has an internal living room directly accessible to the outdoor private open space areas; and</p> <p>vii) satisfies solar access requirements contained in section 3.4.4.</p>	<p>Complies</p> <p>All attached dwelling POS would have a width of >3 metres</p> <p>POS in attached dwellings building 3 would be 4 metres wide throughout and would therefore not have a 5x5sqm area. However these dwellings have a POS much larger than 60sqm.</p> <p>All attached dwellings POS would comply with this criteria</p> <p>All attached dwellings have a living room that is directly accessible to the POS.</p> <p>The prescribed solar access requirements would be satisfied.</p>	<p>Yes</p> <p>Yes</p> <p>Satisfactory</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Presentation to Public Streets for Attached Dwellings	<p>Attached dwelling housing shall satisfy the following architectural requirements:</p> <p>i) a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development;</p> <p>ii) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines;</p> <p>iii) incorporation of facade shifts and articulation, varied materials and colours</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>in order to avoid duplication of the same building elements; and</p> <p>iv) provision of windows and active spaces in the building ends, to provide additional security and visual interest.</p> <p>v) architectural features (such as balconies, openings, columns, porches, colours, materials etc) and articulation in walls are to be incorporated into the front facade of each dwelling</p>	<p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>
Landscaping and Deep Soil Planting for Attached Dwellings	<p>Attached dwellings shall satisfy the following provisions relating to deep soil planting:</p> <p>i) no more than 30% of the area forward of any building line shall be surfaced with impervious materials, where garages/ carparking spaces are proposed to be accessed from the rear of the property; and</p> <p>ii) a minimum of 20% of the total site area shall be available for deep soil planting.</p>	<p>The proposed attached dwellings would have less than 30% of the area forward of the building line surfaced with impervious materials.</p> <p>20% of the site area of attached dwellings would be available for deep soil planting.</p>	<p>Yes</p> <p>Yes</p>
Waste Bins Requirements for Attached Dwellings	<p>Space shall be allocated behind the primary and secondary building lines and out of public view to store the following for each dwelling:</p> <p>i) a 140 litre bin; and ii) two (2) 240 litre bins.</p> <p>The bin storage area shall not be located in such a place that requires any bins to be transported through any habitable part of the dwelling to reach the collection point.</p>	<p>Ample space is available within the garages of the attached dwellings for three bins per dwelling.</p>	<p>Yes</p>

As the table above shows, the proposed attached dwellings are generally compliant with the provisions of Part 3 of the Campbelltown Sustainable City DCP 2015.

Dwelling houses

Control	Required	Proposed	Compliance
Car Parking and Access	Minimum of one undercover garage space per dwelling	Both proposed dwelling houses would have an undercover car space.	Yes
	Driveway grades to comply with AS2890.1	Compliant	Yes
	Minimum driveway width at street kerb for access to two or more dwellings – 5 metres	The existing driveway through the site from Fern Avenue to Pine Avenue is 5.5m wide.	Yes
	Driveways greater than 30 metres in length as viewed from the street shall be avoided	The existing driveway along the site's eastern boundary is longer than 30 metres however it is tree-lined and slopes upwards. These features obscure the driveway's length.	Satisfactory
Carport Setback from Primary Street Boundary	6 metres	Greater than 6 metres	Yes
Setback from Primary Street Boundary	5.5 metres	Greater than 5.5 metres	Yes
Side setbacks	0.9 metres	Greater than 0.9 metres	Yes
Rear setback	8 metres for any part of the building above 4.5m	3.6 metres existing rear setback for proposed dwelling house 2.	Satisfactory (no additional built form impact on adjoining property)
Private Open Space	• Located behind primary building setback;	Behind primary building setback	Yes
	• Minimum area of 75sqm;	Both dwellings' POS would exceed 75sqm	Yes
	• Minimum width of 3m;	Width exceeds 3m	Yes
	• Minimum levelled area of 5m x 5m;	To be conditioned for dwelling house 2 (currently steep)	Yes
	• Minimum unfragmented area of 60sqm	Minimum unfragmented area of 60sqm provided	Yes
	• Direct access from living room	Both dwellings would have direct access to their POS from living areas.	Yes

	• Satisfies solar access requirements	Both dwellings' POS would have compliant POS	Yes
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As the table above shows, the proposed dwelling houses are generally compliant with the provisions of Part 3 of the Campbelltown Sustainable City DCP 2015.

Part 5 – Residential Flat Buildings

Control	Required	Proposed	Compliance
Building Design	Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land.	The proposed development is satisfactory in this regard.	Yes
	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:	The proposed development is satisfactory in this regard.	Yes
	i) incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline;	The proposed development is satisfactory in this regard.	Yes
	ii) incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building;	The proposed development is satisfactory in this regard.	Yes
	iii) variation in the planes of exterior walls in depth and/or direction;	The proposed development is satisfactory in this regard.	Yes
	iv) variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements;	The proposed development is satisfactory in this regard.	Yes

	<p>v) articulation of all building's 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;</p>	The proposed development is satisfactory in this regard.	Yes
	<p>vi) utilisation of landscaping and architectural detailing at the ground level; and</p>	The proposed development is satisfactory in this regard.	Yes
	<p>vii) avoidance of blank walls at the ground and lower levels.</p>	The proposed development is satisfactory in this regard.	Yes
	<p>Building design shall demonstrate to Council's satisfaction that the development will:</p>		
	<p>i) facilitate casual surveillance of and active interaction with the street;</p>	The proposed development is satisfactory in this regard.	Yes
	<p>ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building; and</p>	The proposed development is satisfactory in this regard.	Yes
	<p>iii) maximise cross flow ventilation, therefore minimising the need for air conditioning.</p>	The proposed development is satisfactory in this regard.	Yes
	<p>Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.</p>	The proposed development is satisfactory in this regard.	Yes
	<p>Building materials shall be high quality, durable and low maintenance.</p>	The proposed development is satisfactory in this regard.	

Site Services		Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and stormwater drainage)	Appropriate conditions of consent will ensure that the development provides all essential services. A recommended condition of consent prevents additional electrical substations in front of Raith.	Yes
		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.	No roof-mounted structures are proposed.	Yes
		All communication dishes, antennae and the like shall be located to minimise visual prominence.	The plans do not show that any of these structures are proposed.	Yes
		An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	A condition of consent is recommended, requiring an external lighting plan to be prepared.	Yes
Minimum Area/Width	Site	1,200sqm site area	22,400sqm	Yes
		30 metre width	138 metres	Yes
Setbacks		5.5 metres from street boundary	12.55 metres to Appin Road boundary	Yes
		6.0 metres from any other boundary	12.55 metres to Appin Road boundary	Yes
Design Requirements		A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s).	5% of units are one bedroom apartments (2 of 43).	Yes
		A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s)	The proposed development would achieve compliance with this standard. (8 of 43 – 19%)	Yes
		A maximum of 8 dwellings shall be accessible from a common lobby area or	A maximum of 5 dwellings would be accessed from a common area.	Yes

	<p>corridor on each level of a residential building</p> <p>All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space.</p> <p>A maximum of 50 dwellings shall be accessible from a single common lift.</p> <p>Access to lifts shall be direct and well illuminated.</p>	<p>A lift would provide access from the basement to all levels of the building.</p> <p>Each proposed lift would service less than 50 dwellings.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Car Parking and Access	<p>All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended)</p> <p>The minimum dimensions of any parking space shall be 2.5 x 5.5 metres.</p> <p>The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.</p> <p>For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.</p> <p>Where existing, vehicular entry points shall be located at the rear or side streets.</p> <p>Development containing three or more storeys shall provide all required car parking at basement level.</p>	<p>The basement car parking area would comply with AS2890.</p> <p>All spaces are compliant</p> <p>Satisfactory</p> <p>Less than 75 dwellings proposed, however traffic report provided. Traffic impact would be acceptable.</p> <p>Vehicular access would be provided from Fern Avenue, which is the most appropriate location for vehicular access.</p> <p>All car parking for the apartment buildings would be at basement level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>Each dwelling shall be provided with a minimum of one car parking space, and:</p> <p>i) an additional car parking space for every four dwellings (or part thereof); and</p> <p>ii) an additional visitor car parking space for every 10 dwellings (or part thereof).</p> <p>No required car parking space shall be in a stacked configuration.</p> <p>Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property.</p>	<p>30 for Apartments 1 9 for Apartments 2 +</p> <p>10 +</p> <p>4 for Apartments 1</p> <p>Total spaces required = 53</p> <p>Total provided = 53</p> <p>No stacked car parking spaces are proposed</p> <p>Space for bicycles within the basement has been shown on the plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Solar Access	<p>Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.</p> <p>A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3.0 metres), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.</p>	<p>Buildings have been oriented and sited to maximise sunlight to living areas.</p> <p>All adjoining dwellings would continue to receive a compliant amount of solar access.</p>	<p>Yes</p> <p>Yes</p>
Privacy	<p>Ground level apartments incorporating a courtyard shall be provided with a privacy screen.</p> <p>No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or</p>	<p>Ground level apartments courtyards have fences between them.</p> <p>The two proposed apartment buildings would be 11.6 metres away from each other.</p>	<p>Yes</p> <p>Yes</p>

	<p>private courtyard of another dwelling located within 9.0 metres of the proposed window or balcony.</p> <p>Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p>	Each apartment has screening elements within its balcony to avoid overlooking of adjoining private open space areas.	Yes
Communal Recreation Facilities	<p>Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:</p> <p>i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and</p> <p>ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).</p> <p>Communal recreation facilities shall not be located within the primary or secondary street boundary setback.</p> <p>All communal recreational facilities shall be provided on the same land as the residential apartment building.</p> <p>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.</p>	<p>A 92sqm recreation room is proposed at lower ground level.</p> <p>A recommended condition of consent requires the provision of barbeque facilities.</p> <p>Compliant</p> <p>Compliant</p> <p>Based on the staging plan provided, the required communal and recreational facilities would be available upon construction of the apartment buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Waste Management	All buildings shall be provided with household garbage bins at the following rates:	Council's Waste Section has advised that an amended Waste Management Plan is required in	Yes

	<p>i) a 240 litre bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000 litre bulk bin/12 dwellings or part thereof.</p> <p>All buildings shall be provided with dry recyclable bins at the rate of a 240 litre bin /three dwellings / fortnight for dry recyclable.</p> <p>The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors.</p> <p>Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel-Back' service or a 1,000 litre bulk bin on-site collection service.</p>	<p>order to confirm several waste management arrangements. A deferred commencement condition requires this.</p> <p>An amended Waste Management Plan is required in order to establish compliance.</p> <p>An amended Waste Management Plan is required in order to establish compliance.</p>	<p>Yes</p> <p>Yes</p>
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As the table above shows, the proposed development is generally compliant with the provisions of Part 5 of the Campbelltown Sustainable City DCP 2015.

Volume 2 - Part 4 – Site Specific DCP for Certain Heritage Items

This section of the DCP applies to certain heritage items within Campbelltown, one of which is Raith.

The DCP objective applying to Raith is:

- Conserve the views to and from Raith from Fern Avenue Bradbury.

The standard applying to Raith and its curtilage is:

- a) Land between Raith and Fern Avenue shall be maintained as open space.

The application proposes to maintain the land between Raith and Fern Avenue as open space, and is therefore compliant with this requirement.

2. Public Participation

The application was publicly exhibited and notified to nearby and adjoining residents on four occasions. In response to the public exhibition/notification of the first configuration of the proposed development in July 2017, Council received 25 submissions. In response to the

public exhibition/notification of the second configuration of the proposed development in September 2019, Council received five submissions. In response to the public exhibition/notification of the third configuration of the proposed development in April 2021, Council received eight submissions. In response to the fourth public exhibition/notification of the proposed development in July 2021 (which was largely to correct a misdescription in the previous public exhibition/notification), Council received one submission. A total of 30 unique submissions have been received. The submissions received by Council raise the following issues:

Issue

The increased traffic volumes from the proposed development would cause delays in the local traffic network and traffic and pedestrian safety issues.

Comment

A traffic and parking assessment report was submitted with the application, which includes traffic modelling and modelling of nearby intersections. The report states that the projected increase in traffic activity as a consequence of the development proposal is minimal, especially when distributed across several surrounding intersections, and that the additional traffic flows associated with the proposed development would not have any unacceptable traffic implications in terms of road network capacity.

In addition, the additional traffic volumes that would be generated by the proposed development would not be so high as to affect the safety of pedestrians crossing local roads.

Council's traffic experts have reviewed the traffic report, and whilst there are revisions that are required to the report, which are the subject of deferred commencement conditions, these are capable of being satisfied in this manner. An operational development consent will not be issued until Council is satisfied that the proposed development will not have detrimental impacts in terms of traffic impacts.

Issue

Vehicular access to the development should be from Appin Road.

Comment

Under clause 101 of the Infrastructure SEPP, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than the classified road. In this regard, given that the site benefits from a frontage from Fern Avenue and vehicular access to the site from Fern Avenue is practicable, vehicular access to the site from Appin Road is prohibited.

Issue

The proposed car parking provision is insufficient and should be increased; each dwelling should have two car parking spaces.

Comment

The SCCP 2015 does not require two car parking spaces for each dwelling. The proposed development is fully compliant with the car parking provisions of the SCDP 2015.

Issue

Buildings greater than two storeys in height would be out of character with the character of the local area and would impact negatively upon the streetscape.

Comment

Two components of the proposed development would have a height greater than two storeys; the two proposed residential flat buildings and four of the attached dwellings.

In relation to the proposed three-storey residential flat buildings, it is acknowledged that there are very few residential flat buildings in Bradbury, however the inclusion of this form of development would not make the development as a whole out incompatible with the prevailing character of the surrounding streetscapes. This is because the two proposed residential flat buildings would be located approximately 80 metres from the site's Fern Avenue frontage and would be largely obscured by the lower-density attached dwellings, trees, and Raith house itself. In this regard, the prevailing character of the local streetscape would be low density.

In relation to the four attached dwellings that would have a third storey, these dwellings would be no higher (and are in fact lower) than the adjacent two storey attached dwellings, and would therefore not have any greater impact on the streetscape than a two-storey dwelling would.

Issue

The proposed development would lead to an increase in noise in the local area.

Comment

Whilst the presence of additional dwellings within the locality would likely lead to a minor increase in noise levels, this is not a valid reason to refuse the application, given that residential development is permitted on the site.

Issue

The existing trees on the site should be retained.

Comment

The proposed development would retain the vast majority of the existing trees on the site, and also involves the planting of additional native trees and plants, such that a net gain in native vegetation would result from the proposed development.

Issue

There should be no dwellings located in front of Raith because this would block views of Raith from Fern Avenue.

Comment

This objection was received in response to the initial configuration of the proposed development, which did propose dwellings between Raith and Fern Avenue, and the applicant was advised that such a configuration would not be supported. The final configuration of the proposed development does not propose any dwellings between Raith and Fern Avenue, and would preserve views of Raith from Fern Avenue.

Issue

The very high density of the proposed development could lead to social problems.

Comment

This objection was received in response to the initial configuration of the proposed development, which did have a density that Council considered to be too high for the site. However the final configuration of the proposed development has a reasonable density that would afford all residents ample personal and communal space.

Issue

Emergency services vehicles would have difficulty negotiating the proposed driveway and getting close enough to the proposed dwellings.

Comment

This objection was received in response to the original configuration of the proposed development and it is noted that the final configuration would involve far fewer dwellings and a much lower density. Notwithstanding this, emergency services access is a matter that is the responsibility of the Principal Certifying Authority to assess at the Construction Certificate stage of the development.

Issue

The proposed development does not satisfy the objective of the R2 Low Density zone of "To provide for the housing needs of the community within a low density residential environment" and therefore the objection pursuant to clause 4.6 of the CLEP 2015 relating to the proposed variation to building height should not be supported.

Comment

Whilst it is noted that the proposed development includes residential flat buildings, which are generally a higher density form of development, the overall residential density of the proposed development would still be low (1 dwelling per 355sqm if the entire site area is used or 1 dwelling per 238sqm if the site area containing Raith and its recommended setting is excluded). This density is comparable to that of other development that is permissible in the R2 Low Density zone such as attached dwellings and dual occupancies. In this regard, the proposed development is considered to be consistent with the objective of the R2 Low Density zone of providing for the housing needs of the community within a low density residential environment.

Issue

The proposed development would have a significant adverse impact on the amenity of the surrounding area and therefore the heritage conservation incentives specified under clause 5.10(10) of the CLEP 2015 cannot be utilised.

Comment

Council's assessment of the application against clause 5.10(10) of the CLEP 2015 (which is contained earlier in this report) is that the proposed development (in particular the residential flat buildings to which this clause is most relevant) would not have adverse effects on the amenity of the surrounding area. Accordingly, the heritage conservation incentives of the CLEP 2015 are able to be utilised in this case.

Issue

The floor space ratio of the proposed development is above that of all of the maximum floor space ratios permitted in the R2 Low Density zone.

Comment

The two floor space ratio standards that apply to the proposed development are:

- 0.55:1 for dwelling houses in the R2 Low Density Residential zone
- 0.45:1 for attached dwellings in the R2 Low Density Residential zone

The combined gross floor area of the two proposed dwelling houses (which are proposed to be converted from outbuildings into dwelling houses) is 175sqm, which equates to a floor space ratio of 0.007:1, given that the site is 22,420sqm in area.

The combined gross floor area of the 33 attached dwellings is 4,328sqm, which equates to a floor space ratio of 0.19:1, given that the site is 22,420sqm in area.

The overall relevance of these standards to the proposed development is considered to be quite low, given that each floor space ratio standard necessarily excludes the remainder of the proposed development as well as the existing Raith dwelling from the calculation. Notwithstanding this, the proposed development is compliant with the applicable floor space ratio standards.

The bulk and scale of the proposed development is regulated in this case by other development standards such as building height, setbacks and density, and is considered to be satisfactory in this regard.

Issue

The proposed development would intrude upon the visual privacy of adjoining properties.

Comment

Of the proposed buildings, only proposed buildings AD4 and APT1 have the potential to overlook the living areas and private open space areas of adjoining properties. In this regard, proposed building AD4 does not have any windows or balconies that directly face the property adjoining the site to the north. In addition, a recommended condition of consent requires the west-facing first floor balcony of the northernmost dwelling within proposed building AD4 (unit 06) to have a 1.8 metre high privacy screen along the full length of its northern edge in order to eliminate any possibility of overlooking from this building. With regard to proposed building APT1, this building is located at a sufficient distance from the multi-dwelling residences to its west (11-12 metres) such that no adverse visual privacy impacts would be apparent.

Issue

General opposition to apartments being constructed in Bradbury.

Comment

Council's Local Environmental Plan contains heritage conservation incentives, which allows developers some level of flexibility in relation to planning controls where a site contains a heritage item, in order to facilitate its conservation.

The subject site is extremely unique because of its large size, sloping topography, location adjacent to an arterial road and the presence of a heritage item, and the uniqueness of the site warrants a unique built form response. In this regard, the proposed apartment buildings have been sited and designed in such a way that they would not be highly visible from public areas, and would not impact negatively upon the amenity of existing and incoming residents.

Issue

The proposed development would overshadow adjoining dwellings.

Comment

The only proposed building that would cast additional shadow on adjoining dwellings beyond that currently experienced would be APT1. In this location, the additional shadows cast upon the multi-dwelling residences to the west would be minor and would not prevent these dwellings from maintaining a compliant level of solar access to their living areas and private open space areas.

Issue

The proposed dwellings should receive a compliant level of solar access.

Comment

All of the proposed dwellings comply with the applicable solar access standards.

Issue

The proposed development would devalue surrounding properties.

Comment

No evidence has been submitted to substantiate this claim, and it is unlikely that any changes in property values as a result of the proposed development would be so significant as to warrant refusal of the application on the grounds of an unsatisfactory economic impact.

Issue

Private open space should not be located along the site's Fern Avenue frontage, because this would necessitate the construction of large retaining walls in this location, which would have an unsatisfactory visual impact.

Comment

This objection was received in response to the initial configuration of the proposed development, which did have private open space located along the site's Fern Avenue frontage. The final configuration of the proposed development does not propose private open space along the site's Fern Avenue frontage, and this concern has therefore been addressed.

Issue

The proposed building AD4 is too high and too close to the adjoining property and this would cause unacceptable visual and light spill impacts on the adjoining property.

Comment

The distance of proposed building AD4 from the site's northern boundary would be 3 metres, which exceeds the minimum side setback for attached dwellings stipulated under the SCDCP 2015 of 0.9 metres for the ground floor and 1.5 metres for the first floor. The height of the building at its closest point to the northern property boundary would be slightly above 8.5 metres (the top of the roof ridge only), which would be visually indistinguishable from a fully compliant building and would be unlikely to have any unexpected amenity impacts. No windows within AD4 would face the site's northern boundary, so any light spill impacts are likely to be negligible.

Issue

Proposed building AD4 would involve an excessive amount of excavation right up to the boundary with the adjoining property.

Comment

The basement plan submitted with the application shows that excavation associated with proposed building AD4 would be a minimum of 0.9 metres from the site's northern boundary, which exceeds the minimum of 0.45 metres stipulated under the SCDCP 2015. In addition, a recommended condition of consent would require the developer to prepare a dilapidation report prior to construction commencing, so that any damage to the adjoining property that may occur during construction can be identified and rectified.

Issue

The proposed development would cause flooding of surrounding residential properties and Fern Avenue, particularly as a result of leaf litter from the proposed deciduous trees.

Comment

Council's Development Engineer and Flooding Engineers have reviewed the proposed development, and have raised numerous issues with the proposed stormwater drainage design and flood modelling. Whilst at the present time these matters have not been resolved, they are the subject of deferred commencement conditions, and are capable of being resolved in this manner. In this regard, an operational development consent will not be issued until Council is satisfied that the proposed development will not have detrimental impacts on adjoining properties or the public domain in terms of stormwater drainage and flooding.

Issue

The amended plans associated with the July 2021 public exhibition/notification of the development application were not available to view on Council's website.

Comment

The July 2021 public exhibition/notification of the development application was largely to correct a misdescription in the previous public exhibition/notification in relation to the number of dwellings proposed, and was not for the purpose of exhibiting plans that had a greater or substantially different impact on adjoining properties.

3. Conclusion

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the issues raised above, it is considered that the application is consistent with the relevant planning legislation.

Officer's Recommendation

That the proposed development be approved on a deferred commencement basis pending the resolution of the matters outlined in this report and subject to the attached recommended conditions of consent.