

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-234
DA Number	3944/2021/DA-SW
LGA	Campbelltown City Council
Proposed Development	Concept master plan for a high density residential and mixed use development (to be known as Macarthur Gardens North), and construction of stage 1 of the master plan, encompassing roads, parks, civil works, landscaping and subdivision of the site into superlots
Street Address	Lot 1097 DP 1182558, Goldsmith Avenue, Campbelltown
Applicant/Owner	Landcom
Date of DA lodgement	23 December 2021
Number of Submissions	Two
Recommendation	Approval
Regional Development Criteria	<ul style="list-style-type: none"> • General development over \$30 million • Crown development over \$5 million
List of all relevant s4.15 matters	National Parks and Wildlife Act 1974 Rural Fires Act 1997 Water Management Act 2000 Biodiversity Conservation Act 2016 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development Campbelltown Local Environmental Plan 2015 Campbelltown Sustainable City Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	Recommended Conditions of Consent Urban Design and Landscape Report Subdivision Plans Civil Engineering Plans Minutes of Campbelltown Design Excellence Panel and applicant's response Traffic and Transport Study Statement of Environmental Effects
Report prepared by	Luke Joseph – Senior Town Planner
Report date	28 November 2022

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

Clause 4.6 Exceptions to development standards

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

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions?

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

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

Executive Summary

This Development Application seeks approval for a concept master plan for Macarthur Gardens North (MGN) and construction of stage 1 of the MGN estate.

Concept development applications are governed by Division 4.4 of the Environmental Planning and Assessment Act 1979. For the purposes of the Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications. In the case of a staged development, the application may set out detailed proposals for the first stage of development, which is the case with regard to this DA. While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

This application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Having regard to these provisions, the application has been found to be satisfactory. The proposal has been found to satisfy the relevant State Environmental Planning Policies. In particular, pursuant to clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, Council is satisfied that the site is suitable for the proposed development. The proposal would also satisfy the relevant provisions of Campbelltown Local Environmental Plan 2015 and the Campbelltown Development Control Plan 2015.

It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments will be mitigated through design measures and the imposition of specific conditions of consent.

The application was publicly exhibited and notified to surrounding residents, and two submissions were received, raising no issues that would preclude the approval of the application.

The site's location, zoning and existing land use make it suitable for the proposed development, and the proposal is considered to be in the broad interests of the general public.

Accordingly, this report recommends the approval of the application.

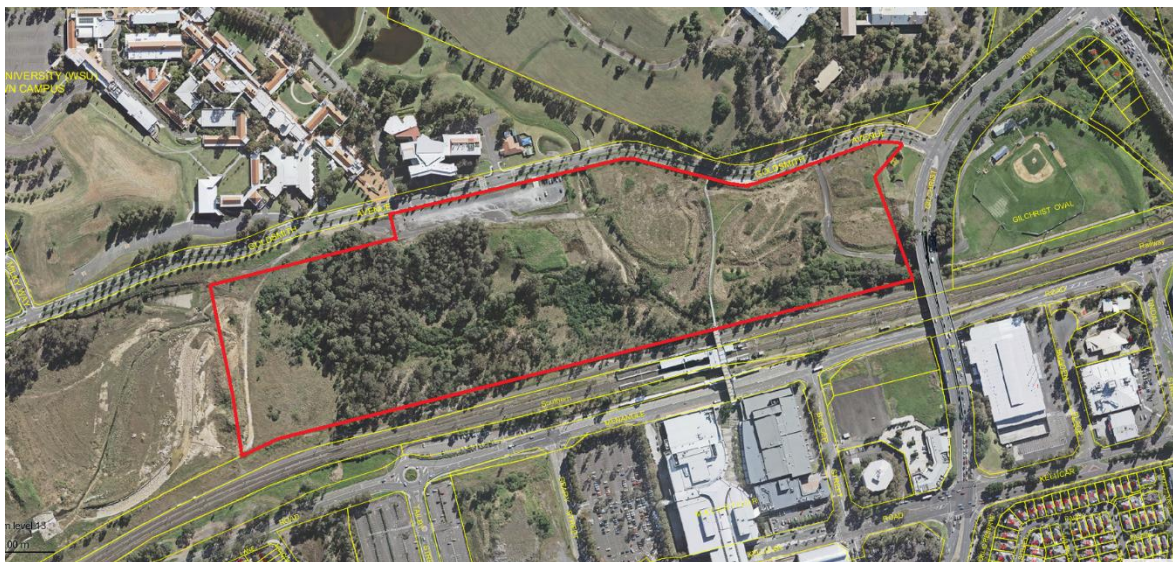
The site

The area known as Macarthur Gardens North (MGN) is an 18.5 hectare site located directly to the north of Macarthur Train Station that forms part of the Macarthur Regional City Centre. It is bound to the north by Goldsmith Avenue, to the south by Macarthur Train Station, to the east by Gilchrist Drive, and to the west by land that is approved to be developed for sporting purposes as part of the Western Sydney University subdivision.

The site has been cleared and re-contoured in accordance with previously issued development consents to make it suitable for residential development. Bow Bowling Creek enters the site in the western part of the site through an upstream culvert in the detention bund, and discharges under Gilchrist Drive. The site generally slopes downwards from Goldsmith Avenue towards Bow Bowling Creek.

The eastern part of the site is predominantly cleared, while the western part of the site and areas near the creek contain areas of medium to dense vegetation. Approximately 1 hectare of this vegetation, which includes patches of Cumberland Plain Woodland and River-Flat Eucalypt Forest, would be removed in the southeastern part of the site, as it sits within the proposed development footprint.

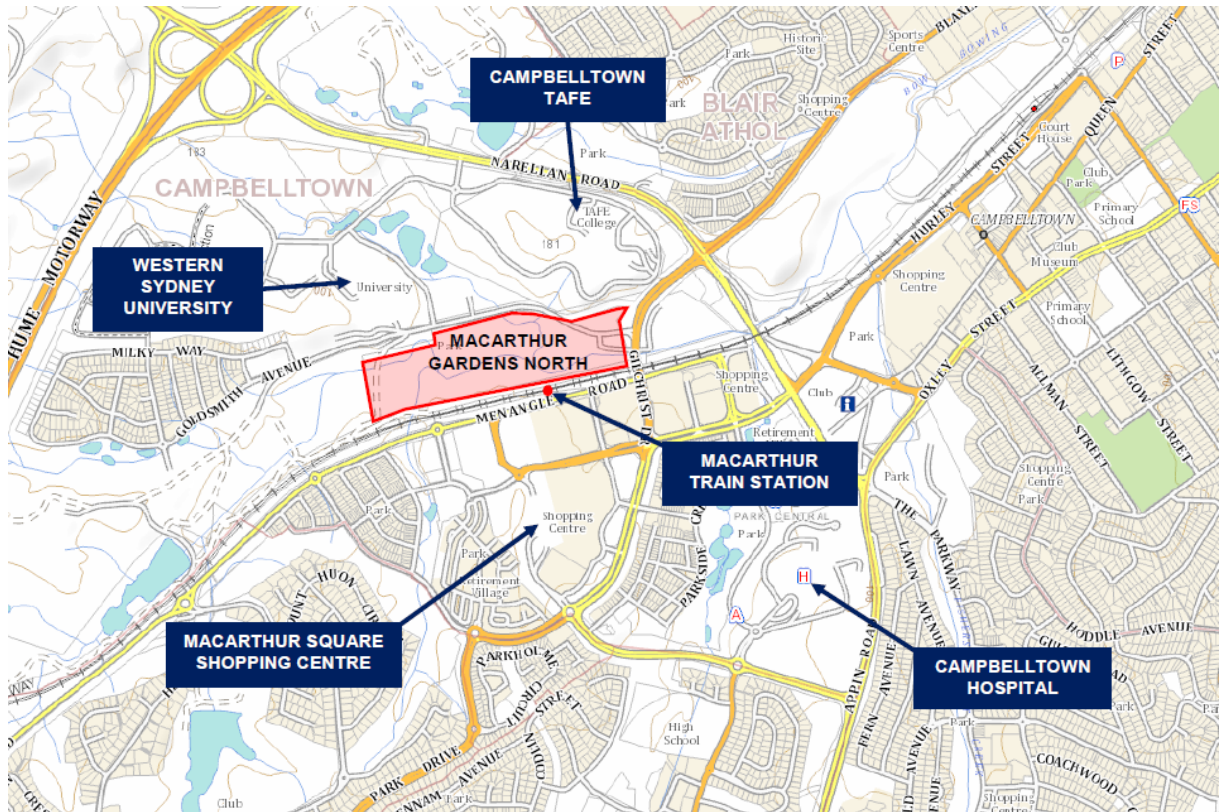
The site also contains a pedestrian ramp and paths that traverse the site generally in a north-south direction, which provide pedestrian access from Macarthur Train Station over the Bow Bowling Creek to Western Sydney University and Campbelltown TAFE. An existing High Voltage aerial power line extends northeast to southwest within the central portions of the site, which is required by a recommended condition of consent to be placed underground.



Macarthur Gardens North site

Surrounding locality

Across Goldsmith Avenue to the north of the site are Western Sydney University and Campbelltown TAFE. To the northwest of the site is a residential estate known as Macarthur Heights, which is being constructed on surplus lands disposed of by the University. To the south of the Macarthur Train Station is Macarthur Square, which is a major regional shopping centre serving the southwest Sydney population catchment. To the northeast of the site, beyond the TAFE, is Narellan Road, which is an arterial road connecting Campbelltown and Narellan.



Map showing locality surrounding Macarthur Gardens North

Background and History

In 2003, Council issued development consent (F540/2003/G111/2003) to Landcom and Stockland (as joint applicants) for a master plan for a substantial part of the Macarthur Regional Centre. The development consent relates to land to the north and south of the railway line, in the vicinity of Macarthur train station. Condition 1 of this development consent requires further development applications to be lodged for each stage of construction. Other conditions of the 2003 master plan consent referenced a number of infrastructure works to be provided as development progressed, which would need to be addressed within the subsequent applications.



Approved Macarthur Regional Centre Master Plan (MGN site highlighted red)

The Macarthur Regional Centre Master Plan identified that the MGN site would be developed as follows:

“Northside-Central Streetscape Character”: To the north of the railway there will be the high amenity of Bow Bowling Creek and improved pedestrian links to the station/interchange. The character is intended to be highly urban, and the proximity of the University and TAFE will significantly increase the activity within the area. Between Goldsmith Avenue and the Parkfront Boulevard a series of streets lead down to the water, giving formalised views between the trees. The highest density and tallest buildings will be concentrated around College Square and along the parkfront. At College Square, buildings will be designed to have retail and business uses at ground level to activate the public space.

The elements of the 2003 master plan that are relevant to the MGN site include:

- A minimum of 60 dwellings per hectare of net site area for the area to the north of the railway line.
- Provision of land within the northern precinct for a bus/rail interchange
- A clear urban footprint based on a detailed analysis of the opportunities and constraints of the site,
- A broad mix of medium density housing types, and
- A significant public domain, including an enhanced riparian corridor along Bow Bowling Creek.

The master plan identified that in order to create a suitable development footprint for the MGN site, it would be necessary to fill the land to address overland and riverine flooding and dam break scenarios. In this regard, in 2013 Council granted development consent (293/2013/DA-CW) for preliminary bulk earthworks on the MGN site. That consent provided for the placement of 55,500m³ of permanent fill on the eastern and central parts of the MGN site. These earthworks involved the re-contouring of part of the site, using excess material from the adjacent Macarthur Heights residential development. The fill was intended to be permanent,

however the proposed levels were not intended to be final. These earthworks have been completed.

To achieve the final landform levels that acceptably address flood risk at the site, Landcom lodged two applications (1594/2015/DA-CW and 1571/2015/DA-CW), which proposed bulk earthworks, clearing and vegetation works, and realignment of Bow Bowling Creek so that it runs further to the south in lieu of its current location. These applications have been approved by Council, and some of the bulk earthworks have been completed, although Landcom no longer intends to proceed with the realignment of Bow Bowling Creek.

A bus interchange has been provided on the southern side of Macarthur train station, and there are presently no bus routes planned for the northern side of Macarthur train station, so a bus interchange on the northern side of the train station is no longer required.

The Proposal

This Development Application seeks approval for a concept master plan for Macarthur Gardens North and construction of stage 1 of the MGN estate. The works proposed under this application are described in detail below:

Master plan

The proposed Macarthur Gardens North master plan includes the following components:

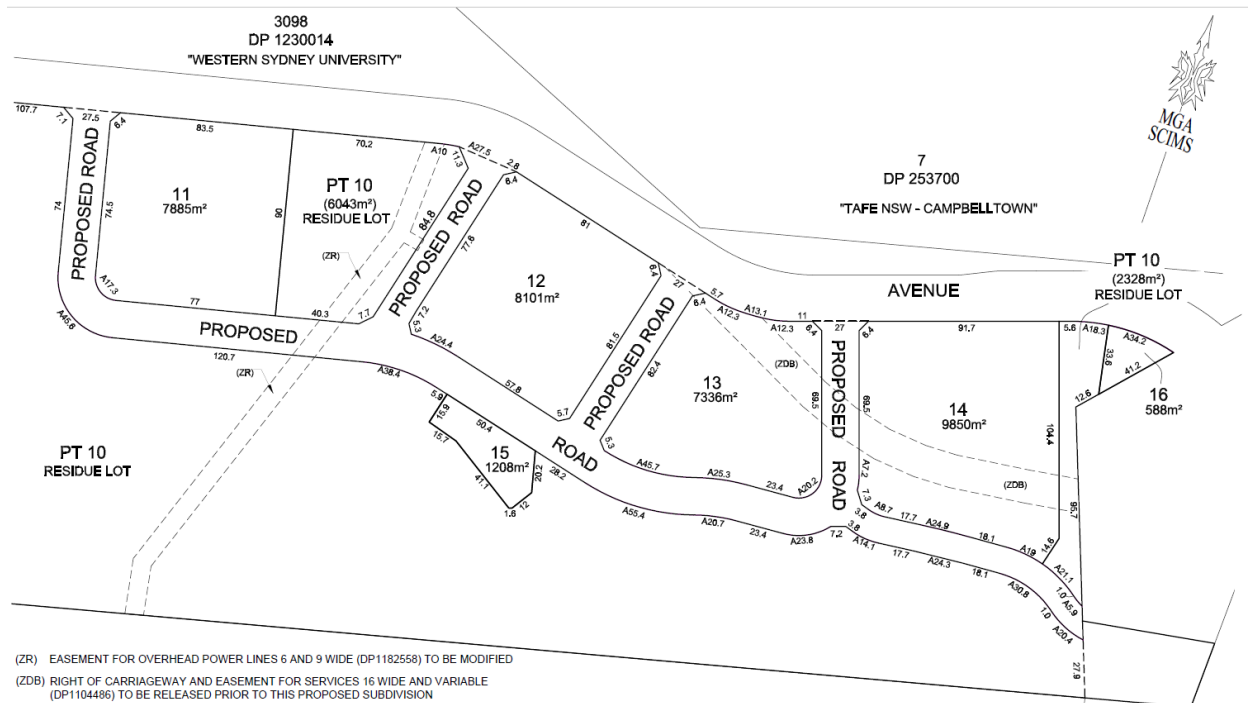
- Six building envelopes of varying heights up to a maximum of 32 metres (nine storeys), encompassing a maximum gross floor area (GFA) of 102,500sqm
- Approximately 1,250 apartment dwellings (67 dwellings per hectare) and approximately 2,000sqm of ground floor commercial GFA
- Provision of approximately 1,145 residential and 21 non-residential car parking spaces, together with eight car-share vehicle spaces, and approximately 517 bicycle parking spaces
- Provision of 1.2 hectares of active open space comprising three parks (including a station arrival plaza), and a further 9.4 hectares of passive open space (Bow Bowling Creek Reserve)
- Retention and enhancement of Bow Bowling Creek
- Public domain landscaping, including:
 - Revegetation of Bow Bowling Creek Reserve
 - New tree planting on the public domain including streets, the arrival plaza and new open spaces
 - Softscaping including tree planting to communal areas within deep soil zones.
- A proposed road network consisting of four north-south local streets off Goldsmith Avenue as well as an east-west road along the southern part of the site. A new 13 metre wide road would provide a vehicle link through to Gilchrist Oval to the east of the proposed site, under Gilchrist Drive.
- Provision of a pedestrian and cycling network, including an east-west regional cycling network, walking paths around public open spaces, and a pedestrian bridge to Macarthur Railway Station, enabling connections to surrounding land uses such as WSU, TAFE, Gilchrist Oval and the new sporting complex.
- A strategy for the achievement of ecologically sustainable development.



Stage 1 of the Master Plan

Stage 1 of the Macarthur Gardens North master plan, for which consent is sought under this application, includes the following components:

- Civil works, including allotment grading to situate development above the 100 year ARI, and provision of the estate's stormwater network
- Construction of the estate's local road network
- Construction of all parks and landscaping
- Subdivision of the site into six superlots and one residue lot
- Construction of a new pedestrian walkway over Bow Bowling Creek from the site to the Macarthur Train Station concourse.
- The importation of approximately 83,700m³ of fill to the site
- Retaining Bow Bowling Creek generally in its current alignment along the southern portion of the site, with minor localised re-grading proposed.
- Weeding and revegetation of the riparian corridor



Proposed subdivision plan

With reference to the above subdivision plan, proposed allotments 11, 12, 13, 14 and 15 will be subject to further residential/mixed-use development. Proposed allotment 16 would contain Western Sydney University's existing entrance sign and landscaping and is likely to be transferred into WSU ownership. Proposed allotment 10 would have three parts and would contain parklands and open spaces, and are intended to be dedicated to Council as part of an eventual Voluntary Planning Agreement for the site.

Assessment Report

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

1. Planning Provisions

1.1 Integrated Development/External Referrals

Division 4.8 of the Environmental Planning and Assessment Act deals with integrated development. Section 4.44(2) of Division 4.8 states that:

“...This Division does not apply to development the subject of a development application made by or on behalf of the Crown (within the meaning of Division 4.6), other than development that requires a heritage approval.”

Accordingly, as this application has been lodged by Landcom (which is a Crown authority) and does not require a heritage approval, this DA is not integrated development. This means that the relevant licenses, permits and approvals that the integrated development provisions of the Act refer to need not be obtained prior to the issue of a development consent. Notwithstanding this, all relevant approvals in this regard have been obtained.

1.2 National Parks and Wildlife Act 1974

An Aboriginal Heritage Impact Permit (AHIP) for the site was issued by the NSW Office of Environment and Heritage on 3 May 2019, and a recommended condition of consent requires development on the site to adhere to the conditions of the AHIP.

Notwithstanding the above, the proposed Concept Master Plan and Stage 1 works now provide for the protection and enhancement of Bow Bowing Creek and surrounding vegetation. Accordingly, there is no longer a need to undertake major earthworks in areas of Aboriginal archaeological sensitivity (albeit moderate sensitivity). Further, an unexpected finds protocol will be included in the Construction Management Plan in the event that potential Aboriginal objects are encountered.

1.3 Rural Fires Act 1997

The application proposes subdivision of land that is mapped as being bushfire prone. Accordingly, a bushfire assessment report was submitted with the application, and the application was referred to the Rural Fire Service. The RFS issued a bushfire safety authority in respect of the proposed development, and the conditions issued by the RFS have been included within the recommended conditions of consent.

1.4 Water Management Act 2000

The application proposes works within 40 metres of Bow Bowing Creek, and therefore requires an approval under the Water Management Act 2000. The application was referred to the Natural Resources Access Regulator, who issued their General Terms of Approval in respect of the development. These GTA have been included within the recommended conditions of consent.

1.5 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 applies to the clearing of vegetation shown on the Biodiversity Values Map. The subject site is mapped in this regard as having biodiversity values. Approximately 1 hectare of vegetation, which includes patches of Cumberland Plain Woodland and River-Flat Eucalypt Forest, would be removed in the southeastern part of the site, as it sits within the proposed development footprint.

Under the Biodiversity Conservation Act, if the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report. A Biodiversity Development Assessment Report was submitted with the application and assessed by Council's Environment Officer.

Previous master plan proposals for the site proposed to remove up to 5.47 hectares of native vegetation from the site and realign the entire length of Bow Bowing Creek. The current proposal would be mostly located on cleared land, and impacts are mostly limited to areas of

habitat in the poorest condition. Accordingly, Council's Environment Officer is satisfied that the proposal would avoid and minimise impacts on native vegetation.

The proposed clearing of vegetation triggers the Biodiversity Offset Scheme, and accordingly, a condition requiring the acquisition of the appropriate credits to be undertaken has been included within the recommended conditions of consent.

1.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Various provisions within the Transport and Infrastructure SEPP are applicable to the application. These are discussed below:

Clause 2.48 – Development likely to affect an electricity transmission or distribution network – determination of development applications

This clause requires the consent authority to notify the electricity supply authority and consider any response received, for any of the following works:

- (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.

In this regard, the master plan would involve works described by subclauses (a), (b) and (d) as an overhead power line traverses the site, and a recommended condition of consent requires it to be undergrounded. Accordingly, the application was referred to Endeavour Energy, who provided conditions that have been included within the recommended conditions of consent.

Clauses 2.97 and 2.98 – Development and excavation adjacent to rail corridors

This clause requires the consent authority to notify the rail authority and consider any response received, for any of the following works:

Development that:

- (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.

Development that involves the penetration of ground to a depth of at least 2 metres 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.

In this regard, the master plan would involve works described above, as it envisages the provision of a bridge to Macarthur station from the MGN estate, and would also likely involve excavation as described above. Accordingly, the application was referred to both Sydney Trains and the Australian Rail Track Corporation, who both reviewed the application and issued their concurrence. In addition, Sydney Trains provided conditions that have been included within the recommended conditions of consent.

Clause 2.99 – Impact of Rail Noise or Vibration on Non-Rail Development

Clause 2.99 of the Infrastructure SEPP sets out provisions relating to the potential impact of rail noise or vibration on non-rail development, which apply to development for a residential use that is likely to be adversely affected by rail noise or vibration. The MGN site is located directly adjacent to the main south train line, and therefore the provisions of Clause 2.99 apply to the proposed development. Clause 2.99(3) requires all development for a residential use to ensure that the following LAeq levels are not exceeded:

- a) *In any bedroom in the building – 35dB(A) at any time between 10.00pm and 7.00am,*
- b) *Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.*

An acoustic assessment was submitted with the application, which provides an assessment of the potential noise impacts from the adjoining railway line on the proposed concept development, having regard to the relevant Australian Standards and ‘Development Near Rail Corridors and Busy Roads – Interim Guideline’. The Assessment concludes that the development is capable of meeting the relevant guidelines, subject to the adoption of minimum acoustic performance standards for some building facades of the conceptually proposed buildings. Accordingly, a clause will be included within the DCP for the site requiring future development on the site to achieve compliance with the recommendations of this acoustic report.

Clause 2.121 – Traffic Generating Development

Clause 2.121 sets out provisions relating to traffic generating development, as defined within Schedule 3 of the Transport and Infrastructure SEPP. Development for the purpose of residential accommodation with 300 or more dwellings is defined as ‘traffic generating development’. As the MGN concept Master Plan proposes 1,250 dwellings, the proposal was referred to Transport for NSW (TfNSW), who reviewed the proposal and provided their concurrence to it. One condition was issued by TfNSW, which simply requires ongoing liaison with TfNSW, which has been included within the recommended conditions of consent.

1.7 State Environmental Planning Policy (Resilience and Hazards) 2021

An environmental consultant was engaged by Landcom in 2015 to undertake a contamination assessment of the Macarthur Gardens North area. Since completion of the contamination assessment, the site area and proposed development plans have changed, and additional stockpiled material has been imported to the site. Landcom therefore engaged an environmental consultant to provide an updated contamination assessment report to incorporate changes in site boundaries, proposed land use, additional stockpiles imported to the site and regulatory/guidance changes.

The updated contamination assessment found that there are no indicators of significant or widespread contamination impacts at the site that require management in order for the site to be considered suitable for the proposed residential development with accessible soil land use. However, as a result of former site works activities, the assessment did find that there are several minor features that will require management prior to commencement of development activities at the site, and a recommended condition of consent requires this to occur. Beyond these minor issues, there remains a low potential for small scale conditions to occur at the site as may be encountered during broadscale ground disturbance that may adequately be addressed through the implementation of an Unexpected Finds Protocol.

In view of the findings of the updated contamination assessment, it is considered that the site does not give rise to any contamination risks and can be made suitable for the proposed residential land use. It therefore satisfies the requirements of Clause 4.6 of the Resilience and Hazards SEPP.

1.8 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 of the Biodiversity and Conservation SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Pursuant to Chapter 4 of the Biodiversity and Conservation SEPP, any development within the Campbelltown LGA is required to be determined with respect to the Campbelltown Comprehensive Koala Plan of Management (CKPoM) and not Chapter 3 of the Biodiversity and Conservation SEPP (Koala Habitat Protection 2020).

A Biodiversity Development Assessment Report was submitted with the application and assessed by Council's Environment Officer, who advised that the application does not fully consider the CKPoM's provisions. Accordingly, an Arboricultural Impact Assessment Report (AIA) is required to be submitted to Council for assessment and approval prior to the issue of a construction certificate, identifying the quantity of potential koala feed trees to be removed. Based on the receipt of this information, offsets are likely to be required pursuant to Section 7 of the CKPoM, either in the form of compensatory replanting or a monetary offset. If compensatory replanting is to be undertaken, the landscape plans will be modified in order to show this replanting, and if a monetary offset is to be paid, documentary evidence of payment will be provided to the Principle Certifier. A condition to this effect has been included within the recommended conditions of consent.

1.9 Planning Systems SEPP

Pursuant to clause 20 and Schedule 6 of the Planning Systems SEPP, the Capital Investment Value of the proposed development (\$509 million) exceeds two regional development thresholds (General Development above \$30 million and Crown Development above \$5 million). Accordingly, the consent authority for this application is the Sydney Western City Planning Panel.

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

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development. This includes concept development applications. Accordingly, this application has been assessed against SEPP 65.

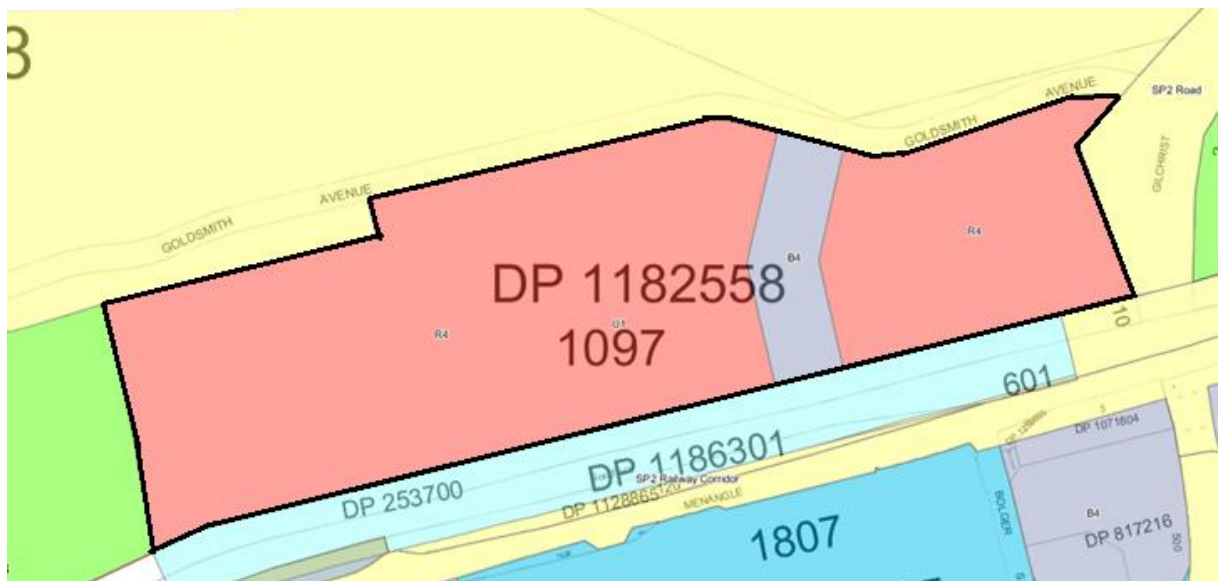
Part 4 of the SEPP states that in determining a development application for consent to carry out development to which the SEPP applies, a consent authority is to take into consideration the design quality of the development when evaluated in accordance with the design quality principles. In this regard, the applicant has prepared an assessment of the proposal against the nine design quality principles, which is contained on pages 119-121 of the Urban Design and Landscape Report submitted with the application. This assessment has been reviewed by Council and is considered to be sound and accurate.

In addition to the design quality principles, when considering applications for residential flat buildings, consent authorities must consider the provisions of the Apartment Design Guide (ADG). In this regard, the applicant has undertaken a comprehensive assessment of the conceptual built form proposed against the relevant provisions of the ADG (to the extent possible, noting that only a concept is proposed at this stage). This assessment is contained on pages 122-133 of the Urban Design and Landscape Report submitted with the application, and is considered by Council to be sound and accurate. The assessment finds that the conceptually proposed buildings would or are capable of complying with all of the relevant ADG criteria. It is important to note that each application for the construction of a residential flat building or mixed use building would also need to demonstrate compliance with the ADG.

1.11 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned R4 High Density Residential and B4 Mixed Use under the provisions of Campbelltown Local Environmental Plan 2015. The development conceptually proposed under the master plan is defined as residential flat buildings and shop top housing. Residential flat buildings are permissible with development consent within the R4 High Density Residential zone and B4 Mixed Use zone, and shop top housing is permissible with Council's development consent within the B4 Mixed Use zone. The indicative location of the proposed shop top housing would be wholly located within the B4 Mixed Use zone. The development proposed under stage 1 of the concept master plan is defined as roads, recreation areas and environmental protection works, all of which are permissible with development consent within the R4 High Density Residential zone and B4 Mixed Use zone.



Zone objectives

The proposal is consistent with the objectives of the R4 – High Density Residential zone, which are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in close proximity to centres and public transport hubs.
- To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.
- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

The proposal is consistent with the objectives of the B4 Mixed Use zone, which are listed below:

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

Minimum qualifying site area

The CLEP 2015 establishes a minimum site area for a residential flat building in the R4 High Density zone of 1,200sqm. All of the proposed allotments intended to accommodate residential flat buildings would have an area of greater than 1,200sqm.

Building height

The subject site has a maximum building height of 32 metres under the CLEP 2015. No buildings are proposed to be constructed under this application, however this concept application indicates that the conceptual built form would comply with the site's maximum building height.

It should be noted that this application proposes to alter the natural ground levels of the site, thereby altering the point from which the height of future buildings on the site would be measured. In this regard, the proposed ground levels of the land designated for residential buildings, which range between RL72 and RL77, would bring the site's levels generally to the level of Goldsmith Avenue. The levels of Goldsmith Avenue (and the proposed levels of the subject site) are comparable with the levels of land on the southern side of the railway line that

also have a maximum building height of 32 metres, and therefore the future built form outcome resulting from this concept plan would not be disorderly or unexpected.

Mixed use development in Zone B3 and Zone B4

Clause 7.9 of the CLEP 2015 requires a building that will contain a residential component, or a change of use of a building, on land to which this clause applies, to have an active street frontage after its erection or change of use, and have its ground floor only accommodate non-residential land uses. However, subclause (3A) within this clause has a site-specific exclusion from this provision applying to the subject site. Accordingly, the parts of this site that are zoned B4 Mixed Use are not required to have an active street frontage or have only non-residential land uses on the ground floor. Despite this, the master plan proposes two mixed use buildings within the part of the site zoned B4 Mixed Use that would have a ground floor commercial component.



Essential Services

Pursuant to clause 7.10 of the CLEP 2015, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road and vehicular access,
- (f) telecommunication services,
- (g) the supply of natural gas.

In this regard, the applicant has prepared a Services and Infrastructure Report, which concludes that after an initial review of the existing utilities and local infrastructure in the vicinity of the site, it is evident that opportunities exist to adequately service the proposed development.

Design Excellence

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

(2) This clause applies to development involving the construction of a new building or external alterations to an existing building in the R4 High Density Residential zone.

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

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

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

On 18 November 2021, prior to the lodgement of this application, the proposal was reported to the Campbelltown Design Excellence Panel (CDEP). The minutes of this meeting are attached to this report. The CDEP advised that the proposal is very comprehensive, and only raised issues of potential concern requiring clarification and justification. The applicant's response to these issues of potential concern is attached to this report, and in the opinion of Council, adequately addresses the matters raised by the CDEP. On this basis, Council is satisfied that the proposed development exhibits design excellence.

Terrestrial Biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats, and
 - (d) maximising connectivity and minimising habitat fragmentation.
- (2) This clause applies to land identified as “Areas of Biodiversity Significance” or “Biodiversity-Habitat Corridor” on the Terrestrial Biodiversity Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have—

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority—
- (a) has taken into account the objectives of this clause, and
 - (b) is satisfied that the development is sited, designed, constructed and managed to avoid adverse impacts on native biodiversity or, if an adverse impact cannot be avoided—
 - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
 - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
 - (iii) the development includes measures to offset the loss of biodiversity values.

Parts of the subject site are identified as an “Area of Biodiversity Significance” on the Terrestrial Biodiversity Map. Approximately 1 hectare of vegetation, which includes patches of Cumberland Plain Woodland and River-Flat Eucalypt Forest, would be removed in the southeastern part of the site, as it sits within the proposed development footprint.

A Biodiversity Development Assessment Report was submitted with the application and assessed by Council’s Environment Officer. Previous master plan proposals for the site proposed to remove up to 5.47 hectares of native vegetation from the site and realign the entire length of Bow Bowing Creek. The current proposal would be mostly located on cleared land, and impacts are mostly limited to areas of habitat in the poorest condition. Accordingly, Council’s Environment Officer is satisfied that the proposal would avoid and minimise impacts on native vegetation.

The proposed clearing of vegetation triggers the Biodiversity Offset Scheme, and accordingly, a condition requiring the acquisition of the appropriate credits to be undertaken has been included within the recommended conditions of consent. In addition, as the application does not fully consider the Campbelltown Koala Plan of Management’s provisions, a condition requiring an Arboricultural Impact Assessment Report (AIA) to be submitted to Council for assessment and approval is recommended, identifying the quantity of potential koala feed trees to be removed. Based on the receipt of this information, offsets are likely to be required, either in the form of compensatory replanting or a monetary offset. The recommended condition of consent allows for both of these possibilities to occur.

In light of the above, pursuant to subclauses (3) and (4) of this clause, in the opinion of Council, the proposed development has been sited, designed, constructed and managed to avoid adverse impacts on native biodiversity, and where adverse impacts could not be avoided, measures to offset the loss of biodiversity values have been incorporated.

1.12 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 - Requirements Applying to All Types of Development

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

Site Analysis - A detailed site analysis was submitted with the application, which has informed the base design and configuration of the concept master plan. The analysis has taken into account the environmental constraints and opportunities as they relate to the unique features of the site and nearby land.

View and Vistas - The proposed development will respond appropriately to Campbelltown's important views and vistas to and from public places and will create a number of new localised view/vista corridors. Subsequent to the completion of the final bulk earthworks program, the MGN site levels will rise up to the Goldsmith Avenue frontage affording significant views northeast towards a high-point on which the Campbelltown TAFE is situated, and northwest towards the WSU medical faculty building. The pedestrian concourse and exit from Macarthur Rail Station towards the site will also afford panoramic views east/west along the Bow Bowling creek-line and north across the MGN site.

Sustainable Building Design – A BASIX certificate is not required for the proposed development, as no buildings are proposed under this application, given that only a concept master plan is proposed. In order to address sustainability principles, the applicant has submitted an Ecologically Sustainable Development Report, outlining how future development on the site would be sustainable. Since the applicant Landcom will not be delivering the built form on the site, it is important to ensure that the commitments in the report are implemented when the proposed allotments are developed. In this regard, the Ecologically Sustainable Development Report submitted with this application forms part of the documentation recommended to be approved alongside the plans and other reports, and will therefore apply to future stages of the MGN estate.

Landscaping - A landscaping scheme has been proposed that would create a high quality public domain for the MGN site. The proposed scheme utilises local endemic species (where appropriate) to provide for amenity and to align with Council's principles and practices in planting for locally biodiverse species.

Weed Management – The DCP requires that a Weed Management Plan be submitted with any DA within non-urban land that has an area of 2 or more hectares, has a significant infestation of noxious or environmental weeds, or is within 100 metres of a watercourse. The MGN site is zoned R4 High Density Residential and B4 Mixed Use, which are urban zonings, and therefore a Weed Management Plan is not required to be submitted with this Application. Despite this, given that the application proposes major works along a watercourse (creating an environment where weeds can easily spread), weed management is essential for the proposed development. In this regard, the Vegetation Management Plan submitted with the application includes weed removal and ongoing weed management throughout the site for a period of five years.

Erosion and Sediment Control - A Sediment and Erosion Control Plan has been prepared for the development. The implementation of this Plan would ensure that no adverse soil erosion impacts would be associated with the proposed development.

Cut, Fill and Floor Levels - The DCP requires that cut and fill be minimised and that a cut and fill management plan be submitted with any application involving cut and fill operations. The majority of the earthworks required to accommodate the proposed development have been undertaken pursuant to a separate prior DA for Bulk Earthworks. However, this

application proposes to further alter the existing/approved ground levels of the site, by generally filling the parts of the land designated for residential buildings to a range of between RL72 and RL77, would bring the site's levels generally to the level of Goldsmith Avenue.

Importation of fill to the site is required to both:

- Ensure that the proposed allotments are situated above the 100 year ARI flood extents.
- Allow for level pedestrian access and egress to Macarthur Train Station. The site is to be linked to the train station via a new pedestrian walkway which is to be constructed over Bow Bowing Creek, connecting to the station concourse.

The proposed levels of the subject site are comparable with the levels of land on the southern side of the railway line that also have a maximum building height of 32 metres, and therefore the future built form outcome resulting from this concept plan would not be disorderly or unexpected.

Water Cycle Management – The proposed stormwater management strategy for the site consists of the following:

- Bow Bowing Creek is to generally be maintained in its current alignment along the southern boundary of the site, with minor localised re-grading proposed just to the south of the new local link road to Gilchrist Oval;
- The existing Third-Order watercourse which enters the site to the north from Goldsmith Ave is to be realigned as part of the proposal. Here, upstream flows will be captured and conveyed through the site via a new watercourse which is to drain from Goldsmith Ave to Bow Bowing Creek as per the existing flow regime. This watercourse is to be integrated as part of the proposed landscape design for the master plan with appropriate dedicated riparian offsets to suit;
- A below ground trunk pit and pipe system is to be created within the new local road network to capture and convey runoff from the proposed road, allotments, and building areas before discharging to Bow Bowing Creek as per the existing scenario; and
- Flows relating to the upstream pipe crossing from the Campbelltown TAFE site are to be intercepted within an easement and diverted to the new trunk street drainage network.

The proposed piped drainage system has been designed to cater for the 1 in 5-year ARI event leading to the outlet to the downstream watercourse. A provision for overland flows for events greater than the 1 in 5-year ARI event has also been considered. Results indicate that the major / minor system requirements are satisfied at all proposed pits in the development area and that the piped system sufficiently conveys minor storm flows with safe provision for major system flows. The application would also incorporate water quality improvement measures as required by the SCDCP.

Heritage Conservation - In 2017 the former UrbanGrowth NSW undertook subsurface archaeological testing for the Bulk Earthworks and Bow Bowing Creek Realignment DA (1571/2015/DA-CW). Three artefacts and single isolated finds were retrieved. The excavations demonstrated that the Aboriginal cultural material contained within the site is very limited in frequency and distribution and all sites identified are considered to have been impacted by past soil disturbance to varying degrees.

An Aboriginal Heritage Impact Permit (AHIP) for the site was subsequently issued by the NSW Office of Environment and Heritage on 3 May 2019, and a recommended condition of consent requires development on the site to adhere to the conditions of the AHIP.

Notwithstanding the above, the proposed Concept Master Plan and Stage 1 works now provide for the protection and enhancement of Bow Bowing Creek and surrounding vegetation. Accordingly, there is no longer a need to undertake major earthworks in areas of Aboriginal archaeological sensitivity (albeit moderate sensitivity). Further, an unexpected finds protocol

will be included in the Construction Management Plan in the event that potential Aboriginal objects are encountered.

There are no items of non-Indigenous heritage or items of archaeological significance situated within or within close proximity to the MGN site. Further to this, the site is not within a defined heritage conservation area.

Retaining Walls - To assist with level differences between Bow Bowing Creek and the MGN landform levels, it is necessary to provide a series of retaining walls along the southern boundary of the MGN development footprint. Retaining walls are also required along both sides of the watercourse within the proposed central park. The retaining walls are conceptually proposed in the form of gabion walls, which would ensure that views of the walls from public places would be pleasant.

Security – A Crime Prevention Through Environmental Design (CPTED) report was prepared for the applicant and submitted with the application. The report provides an assessment of the concept master plan against the CPTED principles of surveillance, access control, territorial reinforcement, and activity and space management. The report makes several recommendations to be adopted in order to achieve a satisfactory CPTED outcome, which have been incorporated into the recommended conditions of consent. In addition, the application was referred to the Campbelltown City Police Area Command of NSW Police. The Police reviewed the application and advised that if the application were to be approved, all of the recommendations made by the Police in relation to this application are required to be included in the development consent. The recommended conditions of consent include the conditions recommended by the Police.

Waste Management - The proposed road layout has been designed to ensure that garbage trucks can manoeuvre easily through the site.

An Operational Waste Management Plan was provided with the application, which identifies the different waste streams likely to be generated during the operational phase of the development. Associated information includes how the waste will be handled and disposed of, details of bin sizes/quantities and waste rooms, descriptions of the proposed waste management equipment used, and information on waste collection points and frequencies.

Further details of waste management associated with future residential development on the site will be provided at the detailed DA stage for each apartment building.

Provision of Services - The applicant has prepared a Services and Infrastructure Report, which concludes that after an initial review of the existing utilities and local infrastructure in the vicinity of the site, it is evident that opportunities exist to adequately service the proposed development. The existing high voltage electricity line that runs through the site would be undergrounded.

1.13 The Macarthur Regional Centre Masterplan (2003)

The Macarthur Regional Centre Master Plan (2003) provides important context to the intended development of the MGN site. Development has been carried out generally in accordance with the Regional Centre Master plan since its adoption. The master plan proposed under this DA would provide more specific planning and a more specific layout to guide further development within the MGN site. There are a number of key features of the 2003 Master plan that remain relevant to the delivery of the MGN site have been carried over into the proposed concept Master plan. These features include:

- A clear urban footprint based on a detailed analysis of the opportunities and constraints of the site,
- A broad mix of medium density housing types, and
- A significant public domain, including an enhanced riparian corridor along Bow Bowing Creek.

The 2003 master plan identified that the MGN site would achieve a minimum density of 60 dwellings/hectare. The proposed concept master plan provides for 1,250 dwellings, will achieve a density of approximately 67 dwellings per hectare.

1.14 Draft Development Control Plan for Macarthur Gardens North Precinct

A draft Development Control Plan has been submitted with this concept development application, which will guide development applications for the subsequent stages of the master plan. It is intended that the Development Control Plan would be inserted into Volume 2 of the Campbelltown Sustainable City Development Control Plan, which contains other site-specific development control plans.

The site's proximity to Macarthur Train Station and its current ownership in a single landholding make it suitable for the adoption of a draft DCP applying to the site. The most notable difference from the prevailing controls that are proposed within the draft DCP is the proposed controls relating to front setbacks, which is discussed below:

Front setbacks

Under the Campbelltown Sustainable City DCP 2015, the minimum front setback for residential flat buildings is 5.5 metres, and there is no minimum front setback for the commercial component of mixed use buildings. In order to establish good street character and encourage casual surveillance in a compact highly urban precinct, the applicant has proposed that the front setbacks in the table below apply to the Macarthur Gardens North estate.

	Goldsmith Avenue frontage	Main Street frontage	Station Arrival Main Street frontage	Secondary Street and Central Park frontage	Station Arrival Plaza frontage
GF	4.5m	3.0m	5.0m	4.5m	2.0m
L1	4.5m with 1.5m articulation zone	4.5m with 1.5m articulation zone	3.0m	4.5m with 1.5m articulation zone	0m (zero setback)
L2-L5	7.5m	4.5m	3.0m	4.5m	0m (zero setback)
L6 – L9	+2.5m	+2.5m	+2.5m	+2.5m	+2.5m



Council has reviewed the draft DCP and considers its intent and structure to be generally satisfactory. Should the Panel resolve to approve this application, Council will expeditiously refine the draft DCP in collaboration with the applicant and report it to Council for adoption. It is expected that this process could take place whilst construction of stage 1 of the master plan takes place.

At present, the list of required refinements is not extensive, and includes the need to remove provisions from the document that overlap with provisions in environmental planning instruments and other policies, and the need to include a clear map indicating the locations and quantities of commercial floor space within the site (since the site is excluded from clause 7.9 of the CLEP 2015 that requires the ground floor of buildings in the B4 zone have an active street frontage and only accommodate non-residential land uses). Other refinements are likely to be needed, however overall the draft DCP is appropriate and it should be noted that the vast majority of controls applying to apartment buildings are located within SEPP 65 and the Apartment Design Guide.

2.1 Local Infrastructure – Planning Agreement

A draft Contributions Plan will not be prepared for development of the MGN site. Council and Landcom have agreed in-principle that a Voluntary Planning Agreement (VPA) will be entered into under Section 7.4 of the EP&A Act 1979. The effect of the proposed VPA would be that subsequent stages of the master plan (the apartment buildings) would not have development contributions applied to them. Based on preliminary discussions with Landcom, the works that will be the subject of the VPA are essentially the works to create and embellish the public spaces proposed under this application.

Landcom has advised that the formal VPA offer is currently being prepared and will not be ready prior to the determination of the application. Accordingly, until such time as a VPA is executed, the provisions of Council's Local Development Contributions Plan 2018 will continue to apply, both to the subdivision component of the subject application and to future applications

for apartment buildings on the site. In this regard, a recommended condition of consent requires the payment of a development contribution in respect of the subdivision of the site into five residential allotments that is proposed under this application. It is expected that once a VPA is executed, an application to delete the condition is likely to be lodged by the applicant.

2.2 Traffic, Transport and Car Parking

A Traffic and Transport Study was submitted with the application, the key conclusions of which are as follows:

- Additional active transport facilities are proposed as part of the development, including improved linkages to the Macarthur Station, the Western Sydney University and Campbelltown TAFE. In addition, a shared path south of the site along Bow Bowing Creek connecting to the greater Green Grid Network as well as Gilchrist Oval in the east will also be provided.
- The proposed development is likely to generate an additional 220 train trips, 50 bus trips and 290 walking (walk only and public transport trips) trips during the AM and PM peak hours. The public and active transport network surrounding the site is expected to be able to cope with this additional demand.
- Based on the intent to provide restrained car parking for the site given its proximity to good public transport, the total number of parking spaces for the site would be 1,164 car parking spaces. Ample on-street parking supply would be created on all local streets (except the laneways) to provide parking for visitors through the site. It is expected that these on-street parking spaces would be short-term time-restricted such that they are reserved for visitors and not to be used by commuters, given the site's proximity to the station.
- The future (2029) road network will require infrastructure upgrades as a result of background traffic growth, to the Narellan Road / Western Sydney University Access Road, Narellan Road / Blaxland Road / Gilchrist Drive and Kellicar Road / Gilchrist Drive intersections. These upgrades are required without the trips generated by the site.
- The proposed development is expected to generate a total of 375 vehicular trips per AM and PM peak hour respectively. These trips will access the surrounding road network via a 35:65 split in the AM peak hour and 25:75 in the PM peak hour via William Downes Avenue and Goldsmith Avenue respectively.
- The additional 375 trips estimated to be generated by the site in the AM and PM peak hours will not have a major impact on the performance of the surrounding intersections, compared to the 2029 scenario without the site's additional development trips.
- The surrounding road network is expected to be able to cope with the additional traffic, public transport and active transport trips generated by the MGN Masterplan. The intersection upgrades required for three of the surrounding intersections to perform satisfactorily in 2029 are required regardless of the inclusion of the additional trips generated by the MGN Masterplan.

Council's traffic engineers have reviewed the Traffic and Transport Study, and have found the proposal to be generally satisfactory, subject to numerous recommendations which have been included within the recommended conditions of development consent.

2.3 Geotechnical

UrbanGrowth's bulk earthworks DA and the subject master plan DA includes the importation and/or placement of fill material on the MGN site. A geotechnical validation report will be required to be prepared and submitted to Council to confirm the suitability of the site for the intended final land use. A recommended condition of consent requires this to be provided prior to the issue of a Construction Certificate for the first stage of works.

2.4 Salinity

An analysis of site salinity has previously been prepared to support the separate DAs for bulk earthworks submitted by UrbanGrowth NSW. The analysis concluded that although the site is mapped as containing moderate to high salinity potential, the proposed bulk earthworks programs include the addition of significant fill material across the majority of the MGN site. A specific evaluation of the existing site salinity conditions within the proposed development footprints is therefore, not considered to be necessary.

2.5 Flooding

A Flood Impact Assessment for the proposed concept master plan was submitted with the application. Flood modelling was undertaken to determine flood extents, levels and flows for a range of storm events, with comparisons made between the "developed" landform and "existing" site conditions.

The results from a 1% AEP storm event assessment indicate that the development extent would be generally well clear of the 1% AEP flood extents and the flood levels downstream of the site (at Gilchrist Basin) would not be increased as a result of the development of the MGN site. There is also no reportable increase in flood level external to the MGN site.

The results of the Flood Impact Assessment demonstrate that the MGN development would not have an adverse impact upstream and downstream from the site in the 1% AEP storm event.

Council's flooding engineers have reviewed the Flood Impact Assessment, and have made numerous recommendations which have been included within the recommended conditions of development consent.

3. Public Participation

The application was publicly exhibited and notified to nearby residents and property owners for a period of 31 days. Council received two submissions, raising the issues identified below. The applicant has responded to each issue raised within the submission, and Council staff concur with the applicant's response, which is summarised below.

Issue

The proposal would remove 228 visitor/commuter parking spaces, replacing it with 125 visitor parking spaces and 1562 resident parking spaces for 1250 apartments. Also it would put stress on the existing roads within the area. The same number of visitor/commuter parking spaces as exist now should be maintained (underground car parking could be provided).

Comment

The current informal car park at Goldsmith Avenue is under a lease to Western Sydney University and hence is not designated for commuter car parking. There is no obligation for the

MGN project to replace these parking spaces in the future. The University will be required to manage their own existing parking demand in the future.

The proposed MGN Master Plan would result in 1,166 parking spaces being provided for the 1,250 apartments and small local retail component. The proposed development is expected to generate a total of 375 vehicular trips per AM/PM peak hour. The additional 375 trips would not have a major impact on the performance of the surrounding intersections as well as Goldsmith Avenue.

Issue

A wider main road reserve (Goldsmith Avenue) of 24 metres should be provided to allow for dual carriageway with a turning pocket and a bus stop in the future.

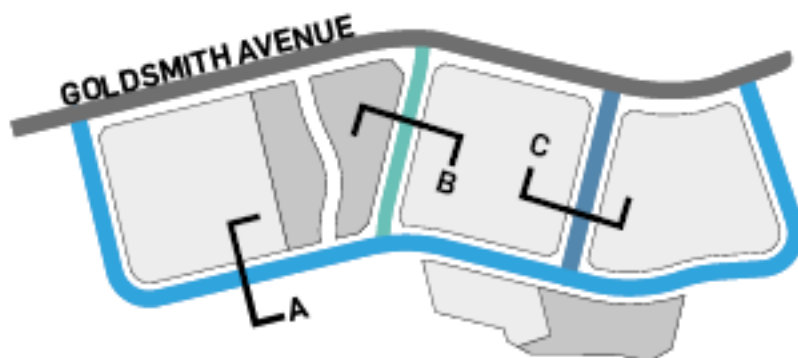
A wider secondary road reserve of 18 metres should be provided for dual roadside (2.5m wide) on-street car parking and a turning pocket.

Comment

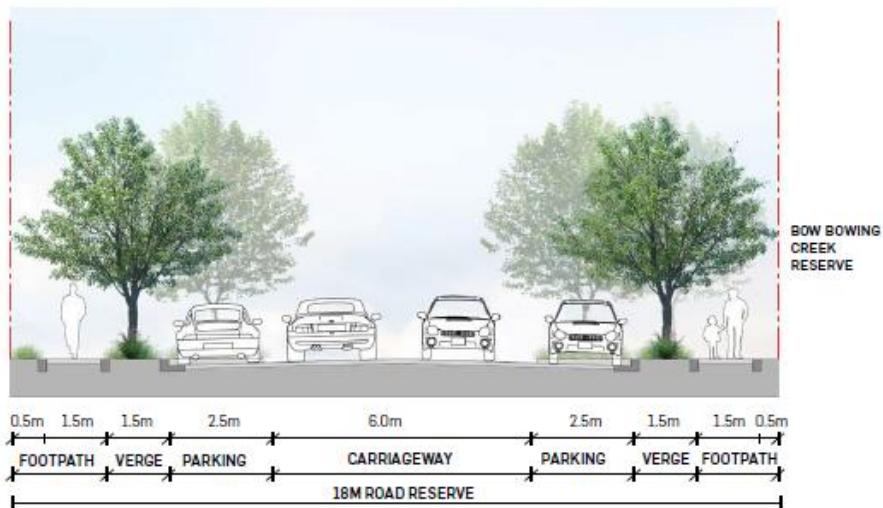
Goldsmith Avenue is owned by Council. Based on the existing and future traffic volumes estimated to use Goldsmith Avenue, there is no need to widen the road to two lanes in each direction. Turning volumes are generally low, so no dedicated turning bays are required along Goldsmith Avenue. Turning bays can be accommodated within the median in the future if required.

There is also no current plan to operate bus services along Goldsmith Avenue. However, the current lane width complies with the minimum width to operate bus services along Goldsmith Avenue, so there is no need to widen Goldsmith Avenue.

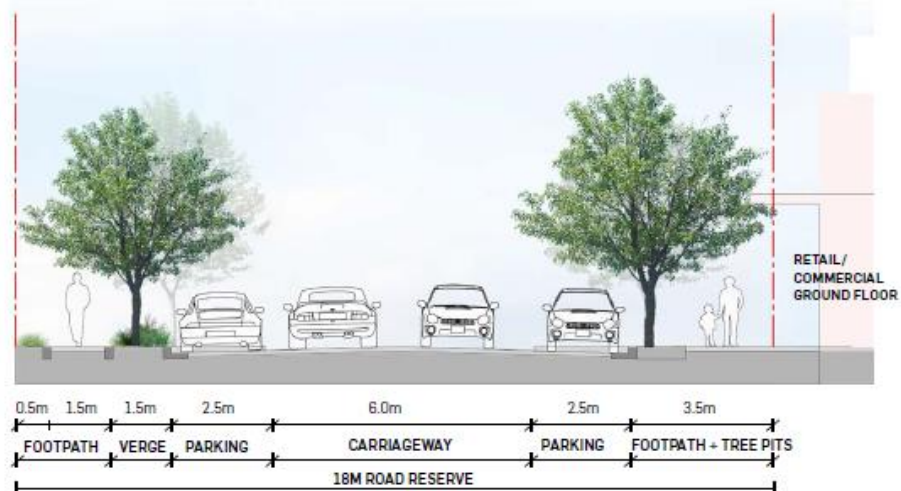
The proposed 18 metre wide main/secondary streets and the proposed 16 metre wide secondary street reserve would both provide 2.5 metre wide on-street parking on both sides of the street. The proposed street sections below demonstrate this.



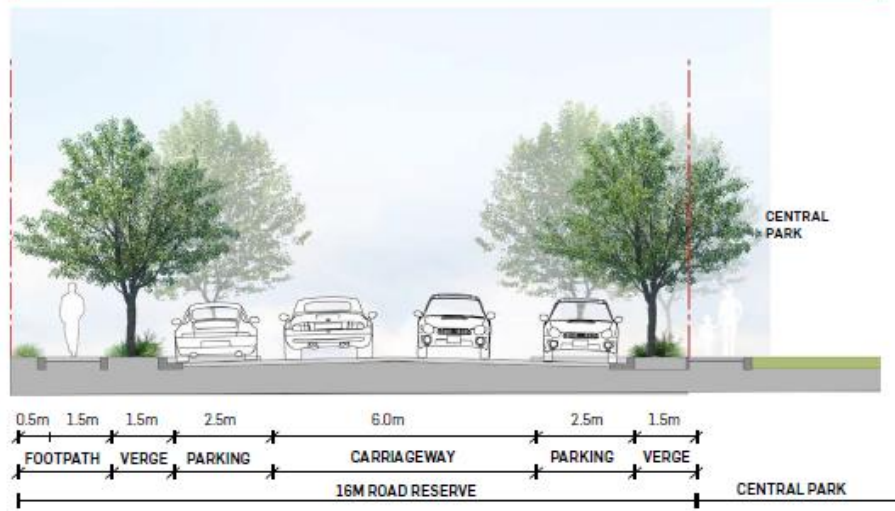
A. SECONDARY STREET - 18M WIDTH



C. MAIN STREET - 18M ROAD RESERVE



B. SECONDARY GREEN STREET - 16M WIDTH



Issue

Development in Macarthur Heights has an average set back of 5 metres. The proposed 3-4 metre setback is too small for apartments.

Comment

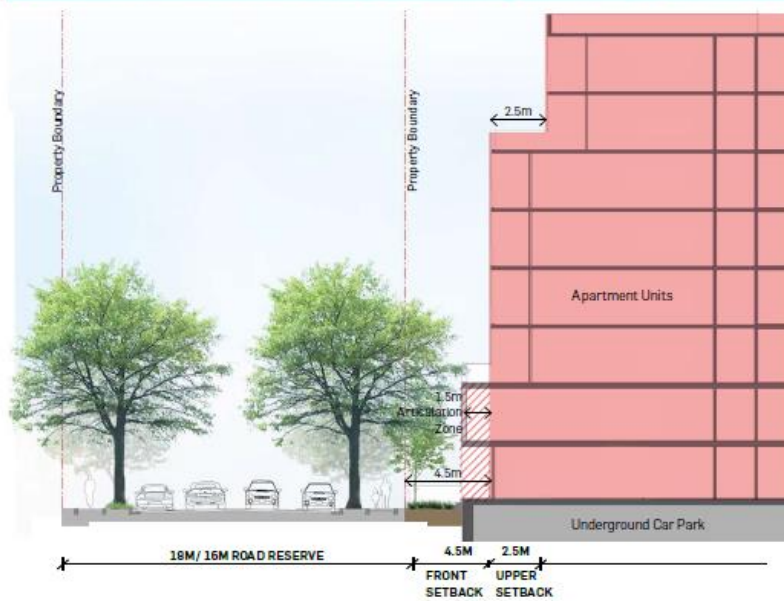
Macarthur Gardens North is a separate precinct from Macarthur Heights, intended to have its own character and identity. Macarthur Heights comprises predominantly low-density residential homes with the front setback allowing parking for the vehicles, whereas Macarthur Gardens North is proposed to be a high density compact urban precinct close to the train station with residential apartment buildings.

Through a proposed site-specific DCP, the proposed concept master plan seeks to adopt a reduced minimum setback for residential buildings of 4.5 metres for the first six levels of the building (compared to a required 5.5 metre front setback throughout identified in the Campbelltown Sustainable City DCP 2015), and a 3 metre setback for ground level commercial floor space (no ground floor commercial floor space setback currently applies).

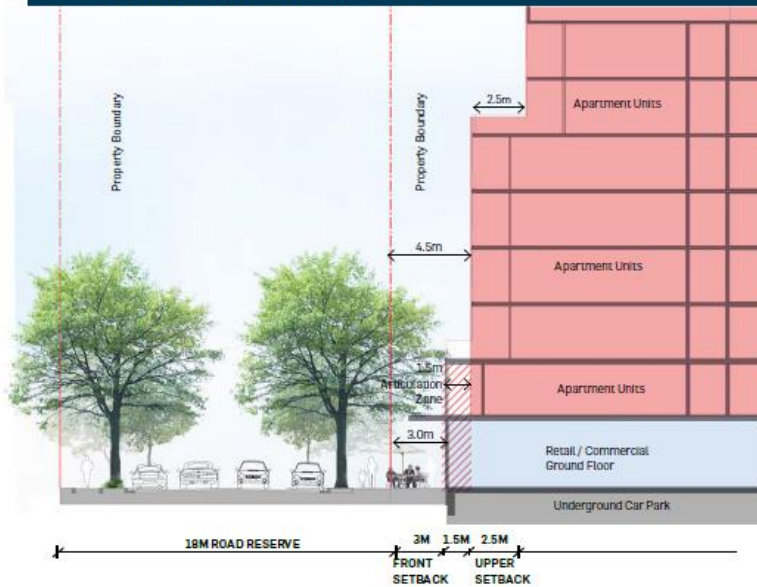
A 1.5 metre articulation zone for the first two storeys is also proposed, to provide a 'terrace frontage' that contributes to the creation of a human-scale street character and softens the visual impact of the reduced setbacks for the first six storeys of the building.

This setback strategy is intended to establish good street character and encourage casual surveillance, whilst providing adequate space for tree planting.

STREET FRONTAGE ALONG SECONDARY STREET / SECONDARY STREET GREEN



STREET FRONTAGE ALONG MAIN STREET



Issue

Parking should be provided for the fitness park at a 1:2 ratio (e.g. 2 spaces for each tennis court [max 4 players] and 5 spaces for each basketball court [max 10 players]).

Comment

The proposed secondary street adjacent to the fitness park would provide on-street parking that would accommodate the car parking demand of the park.



Issue

Landcom was providing a Sustainability Rebate in the Macarthur Heights development for achieving a BASIX Energy Score of at least 90. This development should reach a similar standard, or achieve a set requirement for solar since installation post-subdivision is often impractical.

Comment

Green Star Communities is a rating tool that evaluates the sustainability attributes of the planning, design, and construction of large-scale development projects, at a precinct, neighbourhood, and/or community scale. Macarthur Gardens North has been awarded a 5 star Green Star rating, and Landcom are voluntarily applying this rating to the site, which demonstrates commitment to ecologically sustainable development and creating vibrant communities.

Since this concept development application does not seek any built-form approval, the actual designs will be proposed by developers of the superlots.

4. The impact of the development

The proposed development is expected to have positive economic and social impacts upon the Campbelltown CBD and the City of Campbelltown broadly, due to the increase in economic and social activity that the development would generate, and would have positive impacts on the built environment due to its anticipated high quality design. Environmental impacts would be relatively minor and would be accounted for through replacement replanting and offset credits.

5. The suitability of the site

Due to the site's zoning (B4 Mixed Use and R4 High Density Residential) and location adjacent to Macarthur train station, the site is considered to be suitable for the proposed high-density concept master plan.

6. The Public Interest

Due to the positive impacts that the development would have and the absence of negative impacts, the proposed development is considered to be in the public interest.

7. Conclusion

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

The application is fully compliant with the provisions of all relevant State Environmental Planning Policies and the Campbelltown Local Environmental Plan 2015. The application is compliant with the applicable provisions of the Campbelltown Development Control Plan 2015, and is consistent with the Macarthur Regional Centre Masterplan (2003).

Pursuant to clause 4.33(1)(b) of the EP&A Act 1979, the applicant, as a Crown authority, has advised that it accepts the recommended conditions of development consent.

Officer's Recommendation

That 3944/2021/DA-SW, which proposes a concept master plan for a high density residential and mixed use development (to be known as Macarthur Gardens North), and construction of stage 1 of the master plan, encompassing roads, parks, civil works, landscaping and subdivision of the site into superlots, be approved subject to the attached conditions.