COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-261
DA Number	2278/2022/DA-RA
LGA	Campbelltown
Proposed Development	Construction of a mixed use development incorporating: - Five towers across two podiums containing 558 apartments - Ground floor commercial premises - Five levels of basement car parking - Internal access roads
Street Address	22-32 Queen Street, Campbelltown (Lot 1 DP 1154928, Lot X DP 409704 and Lot 15 DP 14782)
Applicant/Owner	Campbelltown 88 Pty Ltd / Supa 88 Pty Limited
Date of DA lodgement	20 June 2022
Total number of Submissions **Number of Unique Objections**	• Two • Two
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the Planning Systems SEPP)	Development with a Capital Investment Value (CIV) of over $30 million
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development Apartment Design Guide Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
List all documents submitted with this report for the Panel's consideration	• Architectural Plans • Landscape Plans • Statement of Environmental Effects • Clause 4.6 Objection • Detailed Site Investigation report • Concurrence from DPE Planning Secretary • Minutes of Design Excellence Panel meeting - 21 April 2023
Clause 4.6 requests	A Clause 4.6 Objection relating to Clause 4.3 (Height of Buildings) of the Campbelltown Local Environmental Plan 2015 has been submitted with the application. The site is within the MU1 Mixed Use zone.
Summary of key submissions	• Excessive building height • Impact of development on local traffic infrastructure • Pedestrian safety and conflict with loading zones • Impact of heavy vehicle movements on fencing • Queuing of retail traffic within the site • Pedestrian connectivity to surrounding land • Acoustic impacts from service vehicles • Feasibility the of retail portion of the development
Report prepared by	Luke Joseph – Senior Town Planner
Report date	12 July 2023

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *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?	**Yes**
Special Infrastructure Contributions 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*	**No**
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

- Development with a Capital Investment Value (CIV) of over $30 million is regionally significant development for which the Sydney Western City Planning Panel (the Panel) is the consent authority. As the proposed development has a CIV of $219 million, the Panel is the consent authority for this development application.

- The subject site was the subject of a recent amendment to the Campbelltown Local Environmental Plan 2015 (CLEP), which increased the site's maximum building height from 26 metres to a range of maximum building heights up to 52 metres and made other related amendments to the planning controls applying to the site.

- The application is compliant with all of the State Environmental Planning Policies that apply to the proposed development. In particular, the site is considered to be suitable for the proposed development pursuant to clause 4.6(1) of the Hazards and Resilience SEPP, subject to the imposition of and compliance with the recommendations of the Detailed Site Investigation report submitted with the application.

- The application is compliant with the Campbelltown Local Environmental Plan 2015 with the exception of proposed variations to building height. A Clause 4.6 objection has been submitted in support of these non-compliances, which in Council's opinion has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

- Council is of the view that the proposed development, subject to conditions of consent, would achieve Design Excellence pursuant to Clause 7.13 of the CLEP. The consent authority is required to be satisfied that the proposed development achieves Design Excellence.

- The application does not strictly comply with the site-specific Development Control Plan that applies to the site, which was adopted when the abovementioned amendments to the CLEP were made, however these do not prevent the approval of the application. Sufficient information has been provided to justify the non compliance.

- The application was publicly exhibited and notified to nearby and adjoining residents for a period of 31 days. Two submissions were received, which are addressed later in

this report. The submissions raise important matters however do not prevent the approval of the application.

- Based on an assessment of the application against section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the application has been found to be satisfactory, and is therefore recommended for approval.

Background and History

In 2016, a development application was lodged on the site proposing refurbishment and additions to existing commercial building, and construction of a mixed use commercial/residential development comprising 594 apartments within seven towers. The application was ultimately withdrawn due to excessive building height and strong objections by Heritage NSW in relation to impacts upon adjoining heritage items.

In 2018, a Planning Proposal was lodged with Council seeking to increase the site's maximum building height from 26 metres to a range of maximum building heights. Following adjustments through the assessment of the planning proposal, the CLEP 2015 was amended by providing for a range of maximum building heights up to 52 metres including an area with a 1.5 metre maximum building height intended to be used as public/communal open space, and the imposition of a maximum floor space ratio of 4.2:1, and inserted a site-specific clause that requires the concurrence of the Department of Planning and Environment in relation to designated state public infrastructure. The site is the subject of a site-specific DCP that has been adopted by Council. A gateway determination was issued in January 2020, and the amendment to the CLEP 2015 was finalised in June 2021.

In 2019, a concept development application was lodged for the site, which included:

- Concept building footprints and massing envelopes for the future redevelopment of the site across three (3) key buildings in five (5) tower forms with a maximum height of 26 metres;
- Conceptual identification including location of public open space and communal gardens;
- Vehicular access arrangements and egress points to/from the site and proposed basement car park.

This application was approved by the Sydney Western City Planning Panel in November 2020.

Site and Locality

The subject site is located within the Campbelltown CBD at the far northern end of Queen Street. It has an area of 20,465sqm, consisting of three separate allotments, which are collectively known as 22-32 Queen Street, Campbelltown. The site has a 140 metre frontage to Queen Street. The site currently contains two disused buildings; a former bowling centre and a former multi-storey direct factory outlet clothing centre. The site is adjoined to the southeast by Campbelltown Performing Arts High School, to the northeast by two state-listed heritage items (Warby's Barn and Warby's Stables) and an associated motel, to the southwest by a single-storey commercial complex, and to the northwest across Queen Street by the Main South Rail Line. The surrounding area is currently in transition from a low density residential/low-rise commercial area to a mixed use precinct.

Locality plan showing the site's boundaries in red

Proposal

This application proposes the construction of a mixed use development at the site, containing two buildings incorporating:

- Five towers across two podiums reaching heights of 12-15 storeys (plus rooftop levels), containing 558 apartments.
- 5,000sqm of ground floor commercial premises across the two buildings, including a planned supermarket tenancy at the rear of the southern building and a planned child care centre tenancy within the northern building.
- 2,600sqm of commercial floor space at the first floor of the northern building.
- Five levels of basement car parking and two ground-level loading docks
- Internal roads for circulation through the site, one of which (RW-01) is planned to become a walkable pedestrian-friendly food-focused retail precinct.

Assessment

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

1. Planning Provisions

1.1 State Environmental Planning Policy (Planning Systems (2021)

Schedule 6 of the Planning Systems SEPP lists development with a Capital Investment Value (CIV) of over $30 million as regionally significant development. As the proposed development has a CIV of $219 million, it is a regionally significant development. Pursuant to section 2.15 of the Environmental Planning and Assessment Act 1979, the Sydney Western City Planning Panel is the consent authority for regionally significant development and is therefore the consent authority for this development application.

1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) of the Resilience and Hazards SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

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

A Detailed Site Investigation report has been submitted with the application, which concluded that the site is suitable for the proposed development and land use, provided that the recommendations of the report are undertaken, which are:

- Following removal of the asbestos containing materials identified, an asbestos clearance inspection and certificate should be completed by a suitably qualified professional (SafeWork NSW Licensed Asbestos Assessor).

- Following demolition and removal of associated wastes, an inspection of the exposed soil surfaces should be performed by a suitably qualified environmental consultant to ensure there are no unexpected finds.

- Any material being removed from the site (including surplus soil and potential virgin excavated natural materials (VENM)) requires classification for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines.

- Any material being imported to the site (i.e. for landscaping purposes) should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.

A recommended condition of consent requires compliance with these recommendations. In this regard, subject to the imposition of and compliance with these recommendations, the site is considered to be suitable for the proposed development pursuant to clause 4.6(1) of the Resilience and Hazards SEPP.

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

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

1.4 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 proposed development would involve works described by subclauses (a), (b) and (d). 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 proposed development would involve works described above. Accordingly, the application was referred to Sydney Trains, who 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 subject 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 recommended condition of consent requires that minimum acoustic performance standards outlined in the acoustic assessment report be shown on the construction certificate plans.

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 application proposes 558 dwellings, the proposal was referred to Transport for NSW (TfNSW), who reviewed the proposal and provided their concurrence to it, subject to Council being satisfied that the additional traffic generated by the proposed development will not significantly impact the safety and performance of the surrounding road network. Council's assessment is that the additional traffic generated by the proposed development will not significantly impact the safety and performance of the surrounding road network. Whilst some surrounding intersections will require modifications in order to accommodate the additional vehicular traffic generated by the increase in traffic movements to and from the subject site, it is noted that a substantial development contribution will be paid to Council in respect of the proposed development including contributions for traffic, transport and access facilities and that Transport for NSW have provided their concurrence.

A review of the development and its potential impact on the safety and performance of the local road network was undertaken by Council in the form it was originally lodged with Council and its amended/current form.

Based on the initial assessment of the development proposal, the location of the northern driveway was not supported. The multitude of traffic movements and vehicle types that will be moving in/out of the site and along Queen Street at this location in the form it was originally presented, posed a significant and unreasonable risk to pedestrian and driver safety, and would have had an unreasonably detrimental impact on the functioning of Queen Street in the vicinity of the development site.

However, the plan was subsequently amended in response to these concerns, and it is now proposed to extend the central median island along Queen Street, so as to prevent right turn movements into or out of the northern access point. With the inclusion of the extended median island along Queen Street, all vehicle movements to/from the northern access point will be restricted to left-in/left-out only.

As a consequence of the development, there will naturally be an increase in the volume of traffic moving in the area of the development site. It is accepted that there will be a noticeable change to what is the usual experience for drivers and pedestrians who regularly frequent this stretch of road, however the volumes of traffic and movements generated are not expected to exceed the environmental capacity of Queen Street or the local road network.

Additionally, when considering the function, purpose and benefits of the extended median island; the geometric form of Queen Street (width, number of lanes, the proposed slip lane and the approach and departure sight lines); the internal clockwise circulation road; and the operation and function of the signalised intersection, it is considered unlikely that the development itself will result in an unreasonable increase in the risk to public safety in normal circumstances.

The constructed width of Queen Street is sufficient to accommodate the turning movements of all vehicle types moving in and out of the development site, without introducing an unreasonable level of safety risk to the community. The introduction of the extended median island along Queen Street, results in a left-in/left-out restriction to/from the access points at the northern part of the development site.

Due to the effect of the extended median island proposed, the resulting impact of the development on the effective and safe operation of Queen has reduced. The inclusion of the extended median island provides a far superior outcome to what was originally proposed (uncontrolled access to/from the northern access point). The median island would act to remove all previously potential vehicle conflicts within Queen Street resulting from right turn manoeuvres being performed from the northern access point.

The proposed median island would now serve the important purpose of preventing drivers of vehicles (delivery or shoppers) attempting to exit the northern access point to the right (northbound) and in doing so, having to undertake a high risk maneuver of negotiating three lanes of south bound traffic as they approach through a bend in the road. This doesn't account for the additional need of the driver to ensure the north bound lanes are also clear before attempting to turn right.

Importantly, the extended median island will deliver a number of other safety/traffic improvement functions at this location along Queen Street. These include:

1. Maintaining lane conformity for vehicles travelling along Queen Street, at a location where traffic movements will be higher and an increase in driver attentiveness is required.
2. Physically separating vehicles turning left (southbound) from the northern loading dock, from vehicles travelling northbound along Queen Street.
3. Reducing the number of movement opportunities/conflicts/decisions that need to be made by drivers of vehicles entering/leaving the site from the northern access point.
4. Removing any potential for a vehicle entering/leaving the northern access point to impact on the flow or free and unimpeded movement of northbound vehicles moving along Queen Street.
5. Preventing northbound vehicles queuing in Queen Street, waiting to turn right into the northern access point/loading dock.

The proposed location of the northern vehicular access point which services the loading dock and the underground carpark and its ongoing operation will not result in unreasonable traffic impacts that are out of character with a development such as the one proposed.

As for the potential impact on traffic moving along Queen Street, the following is an account of each of the main elements of potential conflict along Queen Street:

1. Southbound vehicles approaching the site from Campbelltown Road end (95th percentile speed under 50kph).
    a. Vehicles travelling in Lanes 1 & 2 would have a negligible impact on other vehicles entering the site (***negligible road safety risk***)
    b. Vehicles travelling in Lane 1 will have the potential to be slowed by other vehicles entering the slip lane along the sites frontage (***negligible road safety risk***)
    c. Vehicles in Lanes 1 & 2 will frequently interact with vehicles turning left out of the site's northern vehicular access point – Signal phases of the signalised intersection at Campbelltown Road intersection provides regular and adequate gaps in traffic flow to accommodate vehicles leaving the development site in a lower speed environment (***normal road safety risk***)
    d. Vehicles travelling in Lane 1 will have the potential to interact with southbound vehicles leaving the development site merging from the proposed slip lane and into Lane 1 – 95th percentile 40kph speed along Queen Street allows for easy merging - Signal phases of the signalised intersection at the Campbelltown Road intersection provides regular and adequate gaps in traffic flow to accommodate vehicles leaving the site in a lower speed environment ***(normal road safety risk***)
    e. The potential for stacking in the slip lane to occur along Queen Street due to an incident/hold-up in traffic movement in the northern vehicular access point. The queue may extend to the north and beyond the slip lane and into Lane 1. Queen Street can still operate for a short period of time as it is two lanes either way. The potential is low, but manageable – the main impact is vehicle delays in a low speed environment (***normal road safety risk***)

2. Southbound vehicles turning left into the loading dock/underground carpark driveway.
    a. (From Campbelltown Road) Turning right into Queen Street from Campbelltown Road – Vehicles need to move from Lane 2 to Lane 1 (***negligible road safety risk***)
    b. Turning left into the slip lane (priority) (***negligible road safety risk***)
    c. Turning left into the northern driveway from the slip lane – the left turning vehicle will cause any following vehicles to slow down momentarily (***normal road safety risk***)
    d. Turning left into the slip lane and travelling toward the mid-block entry point or the entry point at the signalised intersection – there is a potential for conflict between vehicles turning left out of the northern driveway and vehicles travelling along the slip lane (***normal road safety risk***)

3. Vehicles turning left out of the northern driveway into Queen Street.
    a. Potential conflict with vehicles travelling along the slip lane – vehicles moving along the slip lane may have their left blinkers turned on signalling their intention to turn left into the mid-block 10kph zone or at the signals further to the south. Drivers exiting the northern driveway may think a vehicle approaching from the right in the slip lane is indicating to turn into the northern driveway, and not continuing along to turn left into the 10kph zone or otherwise (***normal road safety risk***)
    b. Turning left out of the northern driveway – turning out of the northern driveway to travel southbound along Queen Street, across the slip lane and into Lane 1 or 2, will require a decision to be made as to when it is safe to enter a gap in traffic as it moves along Queen Street (***normal road safety risk***)

4. Vehicles travelling northbound along Queen Street.

a. Potential for Lane 2 to have queued traffic waiting to turn right into the site at the signalised intersection – this is expected to have a minimal impact on drivers of vehicles and the queue should clear within a single change of phase (***normal road safety risk***)
b. Vehicles cannot turn right to gain access to the northern loading dock/access point (***normal road safety risk***)

5. Vehicles moving through the signalised intersection under phase control (***negligible road safety risk***)

6. Pedestrians moving across vehicular access points at the development site.
    a. Signalised intersection - Pedestrians (able bodied and with disabilities) will be able to negotiate the southern point of vehicular access by way of the signalised intersection (***normal road safety risk***)
    b. Mid-block internal access road - Pedestrians moving across the driveway entry off Queen Street to the internal access road have a relatively short distance to cross it. The entry to the internal access road is not wide and the usage of that driveway by vehicles is relatively infrequent. (i.e. potential conflict between pedestrians and vehicles is low given the low traffic volume expected to enter the internal access road from the north (***normal road safety risk***)
    c. Northern vehicular access point - Pedestrians moving across the northern vehicular access point, will need to negotiate approximately 13 metres of driveway width. Two types of vehicles move in and out of this access point, one being to the loading dock and one being to the basement carpark. The loading dock door will always be closed other than when it is opened to allow for the ingress/egress of delivery vehicles. The basement carpark however will be open whenever the shops are open. With relatively higher volumes of traffic moving into and out of the basement carpark than that of the loading dock, there will be a higher potential for more frequent pedestrian/vehicle conflict at the basement carpark crossing point. Given this, it is recommended that a Pedestrian Access Management Plan and a Loading Dock Management Plan be prepared and delivered by the applicant, both of which must include elements on the proactive management of pedestrian safety near the vehicular access points, and is to specifically include the method of proactively managing pedestrian safety near the loading dock entry when trucks are entering and/or leaving the site (***normal road safety risk***).

Given the above, Council is of the opinion that while there would be a noticeable impact on the operation of and the ease with which traffic moves along Queen Street, the extent of the impact would be within the environmental capacity of Queen Street and its surrounding road network.

Although the locating of a driveway/loading dock along Queen Street is not in keeping with the desired visual response for a development like this, from a traffic movement and safety perspective, the northern access point is considered to be an appropriate and reasonable response when combined with the traffic-related advantages of an extended median island and the traffic-related advantages derived from reversing the circulation pattern of the internal access road. These three aspects alone would combine to reduce the level of impact on Queen Street and the local traffic area, from that which would be experienced across the whole of the site if the northern driveway was internalised and vehicles were caused to move inefficiently through a single point of access.

The current proposal is unlikely to cause an unreasonable increase in risk to public safety, and the current proposal significantly reduces the potential impacts that were identified in the earlier versions of the proposal.

For these reasons, the traffic response is considered reasonable and can be approved with the appropriate conditions.

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

Clause 29 the Environmental Planning and Assessment Regulation 2021 states that a development application that relates to residential apartment development must be accompanied by a statement by a qualified designer. The statement must—

(a) Verify that the qualified designer designed, or directed the design of, the development, and

(b) Explain how the development addresses—
  (i) The design quality principles, and
  (ii) The objectives in Parts 3 and 4 of the Apartment Design Guide

A statement to this effect has been received from Jacob Yammine of Sketch Design Group.

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 application includes an assessment of the design quality principles by the architect. This assessment is considered to be accurate and reasonable.

1.6 Apartment Design Guide

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). An assessment of the application against the ADG prepared by Council is presented below.

Control	Required	Proposed	Compliance
Orientation	Where the street frontage is to the east or west, rear buildings should be orientated to the north	Rear buildings are not oriented to the north	Yes
Building separation for visual privacy (9+ storeys)	12m between habitable rooms and balconies 6m between non-habitable rooms Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful	At least 12 metre separation provided. No instances of this proposed. Generally only one step in each building is proposed.	Yes NA Yes

Control	Required	Proposed	Compliance
	not to cause a 'ziggurat' appearance For residential buildings next to commercial buildings, separation distances should be measured as follows: • for retail, office spaces and commercial balconies use the habitable room distances • for service and plant areas use the non-habitable room distances	Separation distances from adjoining commercial buildings would comply with this criteria.	Yes
Street setbacks	In mixed use buildings a zero setback is appropriate. Street setbacks are to be consistent with existing/desired future setbacks.	6 metre front setbacks are proposed for all street-facing buildings. 6 metre front setbacks are considered to be appropriate for the future character of the area.	Yes
Deep soil zones	Minimum 7% of site area Minimum width of 6 metres	20% of the site would be deep soil zones. Deep soil zones would be at least 6 metres wide.	Yes
Communal Open space	Communal open space must have a minimum area equal to 25% of the site. Developments must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June. Communal open space should be consolidated into a well-designed, easily identified and usable area	34% of the site (plus the community area in the northeast corner of the site would be communal open space. Solar access to the proposed communal open space areas would comply with this criteria. The proposed COS consists of several well-designed, easily identified and usable areas.	Yes Yes Yes

Control	Required	Proposed	Compliance
	Communal open space should have a minimum dimension of 3 metres.	All COS would have a minimum dimension of 3 metres.	Yes
	Communal open space should be co-located with deep soil areas.	COS in the north-eastern corner of the site would be co-located with deep soil areas.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	COS would be provided at ground level, podiums and rooftop levels.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms	A wide range of communal facilities is proposed, accommodating all age groups.	Yes
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	A wide range of different spaces is proposed, to account for differing weather patterns.	Yes
	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: • bay windows • corner windows • balconies	Communal open space and the public domain would be readily visible from habitable rooms and private open space areas while maintaining visual privacy.	Yes
Car and Bicycle Parking	For development on sites that are within 800 metres of a railway	The proposed residential flat building is not within 800 metres	Yes

Control	Required	Proposed	Compliance
	station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	of Campbelltown railway station, and therefore the parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments does not apply to the development. Car park levels would not protrude above ground level.	 Yes
Bicycle Parking	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Secure bicycle parking is proposed.	Yes
Site access	Car park entries should be located behind the building line Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout Car park entry and access should be located on secondary streets or lanes where available Access point locations should avoid headlight glare to habitable rooms	The car park entry point would be behind the building line of the front building. The site is relatively level so there is no distinct low point. Car park entry and access would be from the proposed internal private road network. Satisfactory	Yes Satisfactory Yes Yes
Apartment layout	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of	Complies	Yes

Control	Required	Proposed	Compliance
	the room. Daylight and air may not be borrowed from other rooms.		
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	Complies	Yes
	A window should be visible from any point in a habitable room.	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies	Yes
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	Complies	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies	Yes

Control	Required	Proposed	Compliance
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Complies	Yes
	All bedrooms allow a minimum length of 1.5m for robes		
	The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high	Complies	Yes
		Complies	Yes
Apartment mix	A variety of apartment types is to be provided The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups	A Mixture of studios, 1, 2 and 3 bedroom apartments is proposed.	Yes
Minimum Apartment Sizes	Studio – 35sqm 1 bedroom – 50sqm 2 bedroom – 70sqm 3 bedroom – 90sqm	All of the proposed apartments exceed the minimum sizes.	Yes
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each	Complies	Yes
Balcony size, Depth and Configuration	Studios – 4sqm 1 bedroom - 8sqm 2 bedroom – 10sqm 3+ bedroom – 12sqm	All balconies comply with the minimum size requirements.	Yes
	Depth: 1 bedroom - 2m 2 bedroom – 2m 3+ bedroom – 2.4m	Complies	Yes
		Satisfactory	Yes

Control	Required	Proposed	Compliance
	The minimum balcony depth to be counted as contributing to the balcony area is 1 metre		
		Complies	Yes
	Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space		
		Complies	Yes
	Private open spaces and balconies predominantly face north, east or west		
		Satisfactory	Yes
	Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms		
Ceiling heights	2.7 metres minimum for apartments	All apartments would have ceiling heights exceeding 2.7 metres	Yes
	3.3 metres minimum for ground and first floors	The ground and first floor ceiling heights would exceed 3.3 metres	Yes
Common circulation and spaces	Entry from circulation core to maximum of eight units	Four of five towers fail to comply with this criteria, however the ADG allows up to 12 dwellings where 8 cannot be achieved.	Satisfactory
	Maximum of 40 apartments sharing a single lift	Each tower would have a rate of lift provision greater than 1 per 40 apartments.	Yes
Storage	Studio – 4m³ 1-bed unit – 6m³ 2-bed unit – 8m³ 3-bed unit – 10m³	Complies	Yes
	At least 50% of the required storage is to be located within the apartment	Complies	Yes
		Complies	Yes

Control	Required	Proposed	Compliance
	Storage is accessible from either circulation or living areas		
Solar access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	406 of 558 (73%) would receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	39 of 558 apartments (7%) would receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes
	The design maximises north aspect and the number of single aspect south facing apartments is minimised.	Satisfactory	Yes
	Single aspect, single storey apartments should have a northerly or easterly aspect.	Generally satisfactory	Yes
	Living areas are best located to the north and service areas to the south and west of apartments.	Generally satisfactory	Yes
	To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows	Generally satisfactory	Yes
	A number of the following design features are used:	Generally satisfactory	Yes

Control	Required	Proposed	Compliance
	• balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) Overshadowing of neighbouring properties is minimised during mid-winter - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	No residences would be overshadowed by the proposed development.	Yes
Natural ventilation	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms At least 60% of apartments are naturally cross ventilated in the first nine storeys of the	Satisfactory 238 of 382 (63%) apartments under ten storeys would be naturally cross ventilated.	Yes Yes

Control	Required	Proposed	Compliance
	building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	 The depth of proposed cross-through apartments does not exceed 18 metres.	 Yes
Facades	Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements Building services should be integrated within the overall facade Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns	The building facades incorporate these design solutions. Substation and hydrant sprinkler booster would be concealed. The building facades incorporate these design solutions.	Yes Yes Yes

Control	Required	Proposed	Compliance
	• public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings		
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights	Adjoining sites have not yet been developed, so there are no datum lines to which the proposed development should relate.	Yes
	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	Satisfactory	Yes
	Building entries should be clearly defined	Satisfactory	Yes
	Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	Satisfactory	Yes
	The apartment layout should be expressed externally through facade features such as party walls and floor slabs	Balcony floor slabs are visible within the building's facades.	Yes
Roof Design	Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings	The proposed buildings would include unique and interesting roof features.	Yes

Control	Required	Proposed	Compliance
	Roof treatments should be integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated		
	Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun	Satisfactory	Yes
Mixed Use	Development shall address the street	As much of the development as possible would address the street.	Yes
	Active frontages shall be provided	As much of the site's frontage as possible would be active.	Yes
	Blank walls at the ground level shall be avoided	Unarticulated walls would be screened by landscaping.	Yes
	Residential entries shall be separated from commercial entries and directly accessible from the street.	Separate entries are provided. Commercial and residential entries are accessible from the street.	Yes
	Commercial service areas shall be separated from residential components	Complies to the extent possible	Yes
	Residential car parking and communal facilities are separated or secured.	Residential car parking would occupy the lower three basement levels, and would have	Yes

Control	Required	Proposed	Compliance
		electronic access control.	
	Security at entries and safe pedestrian routes are to be provided.	Satisfactory	Yes
	Concealment opportunities are to be avoided.	Satisfactory	Yes
Awnings	Awnings should be located along streets with high pedestrian activity and active frontages	Awnings are provided along the site's Queen Street frontage (within the property). Due to the development's prescribed 6 metre setback, the awnings cannot cover the footpath.	Satisfactory

1.7 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned MU1 Mixed Use under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development is defined as shop top housing and is permissible with Council's development consent within the zone. Whilst a centre-based childcare facility is only conceptually proposed, this land use is also permissible in the MU1 Mixed Use zone.

Zone objectives

Clause 2.3 of CLEP 20145 provides that the consent authority must have regard to the objective for development in the zone when determining a development application. The proposal is consistent with the objectives of the MU1 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.

Floor space ratio

The subject site has a floor space ratio of 4.2:1 under CLEP 2015. The proposed development has a floor space ratio of 3.04:1 (62,121sqm) and therefore complies with this standard.

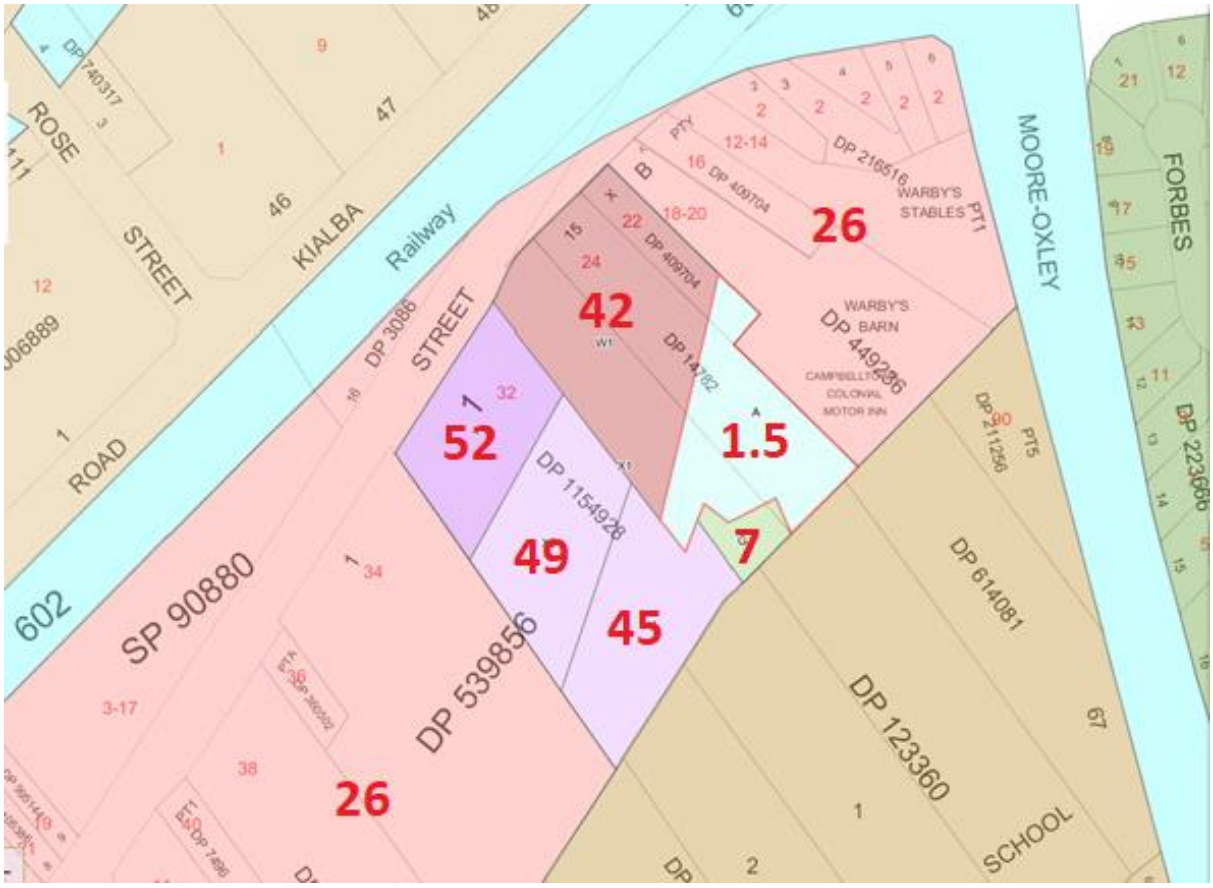
Height restrictions for certain residential accommodation

Clause 4.3A of the CLEP 2015 limits a dwelling that forms part of a residential flat building to a maximum of two storeys in height. The proposed dwellings would all consist of a single storey, and the proposed development therefore complies with this standard.

Building height

The subject site has several different maximum building heights that were adopted under the recently finalised amendment to the CLEP 2015, ranging from 1.5 metres to 52 metres. The table below compares the proposed building heights to the maximum building height for each of the five towers proposed.

Building	Maximum Building Height	Building Height Proposed	Compliance	Extent of Non-Compliance
Tower A	42 metres	48.45 metres	No	15%
Tower B	42 metres	47.95 metres	No	14%
Tower C	52 metres	57.1 metres	No	10%
Tower D	49 metres	53.45 metres	No	9%
Tower E	45 metres	49.95 metres	No	11%



CLEP 2015 Building height map

As the above table shows, all of the five towers proposed would exceed the applicable maximum building heights for the part of the site that they would be located in. An objection pursuant to clause 4.6 of the CLEP 2015 has been submitted with the application, which is discussed below.

Exceptions to development standards

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

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

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

A written request from the applicant that seeks to justify the contravention of the maximum building height standard was provided with the application, which is attached to this report. The applicant's first argument in support of the proposed building height variation is that compliance is unreasonable or unnecessary in the circumstances of the case, because the underlying objectives of the control and the objectives of the zone are achieved despite the non-compliance with the numerical development standard.

The objectives of the maximum building height standard are as follows:

(a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,
(c) to provide for built form that is compatible with the hierarchy and role of centres,
(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain

The applicant contends that the proposed development, despite the numerical non-compliance, remains consistent with the objectives, and has sought to demonstrate compliance with the zone objectives. In this regard the applicant's arguments are outlined below:

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

The site is subject to a planning proposal which reflects the new controls that are emerging in the Campbelltown Centre, and the opportunity to provide a 'gateway' style development at the entry to the city centre. It is also noted that centre-wide increases in height and density are being considered which will reflect the future hierarchy of sites, enabling a suitable transition of building forms.

Furthermore, the site FSR is well below the permissible amount, due to the space created between the heritage item to the north. This shows that the desired "land use intensity" is achieved notwithstanding the height breaches. This objective is supported.

(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

The proposed heights are consistent with the number of storeys envisioned by the new controls in the planning proposal, and reflected in the masterplan for the site. These heights have been designed in consultation with a heritage consultant and peer-review consultant, having regard to the significance of lands to the north. The intended scale has been confirmed on the site as part of the rezoning process. The minor variations by the roof structures, and parts of the building in some areas, are not of a magnitude that will alter the perceived scale of buildings. This objective is supported.

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

The form and scale of buildings, in terms of levels, is as intended by the current height and FSR controls for the site. The development of this site is a significant opportunity to create an appropriate environment that connects the main town centre with the heritage precinct to the north. With the context of significant revitalization, this objective is supported.

(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

Considerable work has been done in this regard by the heritage consultant. This impact and overall juxtaposition with heritage lands has also been peer reviewed. The street presentation and building separation distances have been carefully designed to ensure appropriate impact in the context of the emerging regional centre. View lines to and from the site towards the north have been carefully considered. Solar access and privacy have also been considered in the overall site design and final building designs. This objective is supported.

The applicant's second argument in support of the proposed building height variation is that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, the applicant makes the following contentions in support of this argument:

1. *The variation is minor and primarily relates to roof structures, with minor exceptions, as noted on the plans and height plane diagram.*
2. *The FSR is below the allowance, due to open space being provided around the heritage land. A minor height increase within this context is not unreasonable, particularly as no additional storeys are proposed, as compared to the approved masterplan.*
3. *Furthermore, the site is within a precinct earmarked for more significant densities.*
4. *This site design performs in all other aspects, in terms of overall amenity.*

A development proposal that was forced to be compliant with the standard fails to recognise that:

• The variation will be imperceptible to any passer-by and the form and scale of the building is consistent with the established masterplan for the site;
• The overall site yield remains less than what is permissible; and
• There are no significant environmental benefits that would result from strict compliance.

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

(a) the consent authority is satisfied that:
    (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained

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

It is Council's opinion that the applicant's written request does correctly identifies that the proposed development does satisfy the objectives of the maximum building height standard and the objectives of the MU1 Mixed Use zone as it applies to the land. It is also the Council's opinion that the applicant has adequately addressed how the subject development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the maximum building height standard and the objectives of the MU1 Mixed Use zone, and is considered to be in the public interest.

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

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

In May 2020, Planning Circular 20-002 (Variations to development standards) advised Councils that the Planning Secretary's concurrence can be assumed in respect of clause 4.6 of a local environmental plan that adopts the Standard Instrument. It is noted that this concurrence cannot be assumed by a Council where a development contravenes a numerical development standard by greater than 10% (as is the case in this situation).

However, this restriction does not apply to regionally significant development determined by a district panel, so a referral to the Planning Secretary is not required in this case and the concurrence of the Planning Secretary can be assumed.

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

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the additional building height would facilitate the positive planning outcome of the provision of functional rooftop communal open spaces for residents, architectural roof features and the provision of ground and first floor commercial

spaces with very high ceiling heights to allow for a broad range of commercial occupants.

Clause 7.9 - Mixed use development in Zone B3 and Zone MU1

(1) The objective of this clause is to promote employment opportunities and mixed use development in Zone B3 Commercial Core and Zone MU1 Mixed Use.

The ground floor of the proposed development would consist entirely of employment-generating land uses, and provides a mix of land uses.

(2) This clause applies to land in Zone B3 Commercial Core and Zone MU1 Mixed Use.

The subject site has a zoning of MU1 Mixed Use under the CLEP 2015.

(3) Development consent must not be granted to the erection of a building that will contain a residential component, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that:

(a) the building will have an active street frontage after its erection or change of use (***active street frontage***, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises), and

The proposed building would contain only business and retail premises at the ground floor facing Queen Street.

(b) the ground floor will only accommodate non-residential land uses (***non-residential land uses*** includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking), and

The ground floor will only accommodate non-residential land uses.

(c) if the land is in Zone B3 Commercial Core—the building will have at least one additional level of floor space, immediately above the required non-residential ground floor, that is also set aside for non-residential land uses.

The subject site is not within Zone B3 Commercial Core, so this subclause does not apply.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

(a) entrances and lobbies (including as part of mixed use development),
(b) access for fire services,
(c) vehicular access.

Vehicular access is provided at ground level adjacent to Queen Street.

Design Excellence

Pursuant to clause 7.13 of the CLEP 2015, development consent must not be granted to development involving the erection of a building in the MU1 Mixed Use zone unless the consent authority considers that the development exhibits design excellence. In considering

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

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

The application was reported to the Campbelltown Design Excellence Panel (the Panel) on 11 August 2022 and 21 April 2023. On both occasions the Panel raised a significant number of issues with regard to the proposed development. At its most recent meeting in April (the minutes of which are attached to this report) the Panel concluded that fundamental raised issues with the proposal and that the proposal fails to achieve Design Excellence. Since the Design Excellence Panel meeting on 21 April 2023 the plans for the application have been amended. The major unresolved issues from the Panel's perspective, based on earlier plans, are summarised in the table below, with a comment from Council on each point:

Design Excellence Panel comment	**Council comment**
The panel notes that the fundamental issues of overshadowing, bulk and scale have not been resolved, despite the modifications made.	• The proposed buildings are within the building envelopes set by the site-specific DCP and therefore the bulk and scale are considered appropriate for the site and the revised elevations and use of lighter colours resolves bulk and scale concerns. • The development is compliant with the solar access provisions of the Apartment Design Guide. • Whilst the central internal street does receive substantial overshadowing, shade is important within Campbelltown's microclimate during summer months, and the street would receive ample sunlight in the early morning and late afternoon periods.
Delivery access off Queen Street remains problematic and the panel has suggested a modified arrangement of a sleeve to the delivery access and separation from the residential lobby location. The current street edge access is confronting and confusingly close to the boundary and is likely to create queues on Queen Street.	• Additional information produced by the applicant's traffic engineer demonstrates that alternatives to loading from Queen Street would be unworkable. • A recommended condition of consent requires that the roller door to the loading dock be recessed by an additional 5 metres into the site, so that it would be less visible and prominent within the building's façade.

The applicant has addressed concerns of façade treatment to Queen Street and some attempt has been made to differentiate the architectural expression of the towers. It is the opinion of the panel that this treatment has not gone far enough in reflecting the site's gateway location with the result that the proposal remains essentially inert and inward looking.	• The amended plans provide for greater differentiation in the architectural expression of the towers. • The development is internally-oriented but is also oriented towards Queen Street.
Clarify the podium / tower elevations to mitigate the intermediate podium design language. Reduce the heavy floating brickwork balconies on these upper podiums. Increase the diversity of elevation treatment for identifiable separate addresses.	• The amended design has a clearer distinction between podium and tower components, with less prominence given to the intermediate portions of the buildings. • The heavy floating brickwork has been removed from the balconies on the upper podiums. • The amended plans show the buildings having differentiated roof forms.
As per previous panel meetings reduce the North podium levels at Eat Street, to admit more consistent light onto the public realm. Increase Southern podium height proportionally if required.	• The proposed buildings are within the building envelopes set by the site-specific DCP. • Whilst the central internal street does receive substantial overshadowing, shade is important within Campbelltown's microclimate during summer months, and the street would receive ample sunlight in the early morning and late afternoon periods.

Council is of the view that the amended development now achieves Design Excellence, and their fundamental issues relating to overshadowing, bulk and scale have been addressed. however it is noted that the consent authority must be satisfied that the development achieves Design Excellence.

Heritage Conservation

Under clause 5.10(5) of the CLEP 2015, the consent authority may, before granting consent to any development—
(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The site is located nearby two state heritage items; Warby's Barn and Warby's Stables, and therefore this clause applies to the application. As part of the review of the recently finalised amendment to the CLEP 2015 for the site, extensive consideration was given to the relationship between the proposed development and the adjoining heritage buildings. This consideration resulted in the removal of one tower from the original concept for the site and the establishment of a much lower building height limit in the vicinity of the heritage item (1.5m). Heritage NSW were consulted in regards to the assessment of the planning proposal. The submitted development application respects this interface with the adjoining heritage items. The future development of the part of the site with the lower (1.5m) height limit is subject of a separate development application.

A Heritage Peer Review of the proposed development was submitted with the application. As the heritage items that would be affected by the proposed development are state-listed, the application was referred to Heritage NSW for assessment. The Heritage Council of NSW is not a referral body or consent authority for this application and their role is therefore advisory.

Heritage NSW reviewed the application and requested information and clarification concerning landscaping buffers between the subject site and the adjoining heritage items, and archaeological matters, which the applicant responded to. Heritage NSW did not endorse the application (as it is not a referral body or consent authority), however it is notable that Heritage NSW did not object to the proposal. In this regard, Heritage NSW stated:

- "It is noted the tower heights have been increased significantly from the 2017 proposal, however the proposed setback of Tower B to the north-eastern boundary closest to Warby's Barn is welcomed.
- The four-storey stepped podium of Tower B is a more respectful transition in scale to the State Heritage Register item."

The existing structures on the subject site currently obscure the view of the heritage items and the design of the former DFO building currently on site does not support any public interface with the heritage items. The proposed open/community space in the vicinity of the heritage items will greatly increase the ability of the public to view and enjoy these items and is a preferable outcome to the existing situation. Noting that the application is consistent with the agreed strategic planning framework for the heritage interface and changes to the design over time have been positively received by Heritage NSW, the heritage impact of the proposed development is considered acceptable. It is worth noting that part of the rationale of reducing the maximum building height in the eastern corner of the site was to significantly limit potential impacts upon the adjoining heritage items, and in this regard the proposed development achieves that outcome.

Essential services

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 relation to points (a), (b), (c), (f) and (g), these services are available in Queen Street, were connected to the previous developments occupying the site, and the applicant would need to seek the approval of the relevant utility authorities to connect the proposed development to each relevant utility network. In relation to points (d) and (e), Council's assessment is that adequate stormwater drainage and road access arrangements are available to serve the proposed development.

Clause 7.25 - Concurrence of Planning Secretary — 22, 24 and 32 Queen Street

(1) This clause applies to development on the following land in Campbelltown—
    (a) Lot X, DP 409704, 22 Queen Street,
    (b) Lot 15, DP 14782, 24 Queen Street,
    (c) Lot 1, DP 1154928, 32 Queen Street.

This development application is proposed upon all three allotments to which this clause relates and therefore this clause applies to this application.

(2) Development consent to development to which this clause applies must not be granted unless—

(a) a development control plan that provides for the matters specified in subclause (5) has been prepared for the land, and

(b) for development that is the erection of a multi storey building—the consent authority has obtained the concurrence of the Planning Secretary.

In relation to point (a), A Development Control Plan for the site has been adopted, which is now known as Volume 2 Part 14 of the Campbelltown Sustainable City DCP 2015. The Development Control Plan provides for all of the matters specified in subclause (5).

In relation to point (b), the Planning Secretary has reviewed the application and issued its concurrence, which is attached to this report.

(3) In deciding whether to grant concurrence, the Planning Secretary must consider the following—

(a) the impact of the development on—

(i) existing designated State public infrastructure, and

(ii) the need for additional designated State public infrastructure,

(b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—

(i) existing designated State public infrastructure, and

(ii) the need for additional designated State public infrastructure,

(c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

The Planning Secretary has issued its concurrence, and it can therefore be assumed that the Planning Secretary considered the above matters.

(4) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.

The Planning Secretary has issued its concurrence, and it can therefore be assumed that the Planning Secretary consulted the relevant public authorities.

(5) The development control plan is to provide for the following—

(a) pedestrian connectivity,

(b) the relationship of buildings on the land to neighbouring sites in terms of separation and setbacks,

(c) the interface of development with the adjacent State heritage item and school,

(d) active street frontages,

(e) sufficient building setbacks to Queen Street,

(f) adequate solar access to common open spaces and surrounding sites through building orientation and layout,

(g) landscaping that incorporates deep soil planting, including trees, to enhance the public domain,

(h) street patterns, including the orientation of the development with the central access street and impact on intersections with Queen Street.

A Development Control Plan for the site has been adopted, which is now known as Volume 2 Part 14 of the Campbelltown Sustainable City DCP 2015. The Development Control Plan provides for all of the matters specified in subclause (5).

<u>Clause 7.26 - Exception to maximum height of buildings — 22, 24 and 32 Queen Street</u>

Despite clause 4.3(2), development consent may be granted to development on land identified as “Area A” on the Height of Buildings Map that exceeds the relevant maximum height if the development—

(a) is for the purposes of a recreation area or shade structure, and
(b) does not comprise or include an enclosed building, and
(c) does not exceed 3 metres in height above the existing ground level of the land on which heritage item no I00497, Warby’s Stables and barn, is located.

This development application does not include any structures within Area A on the Height of Buildings Map (the open space area). These structures will be subject to a separate application.

1.8 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 - Requirements Applying to All Types of Development

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

View and vistas – The proposed development would not obscure any of Campbelltown’s important views and vistas, which in the case of the subject proposal includes views from the Scenic Hills. In this regard, given that the proposed development is considered to have design excellence as outlined above, it would contribute positively towards distant views of the Campbelltown CBD. In addition, the proposed development would not obscure any existing views to and from the two adjoining state heritage items, Warby’s Barn and Warby’s Stables.

Sustainable building design – Based on the amount of roof area proposed, a 50,000 litre rainwater tank is required to be provided. A recommended condition of consent requires compliance with this standard.

Landscaping – The proposed development makes provision for a reasonable amount of landscaping, located in the following places:
• Along the edges of the proposed semi-public streets
• Along the front and rear boundaries of the site
• Within the communal open space areas atop the tower podiums and rooftops
• Within the Queen Street road reserve

The proposed landscape design would enhance the visual character of the development and complement the design and use of spaces within and adjacent to the site.

Stormwater – The proposed development would be drained to the kerb in Queen Street via a network of pits and pipes. Council’s Development Engineer has advised that some modifications to the stormwater plan are required, however these can be addressed via a condition of consent requiring an amended stormwater plan to be submitted to the Principal Certifier prior to the issue of a construction certificate, which has been included within the recommended conditions of consent.

Security – This section of the DCP requires development to be designed to:

i. maximise, where possible, casual surveillance opportunities to the street and surrounding public places;
ii. minimise dead ends and other possible entrapment areas;
iii. clearly identify and illuminate access points to buildings and designated public places; and
iv. clearly differentiate between private and public space.

The application, which includes a Crime Prevention Through Environmental Design report, was referred to the Crime Prevention Officer at 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 Police in relation to this application are required to be included in the development consent. The recommended conditions of consent include all of the conditions recommended by Police. The recommended conditions of consent would also require compliance with the recommendations of the applicant's Crime Prevention Through Environmental Design report.

Volume 1: Part 5 – Residential Flat Buildings and Mixed-Use Development

Part 5 of the SCDCP sets out development standards for residential flat buildings and mixed use development within the City of Campbelltown. An assessment of the proposed development against the relevant development standards is detailed below:

Control	Required	Proposed	Compliance
Building Design	Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land.	The site-specific DCP responds to the surrounding heritage items and establishes the desired character, and the development complies with that DCP.	Yes
	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:		
	i) incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline;	Complies	Yes
	ii) incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building;	Complies	Yes
		Complies	Yes

Control	Required	Proposed	Compliance
	iii) variation in the planes of exterior walls in depth and/or direction;	Complies	Yes
	iv) variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements;	Complies	Yes
	v) articulation of all building's facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used;	Complies	Yes
	vi) utilisation of landscaping and architectural detailing at the ground level; and	Complies	Yes
	vii) avoidance of blank walls at the ground and lower levels.		
	Building design shall demonstrate to Council's satisfaction that the development will:		
	i) facilitate casual surveillance of and active interaction with the street;	Complies	Yes
	iii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building; and	Complies	Yes
	iv) maximise cross flow ventilation, therefore minimising the need for air conditioning.	Complies	Yes

Control	Required	Proposed	Compliance
	e) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.	Complies	Yes
	f) Building materials shall be high quality, durable and low maintenance.	Complies	Yes
Site Services	Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and stormwater drainage)	Appropriate conditions of consent will ensure that the development provides all essential services.	Yes
	All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.	Roof-mounted structures would be largely invisible from the street.	Yes
	All communication dishes, antennae and the like shall be located to minimise visual prominence.	The plans do not show that any of these structures are proposed.	Yes
	An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	A condition of consent is recommended, requiring an external lighting plan to be prepared.	Yes
	Any development applications involving new construction work with a value of $30 million or greater shall undertake the following at the developer's expense:	The site does not have above ground power lines adjoining it. However, the site has existing substations adjoining it, and a condition of consent to	Yes

Control	Required	Proposed	Compliance
	i) Any existing above ground power lines which traverse the property's frontage, must be relocated underground; and ii) Installation of any required electrical substation within the development basement level.	remove these has been recommended.	
	The developer must allocate/set aside adequate space within the development to install a grease trap and mechanical ventilation, for any proposed food premises, in accordance with the Local Water Authorities recommendations and the following Australian Standards: Mechanical ventilation (for any proposed food premises) must comply with: i) Australian Standard (AS) 1668.2- 2012: The use of ventilation and air conditioning in buildings: ii) Part 2: Mechanical ventilation in buildings; and (where applicable); and iii) Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings.	A grease arrestor room is proposed within basement level 1	Yes
	All mechanical ventilation must be installed within the building during construction and is not permitted on any external building surfaces. All required	An exhaust air fan room is proposed within basement level 1	Yes

Control	Required	Proposed	Compliance
	grease traps must be located and serviced on private land as no permission will be granted to install such a facility on public or Council land.		
Acoustic Privacy	Residential flat buildings, and the residential component of a mixed use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded: i) in any bedroom in the building – 35 dBA, ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dBA.	An acoustic report was provided with the application, which demonstrates that the proposed development would achieve this criteria, subject to the adoption of the recommended attenuation measures, which a recommended condition of consent requires to be installed.	Yes
Setbacks	5.5 metres from street boundary 6.0 metres from any other boundary	6 metres 9-12 metres	Yes Yes
Design Requirements	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s). A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s). Each apartment building shall include a study/nook area that is capable of accommodating a desk for working/ studying from home purposes. Such area shall be shown furnished on the proposed plans and	12% of units are one bedroom apartments (69 of 558). A condition requiring compliance with this standard has been recommended. All apartments would have the capacity to accommodate a desk for working and studying from home. A communal co-working space is also proposed at ground level.	Yes Yes Yes

Control	Required	Proposed	Compliance
	shall have a minimum width 1.6 m.		
	The main entry to each apartment building shall be designed to include an entrance nook for privacy purposes.	Most of the proposed apartments are designed in this manner.	Satisfactory
	A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential building	Four of five towers fail to comply with this criteria, however the ADG allows up to 12 dwellings where 8 cannot be achieved.	Satisfactory
	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space.	All proposed towers would comply with this requirement.	Yes
	A maximum of 50 dwellings shall be accessible from a single common lift.	Each tower would have a rate of lift provision greater than 1 per 40 apartments.	Yes
	Access to lifts shall be direct and well illuminated.	Satisfactory	Yes
	A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	The ADG only requires a deep soil area of 15% of the site area, and 20% has been provided.	Satisfactory
Car Parking and Access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended)	The basement car parking area would comply with AS2890.	Yes
	The minimum dimensions of any parking space shall be 2.5 x 5.5 metres.	Most spaces are at least 2.6 x 5.5 metres.	Yes

Control	Required	Proposed	Compliance
	The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	Compliant.	Yes
	For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	A Traffic Impact Assessment Report has been provided.	Yes
	Where existing, vehicular entry points shall be located at the rear or side streets.	No side or rear streets are available, however vehicular access via the existing signalised intersection is proposed.	Yes
	Development containing three or more storeys shall provide all required car parking at basement level.	All resident parking would be provided at basement level	Yes
	Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every four dwellings (or part thereof); and ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	558 + 140 + 56 Total residential spaces required = 754 Total provided = 982	 Yes
	No required car parking space shall be in a stacked configuration.	No stacked car parking spaces proposed	Yes
	Each development shall make provision for bicycle storage at a	Bicycle spaces required = 112	Yes

Control	Required	Proposed	Compliance
	rate of one space per five dwellings within common property.	Bicycle spaces provided = 254	
	Electric vehicle charging stations must be located behind the building line.	Electric vehicle charging stations would be located within the basement.	Yes
	Car parking provided for the residential dwellings shall be secured, separated from commercial car parking (where relevant) and have a separate access.	Residential car parking would occupy the lower three basement levels, and would have electronic access control.	Yes
	The design of car parking spaces shall take into consideration the principles of Crime Prevention Through Environmental Design (CPTED) to minimise opportunities for crime and enhance security.	The car park would comply with CPTED principles, subject to the inclusion of recommended conditions of consent by the Campbelltown Police.	Yes
Solar Access	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	All buildings have been oriented and sited to maximise sunlight to living areas.	Yes
	A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3.0 metres), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	There are no dwellings on land adjoining the development site.	Yes
	Council expects that with innovative and thoughtful design, all dwellings should receive some direct sunlight, however, when it can be shown that providing sunlight to every dwelling is	6% of proposed apartments would receive no direct sunlight between 9:00am and 3:00pm at mid-winter.	Yes

Control	Required	Proposed	Compliance
	unachievable, Council may allow a design solution that result in up to 15% of the dwelling receiving no direct sunlight between 9:00am and 3:00pm at mid-winter.		
Balconies and Ground Level Courtyards	Apartments shall be provided with a private courtyard and/or balcony. Courtyards / balconies shall be:	All apartments have a balcony	Yes
	i) not less than 8sqm in area and have a minimum depth of 2.0 metres;	All apartments have a balcony that complies with this criteria	Yes
	ii) clearly defined and screened for private use;	Complies	Yes
	iii) oriented to achieve comfortable year round use; and	Complies	Yes
	iv) accessible from a main living area of the apartment.	Complies	Yes
Privacy	Ground level apartments incorporating a courtyard shall be provided with a privacy screen.	No ground level apartments are proposed.	Yes
	No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9.0 metres of the proposed window or balcony.	No window of a habitable room or balcony would directly face a window of another habitable room, balcony or private courtyard of another dwelling.	Yes
	Notwithstanding 5.4.7(b), a balcony will be considered where the private open space	There are no dwellings on land adjoining the development site.	Yes

Control	Required	Proposed	Compliance
	area of any adjacent dwelling is screened from view.		
Communal Recreation Facilities	Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:	Two recreation rooms are proposed on the ground floor of the development, in addition to a private community building (separate DA).	Yes
	i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and	The two recreation rooms and private community building combined would comply in this regard.	Yes
	ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).	The barbeque/ outdoor dining area proposed under DA-3858/2022 complies with this requirement.	Yes
	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Complies	Yes
	All communal recreational facilities shall be provided on the same land as the residential apartment building.	All communal/ recreational facilities would be located on the same consolidated land parcel as the apartment buildings.	Yes
	Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	Rooftop COS contributing towards compliance in a mixed use zone is considered appropriate.	Satisfactory
	All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.	A recommended condition of consent requires the provision of the community facilities proposed under DA-3858/2022 prior to the issue of an OC.	Yes
Waste Management	All buildings shall be provided with	Council's Waste Section has advised	Yes

Control	Required	Proposed	Compliance
	household garbage bins at the following rates: i) a 240 litre bin/three dwellings/week for household garbage; or ii) 1,000 litre bulk bin/12 dwellings or part thereof. All buildings shall be provided with dry recyclable bins at the rate of a 240 litre bin /three dwellings / fortnight for dry recyclable.	that the capacity of the waste storage area is sufficient.	
	All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants.	Household garbage chute on each level provided	Yes
	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level.	Each floor has a waste room with a chute on each floor.	Yes
	Garbage chutes shall not be located adjacent to habitable rooms in each apartment.	Garbage chutes adjacent to laundries/kitchens – Waste section advised only bedrooms are a concern.	Yes
	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.	A recommended condition of consent requires compliance with this standard.	Yes

Control	Required	Proposed	Compliance
	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.	Condition of consent to comply	Yes
	The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors. The storage room shall:	Appropriately sized bin storage rooms are proposed at basement level. Service lifts would transport bins to ground level for collection.	Yes
	i) be located behind the primary and secondary building alignment;	Complies	Yes
	ii) have a non slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary);	Condition of consent to comply	Yes
	iii) be graded and drained to a Sydney Water approved drainage fitting;	Condition of consent to comply	Yes
	iv) have coving at all wall and floor intersections;	Condition of consent to comply	Yes
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;	Condition of consent to comply	Yes
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and	Condition of consent to comply	Yes

Control	Required	Proposed	Compliance
	vii) have a self-closing door openable from within the room.	Condition of consent to comply	Yes
	Bin storage rooms shall be ventilated by: i) a mechanical exhaust ventilation system; or ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.	Condition of consent to comply	Yes
	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	Condition of consent to comply	Yes
	Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required.	Building manager to transport bins to street from basement level via service lift.	Yes
	Any mechanical compaction device within the building shall comply with the following requirements: i) maximum compaction rate of 2:1; ii) designed to accommodate general household garbage only and iii) not be used to compact recyclables.	Condition of consent to comply	Yes
	Any development containing 30 or more dwellings shall be designed to accommodate a	Garbage truck would enter site and bins would be emptied on site.	Yes

Control	Required	Proposed	Compliance
	'Wheel-Out Wheel-Back' service or a 1,000 litre bulk bin on-site collection service.		
Ventilation	Any mixed-use buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residents or other occupants using the building.	An exhaust air fan room is proposed within basement level 1.	Yes

As the table above shows, the proposed development is fully compliant with the provisions of Part 5 of Volume 1 of the Campbelltown Sustainable City DCP 2015.

Volume 1: Part 6 – Commercial Development

Part 6 of the SCDCP sets out development standards for commercial development within the City of Campbelltown. An assessment of the proposed development against the relevant development standards is detailed below:

Standard	Required	Proposed	Compliance
Building Form and Character	All building façades, 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.	All building façades would be architecturally treated.	Yes
	Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: - 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	The proposed building satisfies all of the specified architectural criteria.	Yes

	divided into distinct massing elements; - articulation of the different parts of a building's façade by use of colour, arrangement of façade elements, or by varying the types of materials used; and - maximising the interior and exterior interactions at the ground level.		
Building Design	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 both street-facing buildings is easily identifiable from Queen Street and directly accessible through the front of the building.	Yes
	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.	Only one large expansive blank wall is proposed at ground level (northern elevation) but it would be screened by landscaping.	Yes
	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.	No roof mounted elements of this nature are proposed, and a recommended condition of consent requires additional consent to be sought for such structures.	Yes
	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.	Two sets of roller shutters would face the street, however one would be open all day (commercial car park) and one (loading dock) would be recessed as required by a recommended condition of consent.	Yes Yes
	Buildings shall not incorporate highly reflective glass.	A recommended condition of consent requires that all glass has a low reflectivity index.	Yes

	Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.	The locality adjoining the site does not have established shopfront setbacks. The setbacks for the subject site are set by the site-specific DCP.	Yes
Car Parking	Commercial premises – 1 space per 25sqm of ground floor space (187 based on 4,682sqm) and 1 space per 35sqm for upper level floor space (97 based on 3,410sqm) Childcare centre – 1 car parking space per 4 children (50 based on 200 children – conservatively assumed)		
	Total car parking spaces required = 334	Parking spaces provided = 527	Yes
	All car parking spaces that are required shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time.	The application does not indicate that any car parking would be locked off, obstructed, reserved or separately allocated to any individual use.	Yes
	Off street parking and loading shall be designed in accordance with *Australian Standards 2890.1 and 2* (*as amended*).	The proposed car parking is compliant with these Australian Standards.	Yes
	No car parking spaces shall be designed in a stacked configuration.	No proposed car parking spaces would be in a stacked configuration.	Yes
	The required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus	26 of 527 proposed car parking spaces would be accessible (5%).	Yes

	ii) one for every 20 car parking spaces (5%); iii) and shall be designed in accordance with AS No 2890.6 (as amended). Carparks must be developed with the infrastructure required for electric vehicle charging. On-site car parking is to be provided to support a range of vehicles, including small cars, hybrid cars and fully electric cars in multi space car parks.	A recommended condition of consent requires compliance with this requirement. A recommended condition of consent requires compliance with this requirement.	Yes Yes
Vehicular Access and Manoeuvring	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 would be able to enter and exit the site in a forward direction. The manoeuvring area of the loading dock is separate from the proposed vehicle parking areas. There will be an identifiable increase in traffic movement in the area, however the development will not result in an exceedance of the environmental capacity of the surrounding local road network. Appropriate signage and line marking will protect pedestrian movement near	Yes Yes Satisfactory Yes

		loading docks and car park entries.	
	Each site shall have a:		
	i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and	Multiple entries are proposed for heavy vehicles, however this is considered necessary and acceptable due to the size of the development.	Satisfactory
	ii) each site may have an additional ingress/egress for cars (and other light vehicles).	Two ingress/egress points are proposed for cars, however one is for residents and one is for shoppers.	Satisfactory
	Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Manoeuvring areas for heavy vehicles would not conflict with car parking as they are proposed to be on different levels of the building.	Satisfactory
	Consent must not be granted to the development of land that has a frontage to Queen Street unless Council is satisfied that: i. where practicable, vehicular access to the land is provided by a road other than Queen Street; and ii. The safety, efficiency and ongoing operation of Queen Street must not be adversely affected by the proposed development as a result of: a. The design of the vehicular access to the land, or b. The nature, volume or frequency of vehicles using Queen Street to gain access to the land.	The application proposes three points of access to the site from Queen Street, which includes the existing signalised intersection that currently provides access into the site. Council worked with the developer to reduce the number of vehicular access points to the site from Queen Street, with a mind to having the northern most driveway (loading dock and basement carpark) relocated. However, on consideration of advice received from Council's traffic engineer, it was ultimately accepted that despite the non-	Satisfactory

		compliance with the DCP, inclusion of the northern driveway would alleviate many of the traffic conflicts that would be likely to evolve as a result of a design solution with a single point of access, and that coupled with the proposed extension of the Queen Street median island (allows left-in / left-out movements only), and the reversing of the direction of the internal vehicular circulation pattern, the current proposal would have a significantly lower impact on the functioning of Queen Street and that of the operation of the site, and as such is a more desirable traffic/safety solution. It is also considered relevant that a single point of access to/from a development site as large as the one proposed, is likely to be the subject of very high volumes of traffic and very long wait times both within the site, and along Queen Street. The provision of more than one point of access along Queen Street would reduce the incidence of concentrated flows at one location, and would therefore reduce the frequency of longer wait times/queues experienced through a single point of entry. Given the alternatives, when combining the advantages of the extension of the	

		median island along Queen Street; the splitting of traffic volumes through a number of access points along Queen Street; the reduction of the potential for vehicle conflicts as a result of additional points of access from Queen Street; and the proposed alternate direction of the internal circulation road, the relocation of the northern access point to within the site and the reliance of a single point of access is not considered to be a suitable solution in the circumstances.	
Loading/Unloading	Where practicable, loading bays shall be separated from parking and pedestrian access.	A loading dock management plan will be provided, and loading times will be limited. Appropriate signage and line marking will protect pedestrian movement near loading docks.	Yes
	All loading and unloading shall take place wholly within the site.	All loading and unloading would take place wholly within the site.	Yes
	No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	No loading or unloading is proposed to be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	Yes
	Parking and loading bays shall be provided and clearly identified on site.	Parking and loading bays would be clearly identified on site.	Yes
	Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Loading areas would be at ground level and would not conflict with basement car parking.	Yes

	Each new commercial building/unit having a gross floor area more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site. 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.	Both proposed loading docks would allow for on-site manoeuvring of heavy rigid vehicles. The point of entry to the proposed northern loading dock will be highly visible from Queen Street. The roller shutter for the loading dock is proposed to be shut at all times, other than for when a delivery vehicle arrives or leaves the loading dock. As such, the loading dock will not be visible from Queen Street, other than for during the short period of time when a truck is entering or leaving the loading dock. However, in order to further reduce the roller shutters visibility and prominence when viewed from Queen Street, a recommended condition of consent has been included that requires the loading dock's roller shutter to be recessed by 5 metres.	Yes Satisfactory
Public Domain	A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for new development having a gross floor area greater than 5,000sqm. Any development application for a new	A recommended condition of consent requires the preparation of a Public Domain Plan. A recommended condition of consent requires the	Yes Yes

	development having a gross floor area greater than 5000sqm shall provide public art of a type and location that is acceptable to Council.	preparation of a Public Art Strategy.	
	Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.	Outdoor commercial areas facing the street would enhance the surrounding public domain and public spaces.	Yes
	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 provided along the site's Queen Street frontage (within the property). Due to the development's prescribed 6 metre setback, the awnings cannot cover the footpath.	Yes
	Awnings shall: i. be 2.5 metres wide;	3 metres (on private land).	Satisfactory
	ii. be setback from the kerb by a minimum of 1 metre; and	Awnings would not reach front property boundary.	Yes
	iii. provide a minimum of 3 metres clearance to the underside of the fascia.	Minimum clearance of 4.5 metres.	Yes
Landscaping	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.	A detailed landscape plan has been provided.	Yes
Commercial Waste Management	Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the	The proposed development has an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the	Yes

	waste generated from the development. All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.	waste generated from the development. A recommended condition of consent requires this to be done.	Yes

As the table above shows, the proposed development is generally compliant with the provisions of Part 6 of the Campbelltown Sustainable City DCP 2015.

Volume 1 Part 8 – Centre-Based Childcare Facilities

The plans indicate that a child care centre is conceptually proposed on the ground floor of the proposed development. However, the fit out and use of this space as a child care centre would require the consent of Council. Notwithstanding this, the site's location complies with the locational criteria for child care centres outlined under Part 8 of the CSCDCP.

Volume 2: Part 14 – 22-32 Queen Street, Campbelltown

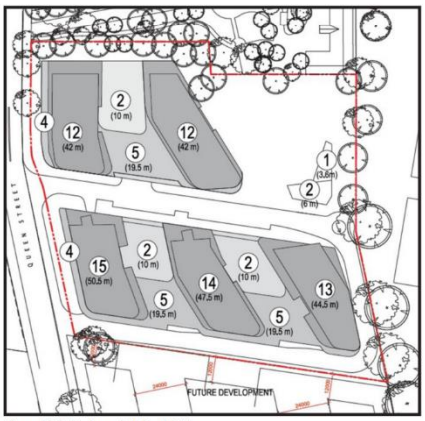
This section of the Sustainable City DCP applies to the subject site and was adopted in association with the recently finalised amendment to the CLEP 2015, which increased the site's maximum building height from 26 metres to a range of maximum building heights up to 52 metres and introduced a maximum floor space ratio requirement.

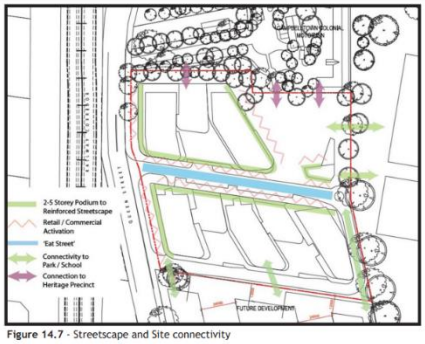
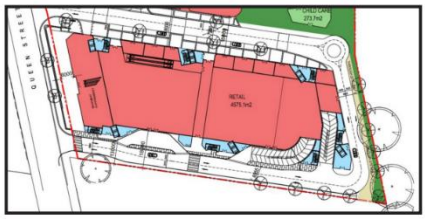
An assessment of the proposed development against this section of the DCP is detailed below:

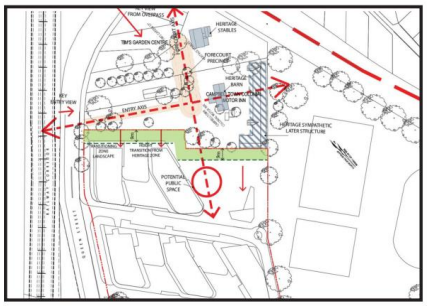
Standard	Required	Proposed	Compliance
Master Plan Consistency	Development is to generally comply with the concept masterplan	Generally compliant except vehicle circulation	Not strictly. Commentary provided and

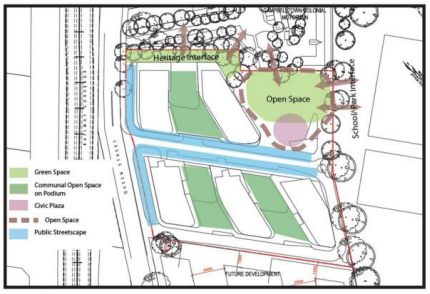
 Figure 14.2 - 22-32 Queen Street Masterplan	for the site shown at Figure 14.2.	and vehicle entry locations.	considered satisfactory.
	• Maximum height of 15 storeys;	Tower C is 16 storeys (including rooftop area).	No
	• Minimum 9 metres setback where future development interfaces with the boundary to the state listed heritage item, Warby's barn and stables.	9 metre setback to heritage sites provided.	Yes
	• Stepping of massing away from the heritage items to minimise impacts.	Massing is stepped away from heritage items.	Yes
	• Suitable heritage curtilage.	Suitable heritage curtilage provided.	Yes
	• Providing a heritage interface zone and addressing the development towards the precinct.	The eastern corner of the site interfaces appropriately with the heritage precinct.	Yes
	• Maximising greenspace for resident and visitor amenity.	A significant amount of green space is proposed.	Yes
	• Maximising solar amenity through proper alignment of buildings.	Buildings would be aligned generally as per the master plan	Yes
	• Minimising overshadowing through alignment of buildings.	Alignment of buildings would be generally as per the master plan.	Yes
	• Provide a central 'Eat Street' activated main road along the former Warby estate heritage item access road alignment.	A central eat street activated road is proposed along the former Warby estate access road alignment.	Yes
	• Proposed 4 storey podium along Queen Street to reinforce	A 4-storey podium is proposed for the southern street-	Yes

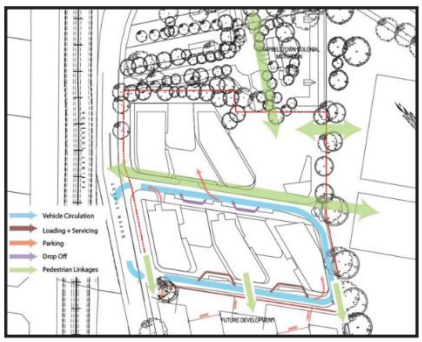
	streetscape, with towers above.	facing building, with towers above.	
	• Proposed 2 and 5 storey podium to reinforce street edges.	A two-storey commercial podium (five storey podium overall) is proposed for the northern street-facing tower.	Yes
	• Proposed access road loop to provide servicing access for retail/loading, garbage collection and street addresses for all the buildings, with anti-clockwise vehicular circulation.	Clockwise circulation proposed, however Council's traffic engineers have endorsed this aspect of the proposal and have advised that this outcome is considered superior to the alternate.	Satisfactory
	• Proposed civic space aligned with and connecting to heritage precinct.	Proposed communal/ civic space aligns with heritage precinct.	Yes
	• Ensure ADG building separations and setbacks.	ADG separations and setbacks would be complied with.	Yes
Building Orientation and Layout  Figure 14.3 - 22-32 Building orientation and layout	Building footprints, open space and roads and pedestrian areas are to be provided in accordance with Figure 14.3.	Building footprints, open space, roads and pedestrian areas are generally as per Figure 14.3.	Yes
	Tower forms are to be designed and orientated generally in a north-east/ south-west orientation, in accordance with Figure 14.3 to maximise solar access and residential amenity and minimise overshadowing to properties to the south.	The proposed towers are oriented in a north-east/ south-west orientation.	Yes
	The orientation of the built form is to	The proposed open space/ civic	Yes

	maximise solar access to the open space/civic plaza on 21st June.	plaza would receive sufficient solar access on 21 June.	
Building Separation and Setbacks	Queen Street podium (up to 4 storeys) – 5 metres	6 metres	Yes
	Queen Street ground floor – 6 metres	6 metres	Yes
	Queen Street tower setback (above 4 storeys) – 8 metres	8 metres	Yes
	Heritage interface up to level 8 – 9 metres	11 metres	Yes
	Heritage interface levels 9 to 12 – 15 metres	15 metres	Yes
	School grounds setback – 9 metres	9 metres	Yes
	Building separation created by 'Eat Street' – 18 metres	18 metres	Yes
Maximum Building Heights  Figure 14.5 - Maximum Building Heights	Development must be consistent with the number of storeys identified in Figure 14.5.	Each building includes a rooftop storey in addition to the number of storeys permitted under the DCP.	No
	The maximum height for any building is 15 storeys.	Tower C is 16 storeys (including rooftop area).	No
	The retail/ commercial level height should be a minimum of 5 metres in height.	All commercial spaces would have a minimum height of 5 metres.	Yes
Streetscape and Site Connectivity	New streets and pedestrian connections are to be activated where possible through design and active uses.	New streets and pedestrian thoroughfares would be activated by commercial uses.	Yes
	Public awnings for weather protection and public amenity are to be included.	Awnings would be provided over all internal pedestrian paths.	Yes

 Figure 14.7 - Streetscape and Site connectivity  Figure 14.8 - Possible site connections to the south	Blank walls to the public domain are to be minimised and only permitted in exceptional circumstances, and in such cases should be treated with appropriate levels of design detail and visual articulation to create visual interest.	Only one blank wall is proposed at ground level (northern elevation) but it would be screened by landscaping.	Yes
	Buildings must include active uses along Queen Street and the main street through the site.	The site's Queen Street frontage and internal street would be activated to the extent possible.	Yes
	Shade structures/ awnings are to be provided all the Queen Street and main street ground level frontages.	Awnings would be provided over all Queen Street and main street frontages	Yes
	Pedestrian movement is to be prioritised by appropriate crossings, footpath designs, street furniture, parking layouts etc.	Appropriately designed and compliant pedestrian crossing facilities and footpath treatments will ensure pedestrian safety	Yes
	To support the provision of pedestrian links to the south to allow connectivity now and in the future as adjoining sites develop.	The configuration of the development allows pedestrian access to the site to the south to be established, although this does not include pedestrian access through the building because that would sever the link between the planned supermarket and its loading dock.	Satisfactory
Heritage Interface	Respond to the axes of the Warby site (the configuration of the	The development responds to the axes of the Warby site.	Yes

 Figure 14.9 - Heritage Interface	buildings and the entry drive). Respond to the alignment of the historic entry drive to the west and interpret this early drive in the internal road alignments/ access ways in the Project site. Introduce a lower scale and open space along the Warby site property boundary. Concentrate taller buildings to the west and north, away from the Warby site and out of the principal view lines from the northeast. Integrate pedestrian access and landscaping into the heritage transition zone/ setback. Avoid visually overwhelming the Warby site by stepping away the massing of the new development from the shared property boundary. Avoid locating "back of house" services and carpark entries within the transition zone between the Warby site and the Project site.	The development responds adequately to the alignment of the historic entry drive. Open space would be provided along the Warby site property boundary. The tallest buildings would be towards the west and north of the site. Pedestrian access and landscaping are provided within the heritage transition zone. Buildings adjoining the Warby site would be stepped. Back of house services would not directly face the Warby heritage items, and would be screened by landscaping.	Yes Yes Yes Yes Yes Yes
Landscaping and Public Open Space	Public open space is to be provided as identified by Figure 14.10 to a minimum of 4,000sq.m. A public domain plan is to be prepared and submitted to Council with a development	Public open space generally in accordance with Figure 14.10 is proposed, exceeding 4,000sqm. A recommended condition of consent requires the preparation of	Yes Yes

 Figure 14.10 - Open Space	application for the construction of public open space that illustrates the context, role and purpose of open space elements.	a Public Domain Strategy.	
	50% of the civic plaza is to receive a minimum of 3 hour direct solar access between 9 am and 2pm on 21 June.	The civic plaza would receive in excess of 3 hours of direct solar access between 9am and 2pm on 21 June.	Yes
	Public art should be incorporated into the design of the open space adjacent to the Warby barn and stables site that reinforces the significance of the heritage landscape.	A recommended condition of consent requires the preparation of a Public Art Strategy.	Yes
	Maintain public access to the civic plaza.	Public access to the civic plaza would be available.	Yes
	To ensure the civic/ social infrastructure building is designed to respond to the public open space ensuring that the building does not undermine the integrity of the space and public access.	This matter would be assessed under the DA for the community building (DA-3858/2022).	NA
	Should social infrastructure uses such as child care be included, the design and interface is to be carefully considered to ensure the safety and protection of children and public access and usability of the open space.	Compliance with this standard would need to be demonstrated when a DA for a child care centre is lodged, however the conceptual layout appears capable of compliance.	Yes
Circulation and Access	Pedestrian linkages are to be secured and enhanced between Queen Street and the current high school grounds (future open space under the Campbelltown Precinct Plan); between the new	Pedestrian linkages to the adjoining sites would become available as a result of the site's redevelopment.	Yes

 Figure 14.11 - Circulation and Access	civic plaza space and the heritage listed Warby's barn and stables; and between the civic plaza and the high school. Vehicular circulation is to be in an anti-clockwise direction as indicated in Figure 14.11.	Clockwise circulation proposed, however Council's traffic engineers have endorsed this aspect of the proposal and have advised that this outcome is considered superior to the alternate.	Satisfactory
	Car parking and bicycle spaces are to be provided in accordance with the rates set out in table 14.2.	The proposed development would comply with these parking rates.	Yes
	Where possible, driveway crossovers should be limited to two crossover for residential cars, and two for service vehicles across the development.	Two driveway crossovers are proposed for cars and two for service vehicles,	Yes
	There is to be no provision made for loading bays on the main street or Queen Street.	A loading dock directly faces Queen Street.	Not compliant. Commentary provided and considered satisfactory
	Adequate 'end-of-trip' facilities are to be provided, including a change room with showers, to encourage walking and cycling to work by retail and commercial staff.	An End-of-trip room on basement level 2 is proposed, containing a change room with showers.	Yes
Crime Prevention Through Environmental Design (CPTED)	Development Applications are to address the CPTED principles:	A CPTED report has been provided that addresses these matters, and the	Yes

	Natural Surveillance Access Control Territoriality Maintenance	application has been deemed acceptable by the crime prevention officer at Campbelltown Local Police Command.	

As the table above shows, the proposed development generally complies with the site specific DCP for 22-32 Queen Street, Campbelltown (Part 14 of the Campbelltown Sustainable City DCP) 2015, however there are areas of non-compliance that are discussed below, including:

- Direction of vehicular circulation
- Vehicular access points
- Loading dock location
- Number of storeys

Direction of vehicular circulation

The site-specific DCP plans for vehicular movement through the site in an anti-clockwise direction, with all vehicles entering via the signalised intersection, and being able to exit the site via the proposed centrally located driveway onto Queen Street.

However on review, a clockwise circulation pattern is considered to be a superior arrangement to that of the prescribed anti-clockwise circulation pattern, and one that would be less impactful on the operational efficiencies of both Queen Street and the signalised intersection.

Council's traffic engineer advised that in addition to the operational benefits of the proposed northern loading dock access off Queen Street, the proposed clockwise arrangement will reduce the impact that delivery vehicles would otherwise have on the operational efficiency of both Queen Street and the signalised intersection, where an anti-clockwise solution was implemented.

With an anti-clockwise circulation pattern, delivery vehicles would be required to enter the site through the signalised intersection. Delivery vehicles queued in Queen Street at the signalised intersection (particularly right turn entry movements) would have an impact on traffic flows along Queen Street. The level of impact would be variable across the day, however where traffic volumes along Queen Street were high (peak hours), the impact of queued delivery vehicles on Queen Street could be significant. This is particularly so for larger vehicles, as large gaps in a two lane traffic stream during peak hour conditions are not as frequent as the smaller gaps in traffic that easily accommodate the turning movements of passenger vehicles. While a queue of passenger vehicles may be relatively easily cleared during any given phase of a signalised intersection, the driver of a larger delivery vehicle may have difficulty in finding a suitable gap in traffic, and as a consequence cause further delays and queuing along Queen Street.

In the circumstances of a clockwise circulation configuration however, the central median island in Queen Street would deny all right turn movements into the site from Queen Street. This would remove the high potential for the queuing of northbound delivery vehicles along Queen Street, and would instead result in delivery vehicles approaching from the north and turning left into the site from Queen Street.

A left turn entry into a site is considered a safer and less impactful solution than an uncontrolled right turn movement into the site.

The advantages of the clockwise design include:

- an outcome that does not force delivery vehicles to negotiate the crossing of two lanes of traffic to gain access to the site and/or the anti-clockwise pattern;
- a reduced potential for impact on northbound traffic flows along Queen Street as a result of right turning delivery vehicles queuing during peak hours;
- a reduction in the amount of time a delivery vehicle spends negotiating an entry manoeuvre into a site from Queen Street, when compared to that of the alternative;
- a reduction in potential vehicular conflict by separating high volume small vehicle movements at the signalised intersection, from the movements of delivery vehicles; and
- the circulation of all on-site delivery vehicles through a signalised left/right intersection when leaving the site.

Given the above, a clockwise design is considered a far superior design solution to that of the anti-clockwise solution.

Vehicular access points

The site-specific DCP plans for all vehicles to enter the site via the signalised intersection, and does not contemplate an additional vehicular entry point in the northern part of the site.

Key principles and objectives behind the DCP's requirement to limit the number of vehicular access points along Queen Street include the lessening of any visual impact, the maintenance of pedestrian safety, the reduction of vehicular conflict, and the mitigation of potential impacts on operational efficiencies of the local road network.

While the Council intends to uphold these underlying objectives, it is aware that one solution does not always and simply apply to all scenarios.

In the circumstances of this development proposal, the Council is of an opinion that while the objectives of the DCP are still relevant and need to be addressed, requiring a single point of vehicular access to/from the site would be detrimental to the ongoing and future operation of Queen Street and the local road network, may introduce unwanted vehicular conflicts, and may adversely impact on the experience of those that will live, work and visit the site in the future.

While the Council would normally oppose the provision of additional vehicular access points to the northern part of the site (along a street frontage), when considering the following aspects, the location of additional vehicular access points along Queen Street is considered to be reasonable.

- the car parking layout, circulation and access points within the subject development and its intentions on splitting traffic flows;
- the configuration of the preferred clockwise circulation pattern and how that reduces the level of conflict between delivery vehicles and passenger vehicles;
- the high volumes of traffic the development will generate and the greater need to split traffic flows to ensure effective movement of traffic in and around the area;
- the potential for a high level of conflict between delivery vehicles and passenger vehicles where there was only one point of access;
- the potential for large queues to form on-site at peak times where there was only one point of egress;

- the personally emotive consequences of drivers/residents/shoppers suffering long delays and impenetrable queues, which but for an alternate and reasonable solution could have been substantially avoided;
- the reduction in potential vehicular conflict where there was more than one point of ingress/egress from Queen Street;
- the effect of the proposed median island extension in Queen Street and how that positively reduces vehicular conflict within Queen Street; and
- the proposed mitigation measures included in the design/recommended conditions of consent to reduce visual impacts resulting from additional points of entry along Queen Street.

Loading dock location

The site-specific DCP for the site (as well as the LGA-wide DCP) state that loading docks should neither directly access the street nor face the street, with Queen Street specifically identified as a location where this should not occur. Despite this, the proposed northern building's loading dock directly faces Queen Street and would be accessed directly from Queen Street.

In upholding the objective of the DCP, Council opposed this configuration and sought an alternate solution. However, following a number of attempts at developing a viable alternate location for the loading dock, it would appear that when considering the competing needs of the various commercial entities that will operate out of the site, there are unfortunately no other viable alternatives for the location of the loading dock proposed at the north of the site. The commercial tenancies within the northern building require their own loading dock (since using the southern building's loading dock would not be practical) so the northern building's loading dock cannot simply be deleted.

Council's Design Excellence Panel advised that the loading dock should not be accessed from the proposed internal street, and the site-specific DCP also prohibits such an arrangement. Council's Design Excellence Panel suggested that the loading dock be accessed from the northern setback of the building, and this advice was conveyed to the applicant. However, information produced by the applicant's traffic engineer demonstrates that such a configuration would not be workable. Council's engineer agrees with that position and holds the view that due to the curvilinear form of Queen Street at this location, and the multitude of potential traffic/merging movements to/from and along Queen Street at this location, the location of a loading dock (and driveway) along the northern setback of the building would present an unreasonable level of safety risk to drivers and pedestrians moving in that area.

Notwithstanding the above, it is of concern that without additional controls, the location of the loading dock may on occasion conflict with the needs of pedestrians walking along Queen Street. Although this section of footpath does not see a high pedestrian usage, it is considered entirely appropriate to include design/management measures to ensure the safety of pedestrians at all times, and to provide as much visibility and notice for both the pedestrian and driver of the presence of the other.

Although the number of delivery vehicle movements across a day would be relatively low when set against the number of passenger vehicle movements across all driveways along Queen Street, there will always be a potential for pedestrian/vehicle conflict near a loading dock.

In order to mitigate any potential conflict a recommended condition of consent has been included that requires the preparation of a Loading Dock Management Plan which must include the proactive management of pedestrian safety near the loading dock entry when trucks are entering and/or leaving the site.

In addition to the above, to further reduce the visual impact of the loading dock entry of the streetscape, a draft condition of consent has been included that requires the proposed location of the loading dock roller door to be amended with the loading dock door recessed by an additional 5 metres into the site, so that it is less visible and does not dominate the building's façade.

Number of storeys

Each of the proposed towers includes a rooftop storey in addition to the number of storeys permitted under the DCP, and therefore all proposed towers do not comply with the site-specific DCP in terms of number of storeys planned. However, this is not considered to be a problematic planning outcome, since these additional storeys consist only of non-habitable rooms and access to the rooftop communal open space areas, which would improve the amenity of residents living in the towers. These rooftop storeys would not be visible from surrounding public places and would have only be visually discernible from distant viewpoints.

1.9 Other Planning Matters

A Section 7.11 contribution is payable under the Campbelltown Development Contributions Plan 2018 and an appropriate condition is recommended in this regard.

As the development subject of this application is no consistent with the current consent for a concept development on the subject land, a condition to surrender the concept development consent has been included within the recommended conditions of consent.

The application was referred to the NSW Department of Communities and Justice, who own a facility within the vicinity of the subject site and requested some design modifications in order to minimise the impacts of the proposed development upon their facility. Numerous design modifications were made by the applicant in response, and the NSW Department of Communities and Justice advised that they were satisfied with the modifications.

1.10 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 the provision of additional housing and would have positive impacts on the built environment due to its high quality design.

1.11 The suitability of the site

Due to the site's zoning (MU1 Mixed Use) and location within the main street of Campbelltown's CBD, the site is considered to be suitable for the proposed development.

2. Public Participation

The application was notified to nearby and adjoining residents for a period of 30 days. Council received two submissions, which raise the following issues:

Issue

The height of the proposed development is excessively high and not at all in line with its surroundings. The new building will be almost 3 times taller than the existing building. Five stories seems more in line with its current surroundings.

Comment

The height of the proposed development must be assessed against the maximum building heights for the site prescribed under the CLEP 2015, rather than the height of surrounding buildings. In this regard, whilst the proposed buildings slightly exceed these prescribed maximum building heights, allowing these exceedances would facilitate the positive planning outcome of the provision of functional rooftop communal open spaces for residents and the provision of ground and first floor commercial spaces with very high ceiling heights to allow for a broad range of commercial occupants.

Issue

Adding an additional 500+ occupancies will have a significant impact on the local infrastructure. Concentrating this many new occupancies along with the existing apartment blocks nearby will create a poor traffic outcome for the community.

Comment

The traffic and transport implications of the proposed development were considered as part of the Planning Proposal for the site that increased the site's maximum building height from 26 metres to a range of maximum building heights up to 52 metres and imposed a floor space ratio of 4.2:1, thereby allowing the site to be developed to the extent proposed under this application. Whilst the traffic assessment report submitted with the Planning Proposal found that some surrounding intersections will require modifications in order to accommodate the additional vehicular traffic generated by the increase in traffic movements to and from the subject site, it is noted that a substantial development contribution will be paid to Council in respect of the proposed development which includes contributions towards traffic, transport and access facilities.

In addition, it is noted that development on the subject site is subject to clause 7.25 of the CLEP 2015, which requires the NSW Planning Secretary to consider the impact of the proposed development on existing designated State public infrastructure and the need for additional designated State public infrastructure before issuing its concurrence to the application. In this regard, the Planning Secretary has issued concurrence to the application, so it can be assumed that the Department of Planning and Environment views the impact of the proposed development on State public infrastructure to be acceptable.

Issue

The proposed combined driveway for loading access and retail basement access is over 25m in width, which makes it difficult for pedestrians to safely cross. This is in the only pedestrian path to the residential lobby for Tower D. Additionally, the pedestrian pathway is located within a colonnade, which restricts sight lines to turning traffic, particularly entering traffic.

Comment

The proposed width of the combined driveway for the loading dock and retail basement entry is approximately 22 metres. The applicant advises that the loading driveway and retail driveway have been separated (and not combined) in order to reduce the likelihood of accidents occurring between large trucks and smaller vehicles, which has a far higher chance of occurring if the driveways are shared. In addition, an alternative entry point for residents of Tower D is available from RW-01, by using the travelator to basement 1 and then using the lift from basement 1 into Tower D.

In terms of the safety of pedestrians accessing the ground level entry point to Tower D from Queen Street, a Pedestrian Safety Management Plan will be provided that will address this potential conflict point.

The applicant has also advised that an infrared signal system can be implemented at the loading dock entrance as a further safety measure.

Issue

The proposed kerb line hard up against the boundary does not allow for sufficient vehicle swept paths given the proposed traffic light phasing arrangements – especially for a Heavy Rigid Vehicle (HRV). As there is no setback of the roadway from the boundary, trucks cannot concurrently turn right into RW-03 from Queen Street and turn left from RW-03 onto Queen Street. This means the fence line on the boundary and the adjoining existing medical centre is likely to be a hazard and risks being damaged by vehicle swept path and overhang.

Comment

The proposed kerb alignment has a setback from the southern boundary of approximately 850mm. At its intersection with Queen Street, proposed road RW-03 has been widened for right-turning vehicles, and the median widens to 1.2 metres at the approach to the intersection. HRV swept paths submitted with the application show that vehicles would remain within the road pavement and would not conflict with fences. It is noted that HRVs would be permitted to turn left out of the site from the right turn lane and would also be able to use both lanes on Queen Street to turn into the site if necessary (as heavy vehicles longer than 7.5 metres are permitted to do this under Australian Road Rules).

Issue

The proposed right-hand queuing does not allow sufficient queue length and will restrict exiting traffic – particularly for retail traffic. Traffic modelling indicates a queue length of up to 135m on the right turn bay however only 30m length is provided.

Comment

The most recent traffic modelling submitted with the application in relation to the existing signalised intersection indicates that the 95th percentile queuing distance for traffic turning right out of the site onto Queen Street would be 69 metres. This would give the intersection a Level of Service “D”, which is not ideal but acceptable.

Issue

RW-02 needs to consider future development of the adjoining site to the south and possible extension of RW-02 to the south through the adjoining site once it develops. In particular, pedestrian access needs to be resolved – particularly when crossing the intersection of RW-02 and RW-03 at the round-about.

Comment

There would be approximately 2.7 metres of space between the eastern edge of road RW-02 and the rear boundary of the site that adjoins the school. This would give pedestrians using this space to walk to the site to the south sufficient space within which to walk. Pedestrians using the western side of RW-02 to walk to the adjoining site to the south would be able to cross RW-03 near the residential lobby.

Issue

The acoustic report does not address impact from services vehicles.

Comment

An amended acoustic report was submitted that addresses noise impacts from service vehicles, which demonstrates that noise levels would be acceptable, subject to certain operational measures and use of certain materials.

Issue

The ground plane of the proposal should consider/allow for future pedestrian connectivity and support safe access through to retail facilities.

Comment

The objection correctly identifies that the proposed development does not reflect the level of pedestrian connectivity and convenience planned for in the site-specific DCP, whereby pedestrians could walk from the subject site's internal retail street through the southern building and directly into the adjoining site to the south. Unfortunately, delivering this internal pedestrian connection would sever the link between the planned supermarket and its loading dock, making the supermarket unviable and resulting in its deletion from the proposal, and on this basis alone, Council has not insisted on this internal link being provided. Should the supermarket not eventuate, Council expects that this pedestrian link should be provided. Despite the lack of this internal pedestrian linkage, pedestrian connectivity between the two sites would still be able to be achieved by pedestrians walking around the southern building to get to the internal retail street.

Issue

An assessment supporting the retail/commercial potion of the proposal was not provided with the application.

Comment

There is no requirement within the CLEP 2015 or CSCDCP 2015 for a feasibility assessment to be provided for the retail/commercial portion of the development. Clause 7.9 of the CLEP 2015 requires the ground floor of the development to only accommodate non-residential land uses, and therefore encourages and requires the provision of a significant amount of commercial floor space for large sites. Given the significant number of dwellings proposed, there is no concern with the feasibility of the proposed retail/commercial floor space.

3. The Public Interest

Due to the positive economic and social impacts that the development would have, the proposed development is considered to be in the public interest.

4. Conclusion

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

Officer's Recommendation

That 2278/2022/DA-RA, which proposes the construction of a mixed use development at 22-32 Queen Street Campbelltown, be approved subject to the recommended conditions of consent outlined in Attachment 1.