
COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-178
DA Number	2036/2021/DA-C
LGA	Campbelltown
Proposed Development	Removal of 2 trees and construction of a four storey health service facility
Street Address	Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown
Applicant/Owner	Erilyan Pty Ltd / Campbelltown City Council
Date of DA lodgement	2 July 2021
Total number of Submissions Number of Unique Objections	No submission received
Recommendation	Deferred Commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development on land owned by Council that has a capital investment value of more than \$5 million – Clause 3 of Schedule 7.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • Roads Act 1993 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 55 - Remediation of Land • State Environmental Planning Policy No 64 – Advertising and Signage • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015 • Campbelltown 2027
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Recommended Condition of Consent Attachment 2 – Letter from Transport for NSW Attachment 3 – Architectural Plans Attachment 4 – Clause 4.6 variation Attachment 5 – Traffic Report Attachment 6 – Geotechnical Report Attachment 7 – Landscape Plans

	Attachment 8 – Flora and Fauna Assessment Attachment 9 – Arborist Report Attachment 10 – BCA Assessment Report Attachment 11 – Preliminary Site Investigation Attachment 12 – Detailed Site Investigations Attachment 13- Remediation Action Plan Attachment 14 – Preliminary Structural and Aero-acoustic Assessment of Proposed Louvres Letter Attachment 15 – Stormwater Management Report Attachment 16 – Stormwater Plans Attachment 17 – Signage Plans
Clause 4.6 requests	Height of Building Clause 4.3 of the Campbelltown Local Environmental Plan
Summary of key submissions	None
Report prepared by	Donna Clarke - Landmark Planning Pty Ltd
Report date	8 December 2021

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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

Clause 4.6 Exceptions to development standards

Yes

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?

Special Infrastructure Contributions

N/A

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

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

1. Executive Summary/ Purpose

Council is in receipt of a development application for the removal of 2 trees and construction of a four storey health service facility at Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown.

The subject site is zoned B4 Mixed Zone under the Campbelltown Local Environmental Plan 2015. The proposed health service facility is consistent with the definition of a medical centre which is permitted on the site as it is consistent with the objectives of the B4 Mixed Use zone. The

application is for a *'Health Service Facilities' including Hospitals'*, which are prohibited within the B4 Zone. The proposal is to construct a health facility/hospital pursuant to Clause 57(1) of the State Environmental Planning Policy (Infrastructure) 2007 which stipulates that *'development for the purpose of health facilities may be carried out by any person with consent on land in a prescribed zone'*, noting Hospitals is a type of Health Service Facility.

The application was accompanied by a Clause 4.6 variation request with respect to Building Height, where a small portion of the photovoltaic array, parapet and building encroaches upon the prescribed maximum 19m height limit by 549mm. The request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clauses 4.3 of Campbelltown Local Environmental Plan 2015.

The application has been publicly exhibited and notified to adjoining and nearby properties between 9 August 2021 and 3 September 2021. No submissions were received in response.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to the recommended conditions.

The site is owned by Campbelltown City Council and due to the capital investment value of the proposal being over \$5 million, the proposal is referred to the Western Sydney City Planning Panel for determination.

As part of the assessment of the development, the applicant and Transport for NSW have been discussing the design of the new intersection on the corner Camden and Kellicar Roads. A Deferred Commencement consent is recommended to allow those discussions to be finalised, as well as drainage details with respect to the adjoining rail corridor.

2. Site and Surrounds

The site is identified as Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown. The main site (Lot 1 DP 883417) is triangular in shape with frontage to Kellicar Road to the south and Camden Road to the north.

The main site (Lot 1 DP 883417) is currently vacant and has some trees scattered on the site. The site is bound by Narellan Road to the west and the vegetation on the road reserve. Camden Road does not extend the full length of the boundary and is adjoined by a vacant lot owned by Campbelltown Council (Lot 1 DP 1003625) which is utilised as part of this development.

The site has an area of 4744m² and is flat in nature. The property is owned by Campbelltown City Council.

The site is surrounded by commercial premises and community facilities including HJ Daley Library, Koshigaya Park, Market Fair shopping centre and Campbelltown Catholic Club.

The property is not listed as an item of Environmental Heritage, and is not located within a heritage conservation area.

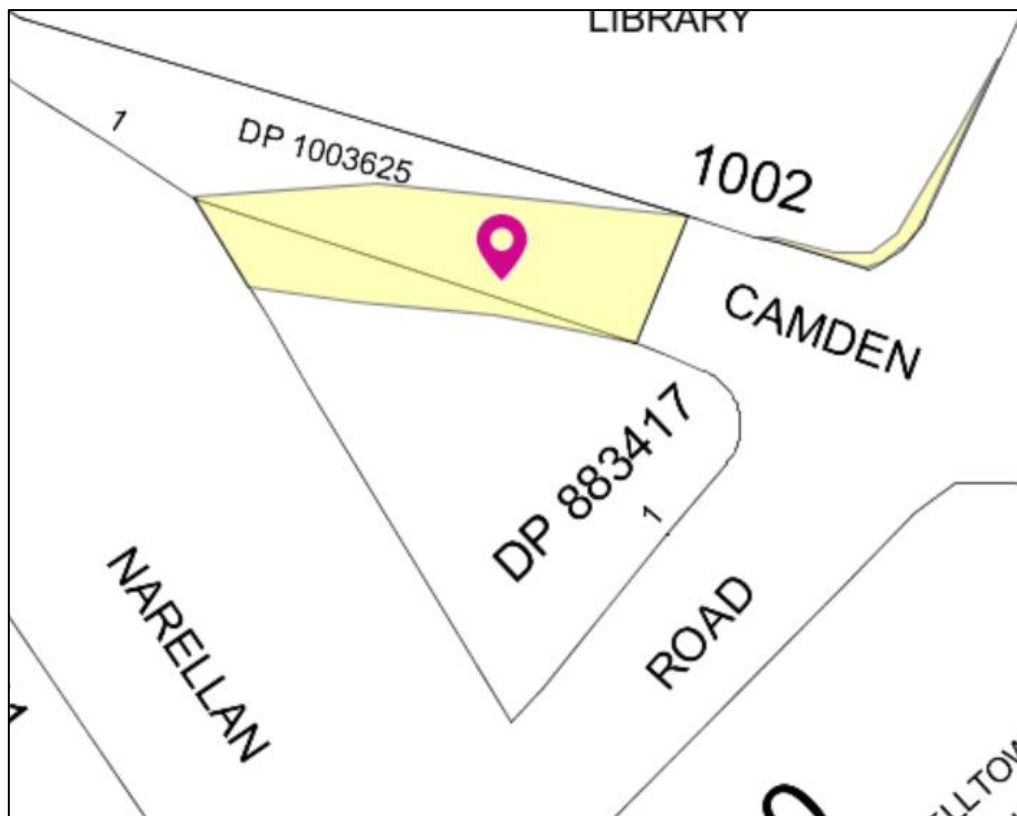
The railway line is located to the north of the site.



Relevant History

The site is vacant and owned by Campbelltown City Council. The site is identified as operational land.

The site has a portion of the land to the north of the site, and partially within the site, identified for acquisition for the RMS. The plan is provided below. The application was referred to the RMS for comment, who confirmed this road acquisition is no longer required.



Application History

Below is a brief summary of the application chronology:

- Lodged 2 July 2021.

- Notification and Exhibition (9 August– 3 September 2021), with no submissions received.
- Design Excellence Panel meeting held on 22 April 2021.
- Response received from Transport for NSW received on 10 August 2021, which indicated they were unable to support the proposed reactivation works at the existing signalised intersection and requests additional information.
- Inception Briefing to Sydney Western City Planning Panel held on 27 September 2021, who requested further information from Council to the Panel regarding any outstanding TfNSW issues, specifically regarding the Narellan Road signalled traffic light design.
- Request for Information Letter sent to the applicant on 5 October 2021. The key items were:
 - Land Acquisition and how the facility will operate once it occurs
 - Hours of Operation
 - Car Parking
 - Stormwater
 - Traffic, including road design, intersection and Transport for NSW comments
 - Engineering design issues regarding the proposed car park
 - Remediation Action Plan
 - Inconsistencies between Flora & Fauna Report and Arborist Report
 - Waste Management
 - Details of the proposed café
 - Details of Regulated System (Cooling Tower/ Cooling Water System).
- Two Responses were received from Transport for NSW received on 19 October 2021, which indicated:
 - Transport for NSW will abandon the existing road reserve acquisition to achieve the vision for Campbelltown under Re-Imagining Campbelltown.
 - Notwithstanding this, Transport for NSW requires the applicant to address signal design requirements as outlined at a meeting between the applicant and Transport for NSW on 8 October 2021 and reconfirmed via email dated 21 October 2021.
 - Outstanding issues relating to Intersection design, Traffic Modelling, and Cumulative Impact Assessment of the full four stages of the development.
- Response from the Applicant sent to Transport for NSW on 21 October 2021 regarding the intersection design.
- Response from Applicant received dated 21 October 2021 to Council's request for information letter.
- Briefing update to Sydney Western City Planning Panel on 1 November 2021.
- Request for Information from Transport for NSW on 12 November 2021.
- Additional information from Applicant to Transport for NSW on 16 November 2021.
- Request for Information from Transport for NSW on 29 November 2021.
- Further response from Council to Transport for NSW on 30 November 2021.

Referrals

Referrals were undertaken to the following internal departments of Council and external bodies.

- Environment (Contamination)
- Environment (Landscaping)
- Environmental Health Officer
- City Infrastructure (stormwater and traffic)
- Development Engineer
- Waste Services Officer
- Transport for NSW
- Sydney Trains
- Endeavour Energy

3. Site Constraints Table

Site Constraints	Applicable to this site
Bushfire Prone Land	N
Flood Affected	N
Overland flow affected	N
Mine Subsidence	N
Noise Affected Property	N
Aboriginal Sensitivity Zone	N
Koala Habitat	N
Jemena Gas Line	N
Transgrid Electrical Easement	N
Easements	Y
Tree Removal	Y
Biodiversity Impacts	N
Heritage Item	N

4. Proposal

The proposed health facility includes the construction of a four storey building operating as a Health Service Facility, which will provide nuclear medicine services and medical imaging. The proposal includes the following:

- Removal of two trees
- Landscaping
- 63 car parking spaces including 4 electric vehicle charging station and 3 accessible car parking spaces. Vehicle access to the site is via 2 x new vehicular crossovers and driveways from Camden Road and a drop off bay is provided at the front of the building.
- Ground floor
 - Foyer and main entry, reception and waiting area
 - Ambulance bay
 - Bunker areas
 - Bin and utility areas

- Consult rooms
- Treatments rooms
- CT scanning room
- First floor
 - Consulting rooms
 - Pharmacy and lab
 - Waiting room and reception area
 - Offices and staff facilities
- Second floor
 - Lobby, reception
 - Amenities
 - MRI
 - The remainder of the fit out will be separate for future tenants
- Third floor
 - Wellness pavilion, which includes an area for patients to make tea and coffee and snacks, with no food preparation or sales
 - Amenities
 - Outdoor terrace area
 - Plant area

The facility is proposed to be built within the south-eastern portion of the site, with the main entry from the carpark, with the remaining areas to include a car park and landscaping. A diesel generator and substation will be incorporated into the landscaped area, as well as a bike parking and sitting area. Connections will be provided from the facility to the existing footpath along Kellicar Road.

The proposed Health Service Facility is to specialise in cancer care with the facility to operate 23 hours with the bulk of patients coming to the site to attend pre appointed bookings between 7am and 6pm. Occasional patients may require appointments outside of these hours, but it is not the norm, and staff and cleaners will be on the premises outside of the key hours.

The proposal includes signage comprising:

- Sign 1: High Level Sign on the upper level, on the corner of the building facing the intersection, Green writing, 3.2m (l) x 1m (h) "Genesis Care" and logo, internally illuminated.
- Sign 2: Drop Off Entry Wall Sign at entrance to the building, Green writing, 2.6m (l) x 0.8m (h) "Genesis Care" and logo, internally illuminated.
- Sign 3: Totem Sign, free standing within the development at the edge of the car park at the pedestrian entry to the building, Green writing, 1m (l) x 4m (h) "Genesis Care", logo and description of services, internally illuminated.

The proposed building includes a rooftop terrace and planting on the exterior.

The overall building has a gross floor area of 3246m².

Vision

Campbelltown 2027

Campbelltown 2027 is the Community Strategic Plan for the City of Campbelltown. The Strategic Plan addresses 4 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

Outcome 4 is the most relevant to the proposed development, which includes a goal to provide better health and education infrastructure and services.

The proposed development provides for achieving this outcome through revitalising the CBD and planning for health facilities.

The vision for Campbelltown City indicates *“Growing smart jobs, retaining educated professionals and capitalising on the expanding opportunities presented by our world-class health and education industries, has majorly benefited our economic growth”* and this development supports this vision and will provide job opportunities close to home for local residents.

5. Planning 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.

5.1 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

Roads Act 1993

Section 138 of the Roads Act 1993 requires consent to carry out a work in, on or over a public road. The proposal would utilise Camden Road to access the site, and an intersection at Camden Road and Kellicar Road is required. These roads feed directly into the nearby Narellan Road, which is a classified road.

The application was referred to Transport for NSW for approval of the activation of traffic control signals on the Camden Road leg, in accordance with the Roads Act, 1993. Transport for NSW has reviewed the submitted information and has been in ongoing discussions with the applicant to achieve a suitable outcome. Transport for NSW is currently unable to support the proposed reactivation works at the existing signalised intersection and as such it is recommended that a Deferred Commencement condition be imposed which requires the submission of the intersection design, as agreed to by Transport for NSW.

A condition is recommended within the active conditions of consent that requires the applicant obtain a Section 138 approval, prior to any works within the public road reserve.

State Environmental Planning Policy (Infrastructure) 2007

Permissibility

Clause 56 of State Environmental Planning Policy (Infrastructure) 2007 states:

health services facility has the same meaning as in the Standard Instrument.

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,
- (d1) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (g1) B1 Neighbourhood Centre,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (l) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure.

A health services facility is defined in the Standard Instrument as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The proposal is to construct a health facility/hospital pursuant to Clause 57(1) of the State Environmental Planning Policy (Infrastructure) 2007 which stipulates that '*development for the purpose of health facilities may be carried out by any person with consent on land in a prescribed zone*'.

Health service facility are permissible with Council's development consent within the **B4 Mixed Use** zone, in accordance with State Environmental Planning Policy (Infrastructure) 2007.

Electricity - substation

Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 relates to electricity and states:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out—
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

- (ii) immediately adjacent to an electricity substation, or
- (iii) within 5m of an exposed overhead electricity power line,
- (c) installation of a swimming pool any part of which is—
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

There is no need for any undergrounding or relocation of existing electricity infrastructure. However, a new substation is proposed along the Kellicar Road frontage of the site, within the landscaped setback. A referral was undertaken to Endeavor Energy and conditions of consent recommended.

Rail Corridor Excavation

Clause 85 of State Environmental Planning Policy (Infrastructure) 2007 relates to excavation near a railway corridor and states:

85 Development adjacent to rail corridors

- (1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—
 - (a) is likely to have an adverse effect on rail safety, or
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
 - (c) involves the use of a crane in air space above any rail corridor, or
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

Note—

Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

- (2) Before determining a development application for development to which this clause applies, the consent authority must—
 - (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and
 - (b) take into consideration—
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.
- (3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.

Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 relates to excavation within or near a railway corridor and states:

86 Excavation in, above, below or adjacent to rail corridors

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—
 - (a) within, below or above a rail corridor, or

- (b) within 25m (measured horizontally) of a rail corridor, or
- (b1) within 25m (measured horizontally) of the ground directly below a rail corridor, or
- (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.
- (2) Before determining a development application for development to which this clause applies, the consent authority must—
 - (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and
 - (b) take into consideration—
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.
- (3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates.
- (4) In deciding whether to provide concurrence, the rail authority must take into account—
 - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.
- (5) The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority concerned if—
 - (a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or
 - (b) in any other case, 21 days have passed since the consent authority gave notice under subclause (2)(a) and the rail authority has not granted or refused to grant concurrence.

The application was originally referred to Sydney trains under Clause 85, for works near the rail corridor. However, the amended stormwater plan proposed to build a headwall on the railway land, with no owners consent obtained and the documentation indicates it will be resolved post development consent. As such, the proposal now includes excavation of the stormwater pipes in the rail corridor and requires concurrence under Clause 86.

Whilst writing this report, the applicant has advised that the headwall is now clear of the rail corridor. This removes the issue of works within the rail corridor, but not the depth of the pipe being greater than 2m, beyond the requirement of Clause 86(1) above.

Sydney Trains is undertaking a new referral under Clause 86, however at the time of writing this report, no concurrence had been received, nor has the 21 day timeframe for assumed concurrence lapsed. The Electronic Determination of the application therefore should not be issued until either concurrence is received, or the statutory timeframe has lapsed from the re-referral date. Verbal advice from Sydney Trains is that concurrence will be provided on 10 December 2021.

Development on Classified Road

Clause 100 of State Environmental Planning Policy (Infrastructure) 2007 relates to development on a classified road. The proposal does not have direct frontage to a classified road. Camden Road and Kellicar Road feed directly into the nearby Narellan Road, which is a classified road.

Road Noise & Vibration

Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 relates to road noise and vibration and states:

102 Impact of road noise or vibration on non-road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

(4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.

The subject site adjoins Narellan Road, which has a traffic volume of greater than 40,000 vehicles. The site is separated by road reserve. However, the proposed health service facility is not considered to be a hospital for the purpose of this assessment.

Traffic Generating Development

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 relates to road noise and vibration and states:

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to RMS within 7 days after the application is made, and
- (b) take into consideration:
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and
 - (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

Having regard to Schedule 3, the site is located less than 90m from the connection to Narellan Road, which is a classified road. The proposal triggers the requirements for referral under Schedule 3 of the SEPP due to the development containing greater than 50 car parking spaces. The application with referred to Transport for NSW, who have reviewed the submitted information and have been in ongoing discussions with the applicant to achieve a suitable outcome.

Transport for NSW is currently unable to support the proposed reactivation works at the existing signalised intersection and as such it is recommended that a Deferred Commencement condition be imposed which requires the submission of the intersection design, as agreed to by Transport for NSW.

Campbelltown City Council and Transport for NSW are also currently working together on a Place Based Transport Strategy for the broader Campbelltown CBD and surrounds, which will address the broader traffic issues.

Transport for NSW have provided recommended deferred commencement conditions.

Transport for NSW have also included in their response advisory comments for Council's consideration in the determination of the application:

"1. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

2. It is noted that the subject development will be staged. Cumulative SIDRA modelling for signalised intersections has not been submitted for review. Modelling should assess forecast impacts on road safety and capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or a similar traffic model as prescribed by TfNSW. The traffic modelling should consider the scenarios of baseline year, year 2026, 2031, 2036 and the year until the facility ceases operation. It should be noted that additional land dedication for road widening works on Camden Road may be required to accommodate additional traffic movements generated by the completed development.

3. Council should be satisfied that the submitted Statement of Environmental Impacts adequately considers environmental impacts from the proposed modification to the existing Traffic Control Signals and any further TfNSW concept design requirements in this letter."

With respect to Point 1, an appropriate condition of consent has been recommended.

With respect to Point 2, we have no information forthcoming regarding any future development plans for stages. As such, we can only assess the application on the information that has been submitted and further review would occur with any separate Development Application in the future.

With respect to Point 3, the assessment of the environmental impacts from any changes to the intersection, including signal modification or concept design changes, has been considered with respect to the information submitted.

State Environmental Planning Policy 55 - Remediation of Land

SEPP No. 55 aims to provide a statewide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

The State Environmental Planning Policy 55 Remediation of Land (SEPP 55) requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

State Environmental Planning Policy 55 - Remediation of Land

Requirement	Action	Response
Clause 7(1) 1. Is the development for a change of use to a sensitive land use or for residential subdivision? Sensitive land use include residential, educational, recreational, child care purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	No change of residential use proposed.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	Not applicable.
Clause 7(1) 2. Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.
Clause 7(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.
Clause 7(1) 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use. NB: if the proposal is industrial then you should answer no to this question.	The current and previous planning controls do not allow for potentially contaminating uses.
Clause 7(1) 5. Is the land currently being used for a potentially contaminating use or is	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land	No evidence of potentially contaminated signs were present on site when the site was inspected.

State Environmental Planning Policy 55 - Remediation of Land

Requirement	Action	Response
there any evidence of a potentially contaminating use on site?	filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	

The application also included a Detailed (Stage 2) Site Investigation (DSI) prepared by JK Environments, who had previously undertaken a Preliminary (Stage 1) Site Investigation – Contamination Assessment and Waste Classification (PSI) at the site. The Stage 2 Report states:

“Soil samples were obtained from 26 test pit locations across the site. The test pits generally encountered fill material (i.e. historically imported soil) to depths of between approximately 0.3m below ground level (BGL) to 0.8mBGL, underlain by natural (alluvial) silty clay. The fill contained inclusions of igneous, siltstone and sandstone gravel, siltstone cobbles, plastic, glass, fibre cement fragments (FCF), tile fragments, concrete fragments, brick fragments, steel, sand, ash, slag and root fibres.

FCF/asbestos containing material (ACM) was encountered at two locations during the PSI and at 10 locations during the DSI. The occurrence of ACM in the fill was widespread across the site and there was no clear delineation between fill/areas where ACM was and was not observed. Asbestos concentrations exceeded the SAC in three of the test pits. Elevated concentrations of the remaining contaminants were not encountered above the adopted SAC.

Based on the Tier 1 risk assessment, the contamination identified in soil was assessed to pose a potential risk in the current site configuration and in the context of the proposed development. Interim management of asbestos is recommended and a Remediation Action Plan (RAP) is also required to document the procedure for remediating the site.

JKE are of the opinion that the site can be made suitable for the proposed development via appropriate remediation/validation and management. Based on the primary contaminant of concern (asbestos), any associated site remediation for this contaminant is expected to be technically achievable and relatively straight forward to implement using common and robust remedial and management approaches.

We recommend the following:

- 1. Preparation of an interim Asbestos Management Plan (AMP) (for asbestos in/on soil) to manage the site until the proposed development (and associated remediation) commences;*
- 2. Preparation and implementation of a RAP;*
- 3. Remediation and validation of the site in accordance with the RAP; and*
- 4. Preparation of a validation report on completion of remediation.*

The notification triggers to report site contamination to the NSW EPA under the NSW EPA Guidelines on the Duty to Report Contamination under Section 60 of the CLM Act 1997(2015) have not been met. This is to be further evaluated throughout remediation”.

Conditions are recommended in this regard.

Based on the above assessment, the provisions of Clause 7 of SEPP 55 have been considered along with the contaminated land planning guidelines and the site is considered suitable for the proposed development.

State Environmental Planning Policy No 64 – Advertising and Signage

The application has been assessed having regard to State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). Schedule 1 of SEPP 64 specifies the assessment criteria of signage under this instrument. The assessment considers the visual and environmental impact of the proposed signage, its impact upon the amenity of the surrounding locality and the potential

traffic and safety hazards they may pose. The proposed development includes three signs (defined as business identification signs) as follows:

- Sign 1: High Level Sign on the upper level, on the corner of the building facing the intersection, Green writing, 3.2m (l) x 1m (h) "Genesis Care" and logo, internally illuminated.
- Sign 2: Drop Off Entry Wall Sign at entrance to the building, Green writing, 2.6m (l) x 0.8m (h) "Genesis Care" and logo, internally illuminated.
- Sign 3: Totem Sign, free standing within the development at the edge of the car park at the pedestrian entry to the building, Green writing, 1m (l) x 4m (h) "Genesis Care", logo and description of services, internally illuminated.

Below is an assessment of the proposed signage:

Schedule 1 – Assessment Criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

Comment – There is no clear theme in the area, with a variety of land uses. However, this site is on a main road and the proposed signage is generally suitable for such a location and use. It is considered that the proposed signage is not excessive in size or quantity of signs and will be compatible with character of the area. Notably signs 2 and 3 are unlikely to be seen from the public domain.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Comment – The proposed signage is not considered to detract from the visual quality of the environment. There is no environmental or heritage quality in the immediate area, nor immediate residential dwellings.

3 Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

Comment – The signage will not impact on any views or vistas in the locality. The visual impact of the development from the surrounding area and road network has been considered and it is determined that the proposed development, including signage, is unlikely to compromise vistas or obstruct rights of other advertisers. The isolated nature of the site with respect to adjoining sites assists in this regard and the proposed signs do not obstruct the skyline.

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Comment – It is considered that generally the scale of the signage will not have a detrimental impact on the streetscape, with Sign 1 on the upper level of the building only likely to be visible from the street. This sign is appropriate with respect to the scale of the building and does not dominate the facade. The signage is consistent with the branding and signage to other Genesis sites and appropriate for the busy road location and nature of the area.

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Comment – The proposed building signage is considered to be at an appropriate scale and proportion to the scale of the development. The signs will be appropriately spaced out over the building facades. Genesis corporate colours for the signage is suitable, combined with the size of the signage, and is not dominant on the building. The main road location supports this. The proposed signage is compatible with other signage in the area in terms of scale, including the nearby shopping centre.

6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment – The proposed logo is considered to be acceptable.

7 Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Comment – The signage will be internally illuminated. The lighting will not result in any glare when viewed from surrounding properties or the road. The illumination can be adjusted / dimmed and switched off outside of operating hours and a condition recommended to reflect this. There are no nearby residences, with the closest over 100m away and separated by a busy road and other buildings located between the dwellings and the site. It is envisaged that a timer will be utilised for compliance with illumination hours.

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment - It is considered the proposed signage will not reduce safety in the locality. The proposed signage is not considered to affect the safety of public roads, pedestrians, cyclists or sightlines from public areas.

In light of the above, it is considered that the proposed signage satisfies the assessment criteria and the requirement of SEPP 64.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Sydney Region Growth Centres SEPP (GC SEPP) was amended on 6 December 2019 to include the Greater Macarthur Growth Area as a designated growth centre. The subject site is located within the boundaries of the Greater Macarthur Growth Area, and is therefore subject to the provisions of the SEPP. Clauses 16 and 17 of the SEPP are relevant to the application and are discussed below.

The GC SEPP does not include a precinct plan for the Greater Macarthur Growth Area, and therefore Clause 16 of the GC SEPP is to be considered. In this regard, the Campbelltown Precinct Plan released under the Glenfield to Macarthur Urban Renewal Corridor Strategy (which is not a Precinct Plan for the purposes of the GC SEPP but is rather a structure plan) indicates that the subject site would be "Cultural & Leisure". The Precinct Plan states with respect to Cultural & Leisure:

"This area could accommodate a mix of retail, commercial, recreation, business, entertainment, accommodation and sporting uses that would build on the precinct's role as providing cultural and leisure services to Campbelltown CBD. Detailed planning would be required to determine the appropriate mix of uses in this area."

As the proposed development is for a health facility/hospital, the proposed development would provide a mix of uses in the area which would support and compliment the business and cultural and leisure services in the area, as well as existing residents, consistent with the relevant precinct planning strategy.

At present, Council and the DPIE are working towards establishing new referral criteria pursuant to this clause, as the Department has acknowledged that the current referral criteria is inappropriate for the Greater Macarthur Growth Area. In this regard, it can be reasonably assumed that the DPIE has no current interest in this application.

Therefore, the proposed development is considered to be satisfactory with regard to Clauses 16 and 17 of the GC SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in New South Wales.

The Policy applies to the Campbelltown Local Government Area. In considering the site, it is noted that it is identified in the Native Vegetation Regulatory Map as 'Land Excluded from the LLS Act' and does not involve the clearing of land identified in the Biodiversity Values (BV) Map as having 'high biodiversity value'. It is concluded that the site is not subject to the Biodiversity Offsets Scheme.

A Flora and Fauna report was provided. The site is currently cleared, with the exception of scattered trees and weeds which are proposed to be removed as part of this application. In summary:

- No threatened ecological communities were recorded within the study area.
- No threatened flora and fauna species have been recorded from BioNet records or field surveys.
- No native Plant Community Types or threatened ecological communities will be impacted by the proposed works.
- No suitable habitat was available for any threatened flora species or any threatened fauna species was found.
- One small hollow in an exotic species of trees will be removed as a result of proposed works.
- The amount of native vegetation clearing does not exceed the threshold (0.25 ha) under the Biodiversity Offset Scheme.
- A test of Significance under Section 5A of the Biodiversity Conservation Act 2016 was undertaken for threatened microbat species which may be impacted by the removal of the hollow-bearing tree. The assessment concluded that the proposal is unlikely to have a significant impact and, therefore, the biodiversity offset scheme is not triggered.

An Arborist Report was also provided, which indicates that two trees are unable to be retained as they will be significantly impacted by the proposed works. Two remaining trees to be protected.

Appropriate conditions of consent are recommended.

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

The proposal is within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

- a) to maintain and improve the water quality and river flows of the Georges River, and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,
- b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,
- c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,
- d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,
- e) (Repealed)
- f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

The proposal does not conflict with any of the relevant provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

Campbelltown Local Environmental Plan 2015

The site is zoned **B4 Mixed Use** under the Campbelltown Local Environmental Plan 2015. In accordance with the provisions of the CLEP 2015, consent must not be granted for any type of development within this zone unless it is consistent with one or more of the zone objectives, and the use is permissible within the zone.

The zone provisions for **B4 Mixed Use** are:

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

The proposed development is consistent with the objectives, providing a mix of land uses, in an accessible location and provides a high level of urban design. The health services premises will provide new jobs for the area and the site is serviced by public transport.

The proposed development is defined as *health service facility* which is defined as:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The subject site is zoned B4 Mixed Zone under the Campbelltown Local Environmental Plan 2015. The proposed health service facility is consistent with the definition of a medical centre which is permitted on the site as it is consistent with the objectives of the B4 Mixed Use zone. The application is for a '*Health Service Facilities' including Hospitals*', which are prohibited within the B4 Zone.

The proposal is to construct a health facility/hospital pursuant to Clause 57(1) of the State Environmental Planning Policy (Infrastructure) 2007 which stipulates that '*development for the purpose of health facilities may be carried out by any person with consent on land in a prescribed zone*', noting Hospitals is a type of Health Service Facility.

Health service facility are permissible with Council's development consent within the **B4 Mixed Use** zone, in accordance with State Environmental Planning Policy (Infrastructure) 2007.

The proposed development will contribute significantly to the economic and employment growth in the City of Campbelltown, as well as the significant boost to the local construction industry.

The external appearance of the building is consistent with that expected from a commercial health services building, with a landscaping scheme proposed to soften the built form and provide an aesthetically pleasing development. Vehicular access for visitors, deliveries and waste is provided from the side street being Camden Road, away from any nearby residents and the existing intersection. Overall, the development has been well thought out and subject to conditions of consent, further refinements to the intersection will occur to ensure that the proposed development is a good planning outcome and contributes positively to the surrounding area.

An assessment against the relevant clauses of the Campbelltown Local Environmental Plan 2015 is provided below:

Provision	Comment	Compliance
4.3 Height of Buildings	The site has a height restrictions under the LEP of 19m. The proposed building has a height of 19.549m, which is above the height limit by 0.549m. A Clause 4.6 Variation request accompanies the application. Refer to discussion below.	No – – variation requested
4.4 Floor space ratio	The site and surrounding area are not subject to floor space ratio controls.	Yes
4.6 Exceptions to Development Standards	Refer to discussion below.	Yes – see discussion below
5.1 Relevant Acquisition Authority	<p>The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).</p> <p>The subject site and the adjoining lot, which will be used for vehicular access are, in part, subject to acquisition by Roads and Maritime Service (now Transport for NSW) for a Classified Road.</p> <p>As part of the assessment of this application, Transport for NSW (previously RMS) have confirmed that they no longer require the acquisition, via letter dated 19 October 2021.</p>	Yes

	As the acquisition is no longer required, Council will undertake a housekeeping amendment to the LEP to remove the indicated acquisition.	
5.6 Architectural Roof Features	<p>The objectives of this clause are to permit variations to the maximum height standards only where roof features contribute to the building design and to ensure that the majority of the roof is contained within the maximum building height. The proposed roof height has an encroachment to the prescribed height limit by 549mm comprising of a small percentage of the photovoltaic array, parapet and the building, and as such this clause does apply to the proposal.</p> <p>The Architectural design of the building remains acceptable despite the minor variation. A Clause 4.6 Variation request accompanies the application. Refer to discussion below.</p>	Yes
7.1 Earthworks	<p>The proposed development includes the removal of the minimal trees and vegetation on the site and earthworks to facilitate the proposed development. The proposed development is not envisaged to include filling works other than benching of the site to create a level building platform for the development, which would be created from excavation on site.</p> <p>The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are required for the proposed development however it is considered that the proposed excavation would not adversely impact on environmental functions and processes, subject to standard conditions of consent being applied in regard to sediment control.</p>	Yes
7.2 Flood Planning	This clause aims to reduce the flood risk to life and property, allow	Yes

	<p>development on land that is compatible with the land's flood hazard and avoid significant adverse impacts on flood behaviour and the environment. The proposed development has been designed to not have any adverse impacts on flood hazards and as such is considered to be satisfactory.</p> <p>The application as accompanied by a flood risk management study for the catchment. The proposed building is located at the area of the land which is predominantly out of high hazard flood extents up to and including the PMF. It has been confirmed by Council's Engineers that a minimum floor level is not required to be set and subject to compliance with the BCA and applicable engineering guides, the development would not result in a significant impact on flooding.</p>	
7.4 Salinity	<p>Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that :</p> <p>a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>c. if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>The proposed development has been designed to minimise the disturbance of the existing ground levels, where possible. Additionally, a condition has been recommended that the design and construction of any structures within the ground shall be in accordance with any geotechnical provisions.</p>	Yes
7.10 Essential Services	This clause ensures that development consent is not granted	Yes

	<p>to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access and telecommunication services are available. All required essential services are available to be extended from the street for the proposed development.</p>	
7.13 Design Excellence	<p>Pursuant to Clause 7.13 of CLEP 2015, development consent must not be granted unless the consent authority has had regard to the following matters within the clause regarding a high standard of architectural design.</p> <p>The application was reviewed by the Design Excellence Panel prior to lodgement and requested a greater emphasis on landscaping to break down the impact of the car parking and that the building needed to be more consistent in its appearance, not a front and back. The comments were taken on board and the design of the development improved.</p> <p>The proposed development has incorporated a wide variety of façade treatments and materials which are consistent with what one would expect from a similar type of medical development. The external façade is of a contemporary design that is appropriate with the streetscape and public domain. The proposed building is consistent on the corner to Kellicar and Camden Roads, whilst still providing an attractive appearance from within the car park of the main entrance.</p> <p>The proposed development does not impact any significant view corridors.</p> <p>The proposed development is consistent and proposed uses and is</p>	Yes

	<p>permissible within the zone. There are no heritage items within the proximity of the site.</p> <p>The design of the building is consistent with the future expectation of the area. The building design and presentation is what is expected from the area, close to the centre of Campbelltown.</p> <p>The proposed development is consistent with height requirements and has been discussed in this report.</p> <p>The proposed development has given due consideration the environmental impacts and the principles of ecologically sustainable development.</p> <p>The proposed development would not adversely impact on the existing pedestrian networks surrounding the site. The proposed development provides car parking that is sufficient to the development requirements.</p> <p>The proposed development and associated landscaping would assist to complete streetscape setting and associated public domain of the land which is evolving as vacant land is developed.</p> <p>The proposed development addresses the public domain to create visual interest through architectural features, changes in building materials and landscaping.</p> <p>The proposed landscaping enhances the streetscape and integrates well to compliment the built form.</p>	
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Clause 4.6 Exceptions to Development Standards

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Act.

The proposed development includes a variation to Clause 4.3 of the LEP 2015 with respect to height of building. The applicant has provided a Clause 4.6 variation request which is assessed in detail below.

The objectives of Clause 4.6 are as follows:

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

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard, being Clause 4.3 relating to a maximum building height of 19m in this instance.

The Clause 4.6 variation is an attachment to this report and addresses each provision of Clause 4.6, including the underlying objectives of the standard; why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1; environmental planning grounds to support the numerical non-compliance; and public interest.

Below are a key few points from the Clause 4.6 Variation Request with respect to the proposed development:

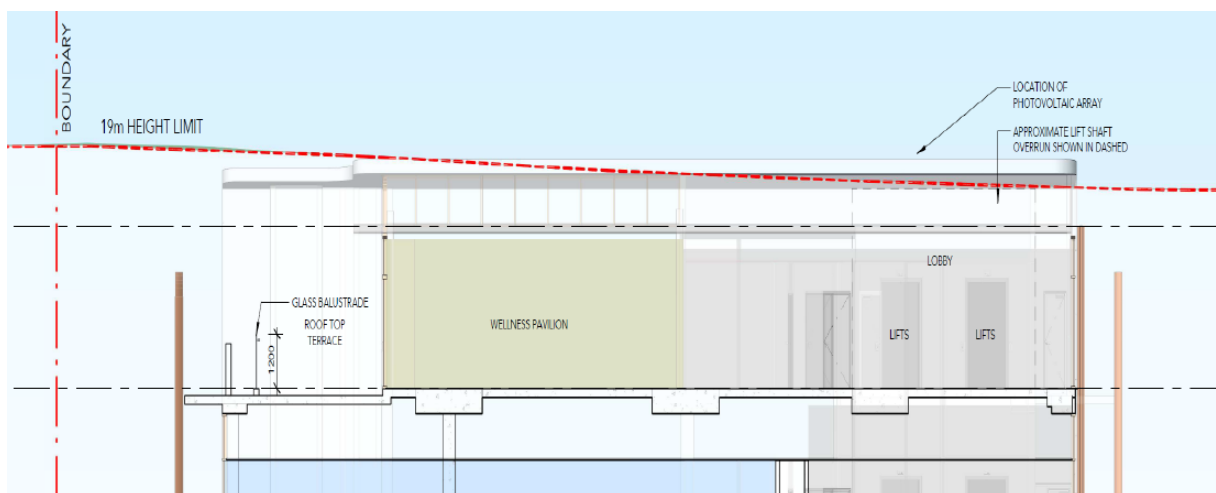
- The overall height of the development presents as a compatible form of development within the western edges of an established town centre.
- The development site resides within its own island isolated from other land uses via road networks and considering the size of the subject land parcel, the additional amenity impact associated with the encroachment to the height control will have negligible impact to neighbouring properties in terms of shadow and privacy. Furthermore, considering it sits within a small pocket towards the eastern edges of the town and away from other land uses, the minor encroachment to the height control will not result in setting any height precedent.
- The encroachment of the building and parapet is negligible and will not be highly visible from the public domain. The visual impact of the building adopts an appropriate urban form.
- The proposal will not unreasonably impact on the significance of any heritage items.
- The proposal is predominantly consistent with the height control and is appropriate in scale and intensity.
- The encroachment is located at that part of the building that is not readily visible, being internal and central to the site, and does not result in a visual impact.
- The proposal will provide for a number of distinct public benefits:
 - Delivery of specialised cancer care to within Campbelltown;
 - Creation of jobs both during the construction stage and through the delivery of additional commercial floor space upon completion of the proposal; and
 - The traffic and parking assessment has found that the impact of the development on the surrounding traffic network is acceptable.
- As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are

sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.

- The development is consistent with the zone objectives noting that:
 - The proposal contributes to the mix of land uses within the zone, providing a positive health contribution to the mix of uses.
 - The development will contribute to the building mix within the town centre with the delivery of a contemporary four storey medial health facility that exhibits design excellence
 - The development will positively contribute to the renewal of the town centre by redeveloping a vacant site located within a prominent corner within the western edges of the town centre
 - The proposal maximises public transport patronage and encourages walking and cycling, being within close proximity to bus stops with services to Campbelltown and Liverpool;
 - Provides employment opportunities within accessible locations; and
 - Provides valuable medical services specialising in cancer care that serve the needs of the local and wider community.

The figures stated are contained within the Clause 4.6 variation document. The proposal presents a departure to the height controls by way of an encroachment to the prescribed height limit by 549mm comprising of a small percentage of the photovoltaic array, parapet and the building.

Below is an extract from the Clause 4.6 variation document which clearly indicates the area of the building above the maximum height limit.



In accordance with Clause 4.6(3), as part of the assessment, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard which demonstrates:

- "(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."*

The assessment below has regard to the submitted Clause 4.6 variation request.

"Is the planning control in question a development standard"?

The 19m maximum permissible building height applying to the subject land under Clauses 4.3 of Campbelltown Local Environmental Plan 2015 is a development standards for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6 (2) - (5) of the LEP.

"What are the underlying objectives or purpose of the development standard"?

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to Campbelltown Local Environmental Plan 2015 - Clause 4.3 (1) - Height of Buildings, as follows:

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

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

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

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

As can be seen on the building elevations, the proposed development exhibits a variation to the maximum permitted building height. This is principally a reflection of existing ground level, and to ensure a high level of architectural design of the building.

The proposed development exhibits architectural quality and urban form. The building's proportions have been developed in consideration of its visual impact on the skyline and allows spaces to likely future structures, providing for long range vistas.

The proposed minor building height exceedance does not significantly reduce the opportunity for either the proposed development, or public areas to receive satisfactory exposure to sunlight. The isolated nature of the site with roads on all sides assists with minimising amenity impacts. The site is isolated and does not directly adjoin other buildings or land uses.

Further, the form of the development allows greater exposure to daylight and solar access.

The design height of the proposed development is appropriate to the edge of Campbelltown City Centre and has had regard to the surrounding future development. The departure from the 19m maximum permissible building height development standard does not cause significant visual impact and does not adversely impact view corridors from public spaces.

"Matters for Consideration by the Director-General".

Clause 4.6(4)(b) of Campbelltown Local Environmental Plan 2015 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard. Under Clause 4.6 (5), the Director - General is required to consider the following matters in deciding whether to grant concurrence.

"Whether contravention of the development standard raises any matter of significance for State or regional environmental planning".

The proposed development is consistent with State and regional planning policies/strategic directions including A Metropolis of Three Cities - the Greater Sydney Region Plan. Approval of the proposed development and the proposed minor exceedance of the applicable maximum permissible building height development standard in this particular case, would not raise any matter of significance for State or regional planning.

"The public benefit of maintaining the development standard".

This report demonstrates that the proposed minor exceedance of the permissible maximum building height development standard does not have adverse scenic/visual impacts, or amenity impacts on either the public domain, or future neighbouring properties. As the proposed building height exceedance is located over 100m from the closest residential dwelling and is isolated with respect to other land uses, approval of the proposed development will not undermine the maintaining of the maximum building height development standards applicable elsewhere within the zone.

"Any other matters required to be taken into consideration by the Director-General before granting concurrence."

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

Conclusion

It is considered that any requirement for the proposed development to strictly comply with the applicable 19m maximum permissible building height development standard of Clause 4.3 of Campbelltown Local Environmental Plan 2015 would be unreasonable or unnecessary in the particular circumstances as the proposed development is in the public interest as it will facilitate the economically viable redevelopment of the subject land in a manner consistent with the strategic planning objectives for the development of the area.

Further, the proposed development is consistent with objectives for development within the zone and the proposed development is consistent with the objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of Campbelltown Local Environmental Plan 2015.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the shape and location of the site which is adjoined by major roads and screened from distant residential properties by significant vegetation and busy roads and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed minor exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from neighbouring properties, or surrounding residential properties or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of Campbelltown Local Environmental Plan 2015.

This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clauses 4.3 of Campbelltown Local Environmental Plan 2015.

The Clause 4.6 variation to the height requirement for the proposed building is supported in this instance.

5.2 Section 4.15(1)(a)(iii) The provisions of any development control plan

Campbelltown Sustainable City Development Control Plan 2015

Part 2 of the SCDCP 2015 aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Part 2 Requirements Applying to all Types of Development			
2.3 Views and Vistas	a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	No important views or vistas will be impacted upon by this proposal. As part of the site visit, the visibility of the site from nearby residential properties was considered and given the presence of existing vegetation, separation by busy roads, proposed landscaping and the distance, the proposed building is unlikely to be highly visible.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	As above.	Yes
2.4.1 Rain Water Tanks	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	N/A	N/A
2.4.2 Natural Ventilation	a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	N/A	N/A
2.4.3 BASIX	A BASIX certificate is to be submitted with residential development in accordance with	N/A	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	the SEPP (Building Sustainability Index) 2004.		
2.5 Landscaping - Design Requirements	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape plan submitted seeks to enhance the landscape character of the site and assists in softening built form, with particular attention paid to the car parking area and around the building.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	The proposal includes the removal of two trees where unavoidable and retains two other established trees. Replacement planting will be provided to the site as part of the landscape scheme.	Yes
	c) Landscape design shall add value to the quality and character of the streetscape.	The applicant has submitted a landscape plan prepared by a landscape architect, the plan includes substantial landscaping to all frontages with a variety of trees, shrubs and ground covers.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application.	A landscape plan was provided.	Yes
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan details the mature height and species. The plan was prepared by Site Image, who are landscape architects.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The plant species selected is consistent with the Native Gardening Guide for Campbelltown Local Government Area, which includes locally indigenous and drought tolerant plant species.	Yes
2.7 Erosion and Sediment Control - Design Requirements	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	The applicant has submitted an erosion and sediment control plan in support of the proposed development. The submitted plan satisfies the requirements of the SCDCP and the plan will be endorsed as a consent	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
		document, as well as conditions of consent.	
2.8 Cut, Fill and Floor Levels	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	The details provided are considered to satisfy the SCDCP. The proposed excavation is not within close proximity of private property.	Yes
	b) For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metres below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform.	N/A	N/A
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	The applicant has provided a cut and fill plan.	Yes
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	The proposed development does not include importation of fill to the site.	N/A
	f) No fill shall be deposited in the vicinity of native vegetation.	Conditions have been recommended with respect to the two trees being retained to ensure any construction, including fill, does not damage the trees.	Yes
2.10.2 Stormwater – Design requirements	a) All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development available from Council's website at www.campbelltown.nsw.gov.au).	The stormwater management plan was designed in accordance with the Engineering Design Guide. The application was referred to Council's Development Engineer, who review the proposal and recommended relevant conditions of consent.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
2.10.3 Stormwater Drainage – Design requirements	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	The plan was prepared by a suitably qualified engineer.	Yes
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	The stormwater management plan includes the required information.	Yes
2.12 Retaining Walls – Design requirements	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	Retaining wall structures are not proposed and if required will form part of a separate application.	N/A
2.13 Security – Design requirements	a) Development shall be designed to maximise, where possible, casual surveillance opportunities to the street and surrounding public places.	The applicant has addressed crime prevention in the Statement of Environmental Effects submitted to Council, including surveillance, access control, territorial reinforcement and activity management. The proposed development includes landscaping, lighting and security devices to prevent crime on the property. A pedestrian network is proposed to ensure easy access to the entry of the building from the road and the car parking area is required to be well lit at night during operating hours. The building is regular in its shape with controlled points of entry to the building. Further, access will be monitored by the future owners are likely to have a regular maintenance plan in	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
		place for the building and landscaping.	
2.15.1 Waste Management Plan – Design requirements	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	The applicant has submitted a waste management plan which addresses operational waste management. All waste will be collected by a private contractor. The location of waste and recycling is indicated on the plans, within the ground floor layout.	Yes

The proposal is generally consistent with Part 2 of the SCDCP2015 and as such should be positively considered in this regard.

Part 6 – Commercial Development

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Part 6 Commercial Development			
6.4.1 Building Form and Character	a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.	The design of the development has been located on the site in such a way, so as to reduce the overall visual bulk of the building.	Yes
	b) Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: i) the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements; ii) articulation of the different parts of a building's facade by use of colour, arrangement of facade elements, or by varying the types of materials used; and iii) maximising the interior and exterior interactions at the ground level.	The proposed building design includes horizontal and vertical changes in the materials and colours at several intervals along the building to give the perception of articulation along the façade.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	c) The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	The main entry to the building is visible from Camden Road and is easily identifiable and directly accessible from the drop off area, car park or footpath network on the street.	Yes
	d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	Articulation is provided on all elevations. The development include articulation to doors and front facades.	Yes
	e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.	The plans do not indicate that any roof mounted equipment will be visible.	Yes
	f) Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.	No roller doors or shutters are proposed.	Yes
	g) Buildings shall not incorporate highly reflective glass.	The glass entry to the building is not considered to be highly reflective.	Yes
	h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	A colour and material finishes schedule has been submitted for the proposed development.	Yes
	i) Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.	The design includes appropriate elements for a corner site in an industrial area. The landscaping assists with softening the built form.	Yes
	j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	No outside storage or display is proposed.	Yes
	k) Commercial development shall be designed to address both primary and secondary street setbacks.	The development is setback from the street frontages.	Yes
	l) Infill development shall respect and maintain consistency with the	The proposed development is located on a vacant site which	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	established setbacks of existing shopfronts.	does not directly adjoin other buildings.	
6.4.1.1 Commercial Development Floor Area	a) The maximum gross floor area of any single retail premises within any business in areas zoned B1 ,B2 and B5 shall not exceed 500 square metres unless the proposal has been supported by an economic impact assessment, prepared by a suitably qualified person. In this regard, the economic impact assessment shall demonstrate that the economic impacts of the proposed development on the retail hierarchy of affected business areas in the Campbelltown Local Government Area are acceptable, and shall include an assessment of: i) the trade area of the proposed development; ii) market demand within the trade area to justify the proposal; and iii) economic impacts on comparative retail outlets in the trade area.	N/A as zoned B4	N/A
	b) Despite Clause 6.4.1.1 a) bulky goods premises shall: i) have a minimum gross floor area of 200 square metres; and ii) be permitted to have a gross floor area greater than 500 square metres.	N/A	N/A
6.4.1.2 Building Setbacks	a) All commercial development outside areas zoned B3 and B4 shall be setback from property boundaries in accordance with this section.	N/A as zoned B4	N/A
	b) Development shall be setback a minimum of : i) 30 metres to: – the main southern railway corridor, ii) 30 metres to: – the South Western Freeway corridor, – Ben Lomond Road between Pembroke Road and the Main Southern Railway Corridor, – Campbelltown Road, – Henderson Road, – Pembroke Road, – Rose Payten Drive; and – Williamson Road. iii) 15 metres to: – Airds Road, – Badgally Road, – Ben Lomond Road between Campbelltown Road and the Main Southern Railway Corridor, – Blaxland Road between	N/A	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	<p>Campbelltown Road and Rose Street, – the south eastern side of Blaxland Road between Rose Street and Lot 5 DP 538258, – Blaxland Road between Lot 5 DP 538258 and Narellan Road, – Devon Road, – Grange Road, – Plough Inn Road between Campbelltown Road, and Hollylea Road, – Sussex Street and – Swaffham Road. iv) 10 metres from any other primary street frontage.</p> <p>exclusive of any required road widening.</p>		
	<p>c) Despite Clause 6.4.2.1. b) i) Council may consider a reduction of the rear setback from the southern railway corridor from 30 metres to 5 metres providing that: i) a vegetated screen/landscape area of a minimum width of 5 metres is constructed along the full width of the property between the railway corridor and the buildings; ii) the vegetated area is free of any easements or site constraints (refer to Figure 6.4.1.3); iii) the vegetated area is densely landscaped with trees and plants selected from the Campbelltown Native Gardening Guide, available from Council's website at www.campbelltown.nsw.gov.au; iv) Council is satisfied that the proposed vegetation is sufficient to screen the buildings from the southern railway corridor.</p>	N/A	N/A
6.4.1.3 Fencing	a) Commercial fencing shall be a maximum 2.4 metres in height.	No fencing is proposed.	N/A
	b) The use of sheet metal fencing is not permitted.	No fencing is proposed.	N/A
	c) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	No fencing is proposed.	N/A
	d) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems,	No fencing is proposed.	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	(including overland flow paths) or any easements or rights of way.		
	e) Details for fencing shall be submitted with the development application.	No fencing is proposed.	N/A
6.4.2 Car Parking and Access	a) Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	Car parking will be designed in accordance with AS2890. The application was referred to Council's Development Engineer, who review the proposal and applied relevant conditions of consent.	Yes
	b) The minimum car parking rates shall be provided in accordance with Table 6.4.2.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the site and or the nature of the use, additional car parking spaces shall be provided as part of the development.	<p>The use is defined as a 'health services facility', which is identified in the table to be assessed on merit. It is appropriate that the Traffic Impact Assessment address the required car parking and a merit assessment be undertaken.</p> <p>63 hard paved parking spaces will be provided for the proposed development.</p> <p>Below is the summary discussion regarding parking in the application:</p> <p><i>"The DCP specifies the following parking provision in relation to normal medical centre type uses:</i></p> <ul style="list-style-type: none"> • Medical Centre/ Health Consulting Room: 1 space per 35m² GFA • Other Health Services: on merit <p><i>The principal difference between a normal medical centre and the proposed GenesisCare facility is that patients at medical centres include casual 'walk in' visitations whereas patients visiting the GenesisCare are strictly for timed appointments only.</i></p> <p><i>Also, the proposed 2 radiation bunkers involve a significant</i></p>	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
		<p>amount of floorspace not found in medical centres which have minor staff/patient presence (i.e. for the floor area involved). This space does not generate carparking.</p> <p>Parking demands are also influenced by proximity to public transport services and in this regard the existing GenesisCare facility at Kingswood provides a very comparable circumstance to the proposed Campbelltown site.</p> <p>Detailed questionnaire surveys have been undertaken at the comparison Kingswood facility in relation to the arrival/departure travel mode characteristics of staff and patients. The results found the following:</p> <ul style="list-style-type: none"> - When driving: 65% of staff and 61% of patients chose this form of transportation - Car pool: 5% of staff undertook this form of transportation - Set-down/Pick-up: 6% of staff and 11% of patients chose this form of transportation - Other (taxi etc.): 1.5% of staff and 5% of patients - Train: 12.5% of staff and 15% of patients chose this form of transportation - Bus: 10% of staff and 8% of patients chose this form of transportation <p>Application of this data to the projected staff and patient numbers at Campbelltown would indicate the following parking demand:</p> <p>Staff (max): 56 at 65% = 36.4 spaces (say 40)</p> <p>Patients:</p> <ul style="list-style-type: none"> - Maximum at one time: 33 at 61% = 20.1 spaces (say 25) 	

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
		<p>- Average at one time: 21 at 61% = 12.8 spaces (say 15)</p> <p><i>On the basis, it is apparent that the maximum concurrent on-site parking demand will be some 65 spaces, with the development to provide a total of 65 car parking spaces.</i></p> <p><i>The Traffic and Parking Assessment that accompanies this application has found that the proposed parking provision will be quite adequate for the projected maximum staff and patient characteristics of the proposed facility."</i></p> <p>All parking will be provided in accordance with the Australian Standards. On-site manoeuvring has been designed to ensure that all vehicles can enter and exit the site in a forward direction at all times.</p> <p>A Traffic Impact Assessment supported the application. The report was reviewed by Council's Engineer. Appropriate conditions have been recommended.</p> <p>A designated drop-off zone is proposed on site immediately at the front of the building.</p> <p>The proposal originally included 65 spaces, however changes to design have resulted in 63 spaces, which is deemed acceptable.</p> <p>Importantly, it is noted that the land acquisition by Transport for NSW is no longer required, and no spaces will be lost in the future.</p>	
	c) All car parking spaces that are required under clause 6.4.2.1 b) shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time	All car spaces will be available for use during trading hours.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	d) Commercial development shall be designed to accommodate all related vehicle movements on site such that: i) all vehicles shall enter and exit the site in a forward direction; ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane; iii) cause minimal interference to the flow of traffic within the surrounding road network; and iv) safe and convenient access is provided for pedestrians.	All vehicles will enter and leave the site in a forward direction.	Yes
	e) A Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted as part of a development application addressing the following criteria if the development exceeds the relevant thresholds within SEPP (Infrastructure)2007: i) the existing traffic environment; ii) anticipated traffic generation from the proposed development; iii) the potential cumulative impact in the locality; iv) the need for traffic improvements in the locality; v) traffic egress/ingress to arterial/sub arterial roads; and vi) sight distance and other safety issues.	N/A	N/A
	f) Each site shall have a: i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and ii) each site may have an additional ingress/egress for cars (and other light vehicles).	Complies	Yes
	g) No car parking spaces shall be designed in a stacked configuration.	No stacked car parking is proposed.	Yes
	h) No required car parking spaces shall be created as a separate Strata or Torrens Title allotment	No subdivision is proposed.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
6.4.2.2 Loading and Unloading	a) Where practicable, loading bays shall be separated from parking and pedestrian access.	The car parking facilities are located at ground level, separate from pedestrians and loading.	Yes
	b) All loading and unloading shall take place wholly within the site.	Loading is provided at ground level at the rear of the building.	Yes
	c) No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	Loading bays are separately located. All loading and unloading will take place within the designated area.	Yes
	d) Parking and loading bays shall be provided and clearly identified on site.	All parking and loading bay are clearly detailed on the plans	Yes
	e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Separate areas provided to avoid conflict.	Yes
	f) Each new commercial building/unit having a gross floor area: i) up to 200 square metres shall provide a loading area to allow for a small rigid vehicle to manoeuvre on site; ii) more than 200 square metres, but up to 1500 square metres shall provide an area to allow for a medium rigid vehicle to manoeuvre on site; and iii) more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	Loading area provided.	Yes
	g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.	The loading area is screened by the building and landscaping.	Yes
6.4.2.3 Access for People with Disabilities	a) Commercial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 –	An access report prepared by BCA Access was submitted with the application to demonstrate the proposal is capable of achieving compliance with the Building Code of Australia and the Disability Discrimination Act	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	Design for Access and Mobility (as amended).	1992. Relevant conditions of consent have been recommended with regard to access.	
	b) Notwithstanding Clause 6.4.2.2 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).	The proposed development provides 3 accessible car parking spaces.	Yes
6.4.3 Public Domain	a) A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for a new development having a gross floor area greater than 5,000sqm.	Appropriate footpath connections are provided linking to the wider open space in the precinct. A seating area is provided along the north-eastern edge of the building. An informal seating area is also located on the south-western side of the building. Any of these areas are suitable for furniture, public art or the like. The Landscape Plan includes details of furniture, pots, benches, paving and the like for the development.	Yes
	b) Any development application for a new development having a gross floor area greater than 5000sqm shall provide public art of a type and location that is acceptable to Council.	N/A - GFA of proposal is 3,246m ² .	N/A
	c) Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.	N/A	N/A
	d) Awnings shall be provided on all newly constructed buildings that have road frontages, be it primary or secondary frontages located within the Campbelltown, Macarthur, and Ingleburn Business Centres.	Awnings are proposed.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	e) Awnings shall: i) be 2.5 metres wide; ii) be setback from the kerb by a minimum of 1 metre; and iii) provide a minimum of 3 metres clearance to the underside of the fascia.	Complies	Yes
6.4.4 Landscaping	a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new development.	The applicant has submitted a landscape plan prepared by a landscape architect.	Yes
	b) Landscaping shall be provided between the primary street boundary and the building in accordance with Section 2.5 Landscaping of this Plan.	The landscape plan includes substantial landscaping to all frontages with a variety of trees, shrubs and ground covers.	Yes
	c) All landscaped bays shall be a minimum 2 metres wide and allow for deep soil planting.	Complies	Yes
	d) Landscaped areas shall be separated from driveways and car parking areas by a suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.	Complies	Yes
	e) Landscaped area at ground floor level shall be incorporated within the car park at all the outer edges of car parking bays as illustrated in Figure 6.4.4.1	Complies	Yes
	f) High canopy trees shall be used to allow for clear lines of sight within car parking areas and to internal site access pathways.	Complies	Yes
6.7 Commercial Waste Management	a) Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development. Minimum commercial waste generation rates are contained in Table 6.7.1.	The applicant has submitted a waste management plan which addresses operational waste management. All waste will be collected by a private contractor. The location of waste and recycling is indicated	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
		on the plans, within the ground floor layout.	
	b) Any commercial premises that generates more than 20% of total weekly waste generated or 50 litres by weight or volume (whichever is the lesser) of meat/seafood product shall be collected daily or refrigerated awaiting collection.	N/A	N/A
	c) All commercial premises shall produce evidence of a collection contract with a licensed garbage and recycling collection contractor.	A private contractor is proposed.	Yes
	d) Despite Clause 6.7 c) above, the design of the building shall provide for the collection system to be undertaken by Council at the time the development application is submitted to Council.	Complies	Yes
6.8 Parenting Facilities	a) Parenting facilities shall be incorporated in all new buildings and alterations/ refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be provided.	The application indicates that Parenting facilities can be provided if required. A condition is recommended for their provision.	Yes
6.8.2 General Requirements	a) Each parenting facility shall be designed to: i) provide a quiet place for parents to feed children in privacy; ii) be a unisex use facility; iii) provide an allocated area to change nappies; iv) provide hand washing (warm and cold) and drying facilities; v) provide a toddler toilet; vi) be separated from male, female and disabled toilets; and vii) be well ventilated in accordance with Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities (as amended).	A condition is recommended for their provision in accordance with these requirements.	Yes

Part 11 – Vegetation and Wildlife Management

The proposed development has four trees within close proximity to the proposed development. Two of which are proposed to be removed.

An Arborist Report prepared by Our Garden Path Pty Ltd accompanied the application and states:

"Tree 1 is located on the council verge and is displaying normal vigour and fair condition. No die back evident or fungal fruiting bodies observed. There are several hollows identified in Tree 1 which at the time of inspection were occupied by avian species unknown.

Trees 2 is located on the council verge and is displaying normal vigour and fair condition. Approximately 10% die back and less than 10% deadwood was observed. A fruiting body of bracket fungus (shelf fungus) a species of the Polyporacea family, was observed on 1st order branch located on the Northern aspect of the tree. A hollow located on the southern vertical main leader was observed to be active at the time of inspection.

Tree 3 is located on the council verge and is displaying normal vigour and good condition. No dieback or deadwood was observed. No fungal fruiting bodies were evident on Tree 3.

Tree 4 is located on the council verge and is displaying normal vigour and good condition. No dieback or deadwood was observed. No fungal fruiting bodies were evident on Tree 4. Tree 4 is a deciduous species and had commenced autumnal leaf drop therefore deadwood or dieback cannot be confirmed. Tree 4 has 3 main leaders at approx. 500mm from ground level with included bark at the junction. Decay from a previous pruning site is migrating into the leader junction."

The Arborist Report concludes and recommends:

"Trees 1 will be significantly impacted by the proposed works with encroachments unable to be managed, therefore Tree 1 cannot be retained.

Tree 2 lies within the development footprint for the proposed cul-de-sac; therefore Tree 2 cannot be retained.

The proposed encroachment to Tree 3 is minor, and as such can be managed onsite.

The proposed encroachment to the Tree Protection Zone of Tree 4 is considered major however, these encroachments can be managed during construction works.

The proposed encroachment to the Structural Root Zone of Tree 4 is considered major. Non-Destructive Root Investigation works will need to be undertaken to ascertain location of roots prior to any excavation works. Roots up to 40mm in diameter are to be pruned by supervising arborist, an assessment at the time of the root investigation works may result in a recommendation to remove Tree 4.

Trees 3 and 4 are to be protected throughout the lifetime of the project.

Any excavation into the tree protection zone of Trees 3 and 4 must be done under the supervision of the project arborist.

No stockpiling is to occur within the protection zone."

Compliance with the recommendations of the Arborist Report have been included as recommended conditions of consent.

Part 16 – Advertising and Signage

The application has been assessed having regard to Council's Sustainable City Development Control Plan (Part 16 Advertising and Signage). The aim of the policy is to clearly set out Council's requirements for signage development.

It is considered that the proposed development is consistent with the objectives of Part 16 of the SCDCP. The development application was further assessed under relevant controls outlined in Part 16 of SCDCP 2015 with regard to numerical requirements for advertising and signage.

The proposed signage is of high quality and is suitable for the nature of the development and has been incorporated into the overall design of the building.

Refer to earlier assessment against the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage, which prevail in the instance of an inconsistency.

5.3 Section 4.15(1)(a)(iia) The provisions of any Planning Agreement

The proposed development is not subject to the provisions of a planning agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979.

5.4 Section 4.15(1)(a)(iv) The provisions of the Regulations

The proposal does not contravene the Environmental Planning and Assessment Regulations.

5.5 Section 4.15 (1)(b) The Likely Impacts of the Development

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The likely impact of the development has been considered extensively in the assessment of the proposed development against the relevant controls. The proposal is suitable having regard to its context, impact upon the natural and built environment and surrounding land uses. The proposal is likely to have a positive social and economic impact and is suitably located in proximity to a main road, as well as the train station and CBD.

The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- The site has been reviewed in terms of contamination and deemed suitable for the proposed use.
- The acoustic impacts of the proposed development have been considered.
- The design of the development allows for a high level of casual surveillance and assists with activating a disused site. The four principles of Crime Prevention Through Environmental Design being surveillance, access control, territorial reinforcement and space management have been incorporated into the design of the building and surrounding, including the car parking to ensure a safe site for all users at all times of day and night.
- An extensive review with respect to stormwater, drainage and flooding, as well as traffic and vehicular access has been undertaken by Council's Engineers.
- The final intersection details are close to being resolved with Transport for NSW and there is sufficient certainty to allow a Deferred Commencement Consent for the final design to be resolved.

- The location and shape of the site essentially as an island, surrounded primarily by roads and vegetation ensures no loss of views, sunlight, privacy or amenity impacts.
- Essential services including water, electricity and telecommunication services are available to be extended to the site.
- There are no heritage values on the site or surrounding.
- The design and siting of the buildings is considered responsive to the site attributes and the development is responsive to the desired character of area in accordance with the zone objectives.
- The external appearance of the building is consistent with that expected from a commercial health services building, with a landscaping scheme proposed to soften the built form and provide an aesthetically pleasing development. Vehicular access for visitors, deliveries and waste is provided from the side street being Camden Road, away from any nearby residents and the existing intersection. Overall, the development has been well thought out and is a good planning outcome and contributes positively to the surrounding area.
- The proposed development has incorporated a wide variety of façade treatments and materials which are consistent with what one would expect from a similar type of development and the external façade is of a contemporary design that is appropriate with the streetscape and public domain.
- No threatened ecological communities or threatened flora and fauna species have been recorded and no native Plant Community Types or threatened ecological communities will be impacted by the proposed works. No suitable habitat was available for any threatened flora species or any threatened fauna species was found. The assessment concluded that the biodiversity offset scheme is not triggered by the proposed development.
- The scale of the signage will not have a detrimental impact on the streetscape, with Sign 1 on the upper level of the building only likely to be visible from the street and is appropriate with respect to the scale of the building and does not dominate the facade.
- Appropriate waste management measures are proposed.
- Green energy measures have been incorporated into the proposed building, including a rooftop terrace and planting on the exterior of the building.
- The construction phase of the development has the potential to generate short term environmental impacts through the generation of dust, noise and vibration. Conditions of consent have been recommended to manage the proposed works, including the installation of erosion and sediment control measures prior to works commencing on site.

5.6 Section 4.15(1)(c) The suitability of the development

Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 requires Council to assess the suitability of the site for the proposed development.

The design and siting of the buildings is considered responsive to the site attributes and the development is responsive to the desired character of area in accordance with the zone objectives.

It is considered the proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape, topography and relationship to the surrounding area.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

5.7 Section 4.15(1)(d) Any Submissions

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires Council to consider submissions.

The application has been publicly exhibited and notified to adjoining and nearby properties between 9 August 2021 and 3 September 2021. No submissions were received in response.

5.8 Section 4.15(1)(e) Public Interest

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposed development.

Referrals

Development Engineer

The proposed development was referred to Council's Development Engineer, who reviewed the proposed development and imposed conditions of consent.

City Infrastructure (stormwater and traffic)

The proposed development was referred to Council's City Infrastructure (stormwater and traffic) section, who reviewed the proposed development and imposed conditions of consent.

Environment (Landscaping)

The proposed development was referred to Council's environmental experts, who reviewed the Flora and Fauna Assessment and Arborist report, who reviewed the proposed development and imposed conditions of consent, and the comments are detailed elsewhere in this report.

Environment (Contamination)

The proposed development was referred to Council's Contamination expert and further information as provided regarding the Remediation Action Plan. The proposed development was reviewed, and conditions of consent imposed.

Environmental Health Officer

The proposed development was referred to Council's Environmental Health Officer, who reviewed the proposed development and imposed conditions of consent.

Waste Services Officer (WMP)

The proposed development was referred to Council's Waste Services Officer, who reviewed the proposed development and noted that the services are to be provided by private contractor and medical and cytotoxic waste collection to be provided by specialised private contractor and imposed conditions of consent.

Contributions

Council's Contribution Officer advised of the contributions applicable to the application, and conditions of consent imposed.

Transport for NSW

The application was referred to Transport for NSW, who have reviewed the submitted information and has been in ongoing discussions with the applicant to achieve a suitable outcome. Transport for NSW is currently unable to support the proposed reactivation works at the existing signalised intersection and as such it is recommended that a Deferred

Commencement condition be imposed which requires the submission of the intersection design, as agreed to by Transport for NSW.

Sydney Trains

The application with referred to Sydney Trains, and a response was received which indicated concurrence under Cl. 86 could not be provided for the proposed stormwater that was shown on the amended plans. This has been included a Deferred Commencement condition be imposed which requires the submission of amended plans, however concurrence or the timeframe for assumed concurrence must occur before determination of the application.

Endeavour Energy

The proposed development was referred to Endeavour Energy, who reviewed the proposed development and imposed conditions of consent.

In address the above, Council is satisfied that the proposal is in the interest of the public.

6.0 Developer Contributions

The application was referred to Council's Contribution Officer, relevant conditions of consent relating to development contributions have been recommended.

7.0 Conclusion

The subject development application 2036/2021/DA-C proposing the removal of 2 trees and construction of a four storey health service facility at Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown has been assessed under the heads of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development is consistent with the general intent of Campbelltown 2027 which outlines the long term vision for the Campbelltown and Macarthur Region. The proposed use is permissible as a health facility/hospital pursuant to Clause 57(1) of the State Environmental Planning Policy (Infrastructure) 2007. The proposed health service facility is generally in support of the zone objectives of the B4 Zone.

The application was accompanied by a Clause 4.6 variation request with respect to Building Height, where a small portion of the photovoltaic array, parapet and building encroaches upon the prescribed maximum 19m height limit by 549mm. The variation to the proposed building height is supported by a Clause 4.6 variation lodged by the applicant. The Clause 4.6 variation request is considered to be well founded.

In assessing the Development Application against the development standards and objectives, with appropriate conditions the proposal satisfied the requirements, subject to finalisation of the remaining matters.

8.0 Recommendation

1. That Electronic Determination of the application does not occur until concurrence is received from Sydney Trains, or the statutory timeframe for assumed concurrence lapses, whichever occurs first.
2. That 2036/2021/DA-C proposing the removal of 2 trees and construction of a four storey health service facility at Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden

and Kellicar Roads, Campbelltown be approved subject to a "Deferred Commencement" consent as detailed in Schedule A and once satisfied, the attached conditions as detailed in Schedule B.