

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-367
DA Number	3067/2023/DA-RA
LGA	Campbelltown
Proposed Development	Demolition of existing structures and construction of a mixed use commercial and residential development in two stages, and Torrens title subdivision into two allotments
Street Address	1 Bugden Place, Campbelltown (Lot 1 DP 882496)
Applicant/Owner	AV Jennings SPV No 25 Pty Ltd / Dumarchand Holdings Pty Ltd and Dankaur Pty Ltd
Date of DA lodgement	25 September 2023
Total number of Submissions	2
Number of Unique Objections	2
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	<p>State Environmental Planning Policy (Planning Systems) 2021</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>State Environmental Planning Policy (Housing) 2021</p> <p>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</p> <p>Apartment Design Guide</p> <p>Campbelltown Local Environmental Plan 2015</p> <p>Campbelltown (Sustainable City) Development Control Plan 2015</p>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Landscape Plans • Statement of Environmental Effects • Clause 4.6 Objection • Detailed Site Investigation report • Minutes of Design Excellence Panel meeting - 11 April 2024
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 and SP2 Infrastructure (Classified Road) zones.
Summary of key submissions	<ul style="list-style-type: none"> • Insufficient car parking • Status of related Planning Proposal • Impact of development on local traffic infrastructure • Traffic congestion • Environmental impact • Loss of community character • Inadequate public consultation • Impact on property values
Report prepared by	Luke Joseph – Senior Town Planner
Report date	25 September 2024

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

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

Clause 4.6 Exceptions to development standards

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

Yes

Special Infrastructure Contributions

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

No

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

Executive Summary

- 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 \$395 million, the Panel is the consent authority for this development application.
- 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 (CLEP) 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 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 is generally compliant with the relevant provisions of the Campbelltown Sustainable City Development Control Plan 2015 (CDCP), and is satisfactory with regard to car parking and traffic impacts.
- The application was publicly exhibited and notified to nearby and adjoining residents for a period of 28 days. Two submissions were received, which are addressed later in this report.
- 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 2018, a Planning Proposal was lodged with Council for the subject site and other surrounding land to increase the maximum building height from 32 metres to 80 metres.

However, following a gateway determination in 2020 and consultation with state agencies, the Department of Planning decided in 2021 that the proposal would not proceed due to unresolved concerns related to traffic and flooding caused by the increased density resulting from the proposal.

In July 2023, a Planning Proposal was lodged with Council for the subject site only, seeking to remove the application of Clause 7.9 of the CLEP 2015 to the site. Clause 7.9 of the CLEP restricts the ground-level of buildings within the MU1 Mixed Use zone to non-residential uses only. This Planning Proposal remains under assessment by Council and is currently being publicly exhibited.

Site and Locality

The subject site is located within the Campbelltown CBD, approximately 400 metres from Macarthur train station. It has an area of 2.548 hectares and has frontages to four roads: Kellicar Road to the south, Menangle Road to the north, Bugden Place to the east, and Gilchrist Drive to the west. The site currently contains a former Bunnings Warehouse building and associated car parking. Gilchrist Drive traverses the north-western part of the site in the form of a bridge that crosses Menangle Road and the Main South Rail Line.

The surrounding locality consists generally of low-rise commercial buildings and low/medium density residential development, however the locality is currently in transition to a high-rise 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:

- Eight towers across two podiums reaching heights of 6-15 storeys (plus rooftop levels), containing 757 apartments.
- 4,193sqm of ground floor commercial premises across the buildings.
- Three levels of basement car parking and three loading docks.

- An internal pedestrian thoroughfare through the site from Bugden Place to Menangle Road.

The application also seeks consent for the Torrens title subdivision of the site into two allotments.

The proposed development has been designed to comply with the CLEP 2015 as it currently applies to the site, whilst the Planning Proposal referred to above is assessed concurrently.

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 \$395 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, concluding that the site is suitable for the proposed development and land use, provided that an Unexpected Finds Protocol is implemented, the localised groundwater contamination is managed in accordance with a Dewatering Management Plan, and a waste classification assessment, including asbestos screening, is conducted prior to off-site disposal.

Subject to these recommendations, the site is considered to be suitable for the proposed development from a land contamination perspective.

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

The BASIX SEPP sets energy efficiency, water usage, and thermal comfort targets for new residential buildings. The proposed development has achieved these targets through measures such as water and energy efficient fixtures and appliances, insulation, and rainwater tanks, and these commitments are supported by a valid BASIX certificate.

1.4 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

As the subject site is located within the boundaries of the Greater Macarthur Growth Area, Clause 3.21 of the SEPP is relevant to the application and is discussed below.

3.21 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land

This clause of the SEPP precludes the granting of consent without consideration of its impact on future land uses identified in the growth centre structure plan, including its potential to preclude urban and employment development, fragment land holdings, alienate land, conflict with draft environmental planning instruments or precinct planning strategies, hinder infrastructure provision, and, in the case of transitional land, its ability to protect Aboriginal heritage, ecological and biological diversity, and scenic amenity.

The Glenfield to Macarthur Urban Renewal Corridor Strategy indicates that the subject site would be “Mixed Use Retail & Residential (7 storeys and over)”. The proposed development is a mixed use development exceeding seven stories in height and is therefore consistent with the relevant precinct planning strategy, and satisfies Clause 3.21 of the WPC SEPP.

1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the efficient delivery of transport and infrastructure projects, streamline the planning process, and ensure that development aligns with strategic transport objectives while minimising impacts on surrounding communities and the environment. 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 notify the electricity supply authority and consider their response for specific works, including those near underground electricity lines, easements, substations, and overhead power lines. The proposed development would involve works described by the clause, and accordingly, the application was referred to Endeavour Energy, who provided conditions that have been included within the recommended conditions of consent.

Clauses 2.98 and 2.99 – Development and excavation adjacent to rail corridors

These clauses require the consent authority to notify the rail authority and consider their response for specific works, including those affecting rail safety, involving metal finishes near electric trains, using cranes over rail corridors, or penetrating ground near rail corridors. The proposed development involves such works, and accordingly, the application was referred to Sydney Trains, who reviewed the application, issued their concurrence, and provided conditions that have been included within the recommended conditions of consent.

Clause 2.100 – Impact of Rail Noise or Vibration on Non-Rail Development

Clause 2.100 of the Transport and 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 opposite the main south train line (across Menangle Road), and therefore the provisions of Clause 2.100 apply to the proposed development. Clause 2.100(3) requires all development for a residential use to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(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 standard outlined above and the 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The Assessment concludes that the development is capable of complying with these standards and guidelines, subject to the adoption of acoustic treatments. 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, and that validation of the modelled outcomes be undertaken prior to the issue of an occupation certificate.

Clause 2.119 – Development with frontage to a classified road

This clause prevents consent from being granted for development on land fronting a classified road unless safe vehicular access is provided from a different road, the classified road's safety and efficiency are not compromised, and the development is either not sensitive to traffic noise or appropriately designed to mitigate such impacts. The subject site fronts Menangle Road, a classified road, but all vehicular access will be from Bugden Place, ensuring no adverse effect on Menangle Road. Additionally, acoustic treatment measures will address traffic noise, and air-conditioning will mitigate the impact of vehicle emissions for residents.

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

This clause applies to residential development near roads with traffic volumes exceeding 20,000 vehicles per day, requiring consideration of guidelines from the Planning Secretary and adherence to noise level limits of 35 dB(A) in bedrooms and 40 dB(A) in other living areas. While the site is not adjacent to such a road, the proposed development must still meet these noise criteria under other relevant clauses. Acoustic treatment measures are included to address traffic noise, and these will be shown on construction certificate plans and be validated as being sufficient prior to the issue of an occupation certificate.

Clause 2.122 – 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 757 dwellings, the proposal was referred to Transport for NSW (TfNSW), who reviewed the proposal and provided their conditional concurrence to it.

1.6 State Environmental Planning Policy (Housing) 2021

Clause 29 of 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 Nicholas Byrne of DKO Architecture.

Clause 147 of Chapter 4 of the Housing SEPP states that development consent must not be granted to residential apartment development unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,
- (c) any advice received from a **design review panel** within 14 days after the consent authority referred the development application or modification application to the panel.

In relation to subclause (a), the application includes an assessment of the design quality principles by the architect. This assessment is considered to be accurate and reasonable.

In relation to subclause (b), an assessment of the application against the Apartment Design Guide prepared by Council is presented in Attachment 1, and demonstrates that the proposed development is fully compliant in this regard.

In relation to subclause (c), **design review panel** means a panel constituted by the Minister under section 288A of the Environmental Planning and Assessment Regulation 2021. Council's Design Excellence Panel is not a design review panel as defined by the Regulation.

1.7 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned MU1 Mixed Use and SP2 Infrastructure (Classified Road) under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development would be located wholly within the part of the site zoned MU1 Mixed Use.

The proposed development is defined as shop top housing and is permissible with development consent within the MU1 Mixed Use zone.

Zone objectives

Clause 2.3 of the CLEP 2015 states that the consent authority must have regard to the objectives for development in the zone when determining a development application. In this regard, the application has been assessed against the objectives of the MU1 Mixed Use zone and the SP2 Infrastructure zone (since part of the site is reserved for road widening), and was found to be consistent with all zone objectives.

Clause 4.3A 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.

Clause 4.3 Building height

The subject site has a maximum building height of 32 metres. The table below illustrates the height of each proposed building, and for the buildings that do not comply with the site's maximum building height, the extent of the non-compliance.

Building	Building Height Proposed	Compliance	Extent of Non-Compliance
Tower A	24.31 metres	Yes	NA
Tower B	48.77 metres	No	52%
Tower C	18.77 metres	Yes	NA
Tower D	47.59 metres	No	49%
Tower E	27.44 metres	Yes	NA
Tower F	46.6 metres	No	46%
Tower G	17.78 metres	Yes	NA
Tower H	47.45 metres	No	48%

As the above table shows, four of the eight towers proposed would exceed the applicable maximum building height for the site. An objection pursuant to clause 4.6 of the CLEP 2015 has been submitted with the application, which is discussed below.

Clause 4.6 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. Council's assessment of the applicant's request is outlined in Appendix 4.

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

This clause aims to promote employment opportunities and mixed-use development within the B3 Commercial Core and MU1 Mixed Use zones. For development consent to be granted for a building containing a residential component, the consent authority must be satisfied that the following specific requirements outlined in this clause are met:

1. Active Street Frontage: The building must have an active street frontage, meaning that all premises on the ground floor facing the street are used for business or retail purposes.
2. Ground Floor Non-Residential Use: The ground floor must only accommodate non-residential land uses, which includes commercial premises, medical centres, and indoor recreation facilities, but excludes car parking.

The ground floor of the proposed development consists mostly of employment-generating land uses. To ensure full compliance with this clause, a recommended condition of consent requires the relocation or reconfiguration of the ground floor plant room to ensure that commercial floor space fronts the street in this location, ensuring that an active street frontage would be provided.

Clause 5.1A Development on land intended to be acquired for public purposes

This clause restricts development on land designated for public acquisition, as shown on the Land Reservation Acquisition Map. Development consent is only permitted for purposes specified in the corresponding table to the clause. In this case, only the demolition of existing structures is proposed within the SP2 zone (no new land uses).

Clause 7.18 Restrictions on access to or from public roads

This clause ensures safe access to public roads and requires development consent for any road-related work or access opening to an existing public road. Development on land adjoining roads in the SP2 Infrastructure zone may only be approved if access is provided by a road outside that zone or if no alternative access is possible. In this case, access to the site is proposed via Bugden Place, not Menangle Road or Gilchrist Drive, complying with the clause.

Clause 7.13 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. This evaluation considers factors such as architectural quality, enhancement of public domain amenity, impact on view corridors, suitability of the land, compliance with heritage and streetscape constraints, and various environmental impacts, including sustainable design, interface with the public domain, and integration with landscape design.

The proposed development was reviewed by the Campbelltown Design Excellence Panel (the Panel) on four separate occasions (two prior to the lodgement of the application and two following its lodgement). The last occasion was at the Panel's meeting of 11 April 2024, the minutes of which are attached. After initially raising numerous issues with the proposed development, the Panel raised only minor matters at its most recent meeting, which have been fully addressed by subsequent amendments to the proposed development as well as recommended conditions of consent, in particular a condition requiring improvements to the public domain interface at street level. Accordingly, in Council's opinion, the proposed development, if the recommended conditions of consent are adopted, would achieve design excellence.

Clause 7.10 Essential services

This clause prevents development consent from being granted unless the consent authority is satisfied that essential services—such as water, electricity, sewage disposal, stormwater drainage, road access, telecommunications, and natural gas—are available or can be made available when needed. For the proposed development, water, electricity, sewage, telecommunications, and natural gas are accessible in surrounding streets, requiring approval from utility authorities for connection. Additionally, Council has assessed that adequate stormwater drainage and road access arrangements are in place to serve the development.

Clause 5.21 Flood planning

This clause states that development consent for land within the flood planning area cannot be granted unless the development is compatible with flood behaviour, does not increase flood risk to other properties, ensures safe evacuation, incorporates flood risk management measures, and avoids environmental harm such as erosion or vegetation destruction. Council's Development Engineer has determined that the proposed development has been designed in such a way as to adequately mitigate the site's very minor flooding affectation.

Clause 7.1 Earthworks

When considering development involving earthworks, the consent authority must assess potential impacts on drainage, soil stability, future land use, the quality of fill, nearby property amenity, material sourcing, the likelihood of disturbing relics, and proximity to sensitive environments. In this regard, a preliminary geotechnical report was submitted, which outlines numerous geotechnical considerations for the proposed development to address. Additionally, a detailed geotechnical report will be required to be prepared before a Construction Certificate is issued. The findings and recommendations of these reports will inform the detailed structural design of the development.

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.

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 through-site link
- Along the street boundaries of the site
- Within the ground level and rooftop communal open space areas.

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 Bugden Place via a network of pits, pumps and pipes. Council's Development Engineer has advised that the proposed stormwater configuration is satisfactory.

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 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.

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 in Appendix 2, and shows that the proposed development is generally compliant with these standards. Some minor departures from the SCDCP are proposed, however these are justified by their negligible impacts on the public domain or surrounding properties, the unique nature of the development and/or the site, and satisfaction of the relevant objectives of the standards in question.

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 in Appendix 2, and shows that the proposed development is generally compliant with these standards.

1.9 Development Contributions

- A Section 7.11 contribution is payable under the Campbelltown Development Contributions Plan 2018 and an appropriate condition is recommended in this regard.
- A Housing and Productivity Contribution payment is not applicable to this application, as it was lodged prior to the implementation of the Housing and Productivity Contribution scheme.

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

2.2 The suitability of the site

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

3. Public Participation

The application was notified to nearby and adjoining residents for a period of 28 days in accordance with the provisions of the Campbelltown Community Participation Plan. Council received two submissions, which raised the following issues:

Issue

The development proposes insufficient car parking and seeks to rely upon the nearby Macarthur Square shopping centre to accommodate its car parking demand.

Comment

Amendments made to the proposed development have resulted in a compliant amount of car parking being provided on the site.

Issue

Council is requested to consider the broader implications of the planning proposal seeking to remove the application of Clause 7.9 (requiring non-residential land uses on the ground floor of mixed-use buildings) to the site. The proposal could affect other similarly zoned areas in the CBD, and it is recommended to defer the DA determination until the wider policy implications are fully assessed.

Comment

The points raised by this submission in relation to the planning proposal and the purpose of clause 7.9 of the CLEP 2015 are correct and not disputed. However, it must be acknowledged that parts of the subject site that adjoin roads would not be appropriate locations for commercial premises. The planning proposal, which has progressed significantly since the development application was lodged, provides an opportunity for a site-specific assessment of the best locations on the site to provide a quantum of non-residential development that would be expected based on the subject site's size and location. The outcome of the planning proposal is unlikely to be one in which clause 7.9 of the CLEP is simply rendered inapplicable to the subject site. Rather, the outcome is likely to be a refinement of the planning controls relating to the quantum and locations of non-residential development for the subject site.

Issue

Overcrowding and Strain on Resources: Introducing such a large number of apartments will significantly strain local resources, including schools, healthcare facilities, and public services. The increased population density could lead to overcrowding and diminished quality of life for existing residents.

Comment

While concerns about resource strain are valid, a significant monetary contribution would be required to be paid by the developer pursuant to the Campbelltown Local Infrastructure Contributions Plan 2018, which will enable significant investment in local infrastructure, such as transport upgrades, parks and community facilities. Moreover, the increased population will likely bring more businesses to the area, resulting in improved services and amenities for all residents.

Issue

Traffic Congestion: The influx of residents and vehicles will inevitably worsen traffic congestion in our area. Our current infrastructure is not equipped to handle the volume of traffic that a development of this magnitude would bring, leading to unsafe road conditions and inconvenience for residents.

Comment

The traffic report submitted with the application projects a reduction in vehicular traffic in comparison to the current land use on the site (Bunnings Warehouse), and concludes that the surrounding road network has sufficient capacity to accommodate the vehicular traffic associated with the proposed development. In addition, a significant monetary contribution would be required to be paid by the developer pursuant to the Campbelltown Local Infrastructure Contributions Plan 2018, which will enable significant investment in local road and infrastructure to occur. Finally, the proximity of the subject site to surrounding train and

bus networks will enable the incoming residents to rely on public transport for much of their transportation requirements.

Issue

Strain on Public Resources Such as Hospitals: Local hospitals and healthcare facilities are already under pressure to meet the needs of the existing population. The proposed development would place an additional burden on these facilities, potentially leading to longer waiting times, reduced quality of care, and overall strain on the healthcare system.

Comment

A major upgrade of Campbelltown Hospital has recently been completed, and this upgrade was planned having regard to very long-term population projections for the Macarthur region. In this regard, the growth in local population that the proposed development would generate has been anticipated in the planning of healthcare provision for the Macarthur community.

Issue

Parking Problems for Communities Such as Park Central: The existing parking situation, particularly in communities like Park Central, is already problematic. The proposed development lacks a sufficient plan to address the parking needs of the new residents, exacerbating the current issues. Limited parking availability will lead to frustration among residents and visitors alike.

Comment

The proposed development incorporates a quantum of multi-level basement car parking in excess of the minimum applicable requirements, to accommodate the parking demand of new residents. Additionally, the proposed development includes measures to promote alternative transportation methods, such as cycling and walking, which would reduce reliance on personal vehicles, thereby reducing demand for car parking. These measures will assist in alleviating existing parking problems whilst accommodating the parking demands of new residents.

Issue

Environmental Concerns: Such a large-scale development could lead to environmental degradation, including habitat destruction, increased pollution, and strain on natural resources. Preserving our environment should be a priority, and this development poses a significant threat to our local ecology.

Comment

While environmental protection is indeed a priority, it is important to note that the proposed development site is in a highly urbanised area with no significant habitats or ecological features at risk, and in this regard the proposed development would retain a row of native trees along the site's western boundary. Furthermore, the proposed development is fully compliant with all of the applicable environmental sustainability requirements, including measures to optimise resource use and incorporate green building practices.

Issue

Loss of Community Character: Our community has a unique character and charm that would be jeopardized by this high-density development. Preserving the character of our neighbourhood is essential for maintaining a sense of identity and pride among its residents.

Comment

Whilst the proposed high-density development would lead to a significant change of urban character within the immediate locality of the site, it would revitalise the neighbourhood, attracting new businesses and services that enhance the quality of life for all residents. Public spaces within the development would foster a sense of community and connectivity.

Issue

Insufficient Public Consultation: Adequate public consultation and engagement have not taken place to gauge the concerns and opinions of the community regarding this development. It is crucial to involve residents in decisions that will significantly impact their lives and surroundings.

Comment

The application was notified to nearby and adjoining residents for a period of 28 days in accordance with the provisions of the Campbelltown Community Participation Plan, and all submissions received have been considered during the assessment of the application. In addition, the application will be determined by the Sydney Western City Planning Panel at a meeting at which submitters will be able to address the Panel.

Issue

Impact on Property Values: The sheer scale of this development could potentially lead to a decrease in property values for existing homeowners, causing financial distress and instability within the community.

Comment

No evidence has been provided to demonstrate that the proposed development would lead to a decrease in property values for existing homeowners, and even if this were to occur, this would not be a reason to refuse the application. While concerns about property values are understandable, well-planned developments can actually enhance property values by bringing new amenities, improved infrastructure, and increased economic activity to the area.

4. 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.

5. 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 3067/2023/DA-RA, which proposes the construction of a mixed use development at 1 Bugden Place, Campbelltown, be approved subject to the recommended conditions of consent outlined in Attachment 1.

Appendix 1 – Assessment Against 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	<p>Where the street frontage is to the east or west, rear buildings should be orientated to the north</p> <p>Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west</p>	All of the site's boundaries are street frontages, and buildings are orientated such that a balance of solar access and shade would be provided, and overshadowing is minimised.	Yes
Public Domain Interface	<p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m</p> <p>Length of solid walls should be limited along street frontages</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view</p> <p>Ramping for accessibility should be minimised by building entry location and setting ground floor</p>	<p>A recommended condition of consent requires the street wall along the northern part of Bugden Place to be reduced from 1.5m to 1m.</p> <p>The street wall is broken up at several points.</p> <p>A recommended condition of consent prevents car park vents from facing any street frontage.</p> <p>Only the proposed substations and the sprinkler boosters would be at street level due to access requirements.</p> <p>Accessibility ramping does not feature within the facades.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>levels in relation to footpath levels</p> <p>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</p>	<p>Recommended conditions require the ground floor level at the northern end of Bugden Place to be lowered to reduce basement protrusion, and a relatively small section of the basement that protrudes above the Menangle Road elevation to be treated architecturally and not have ventilation louvres facing the street.</p>	Satisfactory
Building separation for visual privacy (5-8 storeys)	9m between habitable rooms and balconies	7 metres for the diagonal buildings (point encroachments), however screening is to be provided.	Satisfactory
	4.5m between non-habitable rooms	Setbacks comply with this standard.	Yes
Building separation for visual privacy (9+ storeys)	12m between habitable rooms and balconies	Setbacks comply with this standard.	Yes
	6m between non-habitable rooms	Setbacks comply with this standard.	Yes
Building separation - general	Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance	Only one step is proposed in the instances where a stepped built form is proposed.	Yes
Street setbacks	In mixed use buildings a zero setback is appropriate.	5-6 metre front setbacks are proposed for all street-facing buildings, with a point encroachment in the northwestern corner.	Yes
	Street setbacks are to be consistent with existing/desired future setbacks.	5-6 metre front setbacks are considered to be appropriate for the future character of the area.	Yes
Deep soil zones	Minimum 7% of site area (15% of the site as deep soil on sites greater than 1,500sqm is ideal)	Greater than 15% of the site would be deep soil zones.	Yes

Control	Required	Proposed	Compliance
	Minimum width of 6 metres	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.	47% of the site (including the proposed semi-public through-site links and under-bridge space) would be communal open space.	Yes
	Developments must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space (a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction) for a minimum of 2 hours between 9 am and 3 pm on 21 June.	The proposed development does not strictly comply with this standard since the ground level COS would not have 50% of its area achieve 2 hours of solar access. However, all of the rooftop COS areas achieve plentiful solar access, and the development configuration adequately balances solar access and shade.	Satisfactory
	Communal open space should be consolidated into a well-designed, easily identified and usable area	The proposed COS consists of several well-designed, easily identified and usable areas.	Yes
	Communal open space should have a minimum dimension of 3 metres.	All communal open space would have a minimum dimension of 3 metres.	Yes
	Communal open space should be co-located with deep soil areas.	COS along the semi-public thoroughfare 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 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:	A wide range of communal facilities is proposed, accommodating all age groups.	Yes

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> • bay windows • corner windows • balconies 	<p>A wide range of different spaces is proposed, to account for differing weather patterns.</p> <p>Communal open space and the public domain would be readily visible from habitable rooms and private open space areas while maintaining visual privacy.</p>	<p>Yes</p> <p>Yes</p>
Car Parking	<p>For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>The proposed development is within 800 metres of Macarthur railway station, and therefore the parking requirements for residents and visitors is set out in the Guide to Traffic Generating Developments do apply to the development.</p> <p>The proposed development contains 757 apartments.</p> <p>171 one-bedroom apartments requires 68.4 spaces at a rate of 0.4</p> <p>526 two-bedroom apartments requires 368.2 spaces at a rate of 0.7</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
		<p>60 three-bedroom apartment requires 72 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (108 based on 757 apartments)</p> <p>Total apartment spaces required = 616</p> <p>Total apartment spaces proposed = 724</p> <p><u>Stage 1</u></p> <p>Stage 1 contains 390 apartments.</p> <p>107 one-bedroom apartments requires 42.8 spaces at a rate of 0.4</p> <p>256 two-bedroom apartments requires 179.2 spaces at a rate of 0.7</p> <p>27 three-bedroom apartment requires 32.4 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (55.7 based on 390 apartments)</p> <p>Total apartment spaces required = 310</p> <p>Total apartment spaces proposed = 356</p> <p><u>Stage 2</u></p> <p>Stage 2 contains 367 apartments.</p> <p>61 one-bedroom apartments requires 24.4 spaces at a rate of 0.4</p> <p>270 two-bedroom apartments requires 189 spaces at a rate of 0.7</p>	

Control	Required	Proposed	Compliance
		<p>33 three-bedroom apartment requires 39.6 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (52.4 based on 367 apartments)</p> <p>Total apartment spaces required = 342</p> <p>Total apartment spaces proposed = 368</p> <p><u>Stage 1A</u></p> <p>Stage 1A contains 195 apartments.</p> <p>65 one-bedroom apartments requires 26 spaces at a rate of 0.4</p> <p>117 two-bedroom apartments requires 81.9 spaces at a rate of 0.7</p> <p>13 three-bedroom apartment requires 15.6 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (27.9 based on 195 apartments)</p> <p>Total apartment spaces required = 151</p> <p>Total apartment spaces proposed = 139 (Compliance to be conditioned)</p> <p><u>Stage 1B</u></p> <p>Stage 1B contains 195 apartments.</p> <p>42 one-bedroom apartments requires 16.8 spaces at a rate of 0.4</p> <p>139 two-bedroom apartments requires</p>	

Control	Required	Proposed	Compliance
		<p>97.3 spaces at a rate of 0.7</p> <p>14 three-bedroom apartments requires 16.8 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (27.9 based on 195 apartments)</p> <p>Total apartment spaces required = 159</p> <p>Total apartment spaces proposed = 217</p> <p><u>Stage 2A</u></p> <p>Stage 2A contains 224 apartments.</p> <p>46 one-bedroom apartments requires 18.4 spaces at a rate of 0.4</p> <p>157 two-bedroom apartments requires 109.9 spaces at a rate of 0.7</p> <p>21 three-bedroom apartment requires 25.2 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (32 based on 224 apartments)</p> <p>Total apartment spaces required = 186</p> <p>Total apartment spaces proposed = 226</p> <p><u>Stage 2B</u></p> <p>Stage 2B contains 143 apartments.</p> <p>18 one-bedroom apartments requires 7.2 spaces at a rate of 0.4</p>	

Control	Required	Proposed	Compliance
		<p>113 two-bedroom apartments requires 79.1 spaces at a rate of 0.7</p> <p>12 three-bedroom apartments requires 14.4 spaces at a rate of 1.2</p> <p>1 visitor space per 7 units (20.4 based on 143 apartments)</p> <p>Total apartment spaces required = 121</p> <p>Total apartment spaces proposed = 142</p>	
Basement Protrusion	Protrusion of car parks should not exceed 1 metre above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	Recommended conditions require the ground floor level at the northern end of Bugden Place to be lowered to reduce basement protrusion, and a relatively small section of the basement that protrudes above the Menangle Road elevation to be treated architecturally and not have ventilation louvres facing the street.	Satisfactory
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
Pedestrian access and entries	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries</p> <p>Pedestrian links through sites facilitate direct connections to open space, main</p>	<p>Multiple communal building entries are proposed.</p> <p>Ramps are proposed to manage level changes near building entries.</p> <p>The proposed semi-public thoroughfare through the site would facilitate appropriate</p>	<p>Yes</p> <p>Satisfactory</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>streets, centres and public transport</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate</p>	<p>connections to several destinations.</p> <p>The proposed semi-public thoroughfare through the site would comply with this criteria.</p>	Yes
Vehicle access	<p>Car park entries should be located behind the building line</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout</p> <p>Car park entry and access should be located on secondary streets or lanes where available</p> <p>Access point locations should avoid headlight glare to habitable rooms</p>	<p>The car park entry points would be behind the building line of the front building.</p> <p>Vehicle entries would be from the lowest non-arterial road (Bugden Place).</p> <p>Car park entries and access points would be from the lowest traffic street (Bugden Place).</p> <p>Satisfactory</p>	<p>Yes</p> <p>Satisfactory</p> <p>Yes</p> <p>Yes</p>
Apartment layout	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	A window should be visible from any point in a habitable room.	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies	Yes
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	Complies	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 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
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Complies	Yes
	All bedrooms allow a minimum length of 1.5m for robes	Complies	Yes
	The main bedroom of an apartment or a		

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

Control	Required	Proposed	Compliance
	<p>predominantly face north, east or west</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	<p>Satisfactory</p> <p>No ground level/podium apartments are proposed.</p>	<p>Yes</p> <p>Yes</p>
Ceiling heights	<p>2.7 metres minimum for apartments</p> <p>3.3 metres minimum for ground and first floors</p>	<p>All apartments would have ceiling heights exceeding 2.7 metres</p> <p>Generally compliant</p>	<p>Yes</p> <p>Yes</p>
Common circulation and spaces	<p>Entry from circulation core to maximum of eight units (or up to 12 dwellings where 8 cannot be achieved).</p> <p>Maximum of 40 apartments sharing a single lift</p>	<p>The two western buildings have 9 dwellings accessible from a common lobby. Strict compliance whilst maintaining the number of apartments would add needless building height.</p> <p>Complies</p>	<p>Satisfactory</p> <p>Yes</p>
Storage	<p>Studio – 4m³ 1-bed unit – 6m³ 2-bed unit – 8m³ 3-bed unit – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment</p> <p>Storage is accessible from either circulation or living areas</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Solar access	<p>Living rooms and private open spaces of at least 70% of</p>	<p>607 of 757 (80%) would receive a minimum of 2 hours direct sunlight</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	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.	between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	30 of 757 apartments (4%) 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, 	Balconies would allow for both sunlight and shade, and include shading devices.	Yes

Control	Required	Proposed	Compliance
	<p>balconies, pergolas, external louvres and planting</p> <ul style="list-style-type: none"> • 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) <p>Overshadowing of neighbouring properties is minimised during mid-winter - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p>	<p>The proposed development would overshadow the dwellings across Kellicar Road from approximately 1pm onwards. However, these dwellings would have ample solar access from 9am to 1pm.</p>	Yes
Natural ventilation	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>Satisfactory</p> <p>362 of 545 (66%) apartments under ten storeys would be naturally cross ventilated.</p>	<p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	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: <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements 	The facades of the proposed buildings include many of these features.	Yes
	Building services should be integrated within the overall facade	Only the proposed substations and the sprinkler boosters would be at street level due to access requirements.	Yes
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings 	The building facades incorporate some of these design solutions.	Yes
	Building facades relate to key datum lines of	The datum line of the adjoining Gilchrist	Yes

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

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> • service elements are integrated <p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun 	Satisfactory	Yes
Mixed Use	<p>Development shall address the street</p> <p>Active frontages shall be provided</p> <p>Blank walls at the ground level shall be avoided</p> <p>Residential entries shall be separated from commercial entries and directly accessible from the street.</p> <p>Commercial service areas shall be separated from residential components</p> <p>Residential car parking and communal facilities are separated or secured.</p> <p>Security at entries and safe pedestrian routes are to be provided.</p> <p>Concealment opportunities are to be avoided.</p>	<p>Compliant subject to recommended conditions</p> <p>Compliant subject to recommended conditions</p> <p>Compliant subject to recommended conditions</p> <p>Separate entries are provided. Most residential entries are accessible from the street however some are accessed from an internal road to prioritise commercial street coverage.</p> <p>Complies to the extent possible</p> <p>Residential car parking would occupy the lower basement levels, and would have electronic access control.</p> <p>Satisfactory</p> <p>Concealment opportunities are to be avoided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Awnings	Awnings should be located along streets	Awnings are proposed however as the	Satisfactory

Control	Required	Proposed	Compliance
	with high pedestrian activity and active frontages	proposed buildings would be set back from the property boundaries, these awnings would not cover the footpaths.	

Appendix 2 – Assessment Against Volume1: Part 5 (Residential Flat Buildings and Mixed Use Development) of the Campbelltown Sustainable City DCP 2015

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.	Complies	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
	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	Complies	Yes

Control	Required	Proposed	Compliance
	<p>colour, arrangement of facade elements, and variation in the types of materials used;</p> <p>vi) utilisation of landscaping and architectural detailing at the ground level; and</p> <p>vii) avoidance of blank walls at the ground and lower levels.</p> <p>Building design shall demonstrate to Council's satisfaction that the development will:</p> <p>i) facilitate casual surveillance of and active interaction with the street;</p> <p>iii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building; and</p> <p>iv) maximise cross flow ventilation, therefore minimising the need for air conditioning.</p> <p>e) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.</p> <p>f) Building materials shall be high quality, durable and low maintenance.</p>	<p>Compliant subject to recommended conditions</p> <p>Compliant subject to recommended conditions</p> <p>Compliant subject to recommended conditions</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Site Services	<p>Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone,</p>	<p>Appropriate conditions of consent will ensure that the development provides all essential services.</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	<p>broadband and stormwater drainage)</p> <p>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.</p> <p>All communication dishes, antennae and the like shall be located to minimise visual prominence.</p> <p>An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.</p> <p>Any development applications involving new construction work with a value of \$30 million or greater shall undertake the following at the developer's expense:</p> <p>i) Any existing above ground power lines which traverse the property's frontage, must be relocated underground; and</p> <p>ii) Installation of any required electrical substation within the development basement level.</p> <p>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</p>	<p>Roof-mounted structures would be integrated into the design of the buildings and would not be visible from public places.</p> <p>The plans do not show that any of these structures are proposed.</p> <p>A condition of consent is recommended, requiring an external lighting plan to be prepared.</p> <p>The site does not have above ground power lines adjoining it. In addition, Endeavour Energy has advised that in this case, the substations can not be located within the basement levels.</p> <p>A grease arrestor room is proposed within basement level 1.</p> <p>A condition is recommended requiring the provision of mechanical ventilation into the commercial premises.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Satisfactory</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>Local Water Authorities recommendations and the following Australian Standards: Mechanical ventilation (for any proposed food premises) must comply with:</p> <p>i) Australian Standard (AS) 1668.2- 2012: The use of ventilation and air conditioning in buildings;</p> <p>ii) Part 2: Mechanical ventilation in buildings; and (where applicable); and</p> <p>iii) Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings.</p> <p>All mechanical ventilation must be installed within the building during construction and is not permitted on any external building surfaces. All required 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.</p>		
Acoustic Privacy	<p>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:</p> <p>i) in any bedroom in the building – 35 dBA,</p> <p>ii) anywhere else in the building (other than a garage, kitchen,</p>	<p>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.</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	bathroom or hallway) - 40 dBA.		
Setbacks	5.5 metres from street boundary	Generally 6 metres except for a point encroachment with a 4 metre setback in the site's north-western corner.	Satisfactory
	6.0 metres from any other boundary	All boundaries are street boundaries.	NA
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).	23% of apartments are one bedroom apartments (171 of 757).	Yes
	A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s).	A condition requiring compliance with this standard has been recommended.	Yes
	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 shall have a minimum width 1.6 m.	All apartments would have the capacity to accommodate a desk for working and studying from home.	Yes
	The main entry to each apartment building shall be designed to include an entrance nook for privacy purposes.	The ADG contains no such requirement and therefore this can not be enforced.	Satisfactory
	A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential building (or up to 12 dwellings where 8 cannot be achieved).	The two western buildings have 9 dwellings accessible from a common lobby. Strict compliance whilst maintaining the number of apartments would add needless building height.	Satisfactory

Control	Required	Proposed	Compliance
	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.	All buildings comply with this criteria	Yes
	Access to lifts shall be direct and well illuminated.		
	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 15% has been provided as a deep soil area.	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.	Parking spaces would be compliant with AS2890.	Satisfactory
	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	No side or rear streets are available, however	Yes

Control	Required	Proposed	Compliance
	shall be located at the rear or side streets.	vehicular access is proposed at the most appropriate locations.	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	Satisfactory
	No required car parking space shall be in a stacked configuration.	Some stacked car parking spaces are proposed, however a recommended condition requires them to be allocated to the same apartment or premises that owns the car space that blocks the stacked space.	
	Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property.	Bicycle spaces required = 152 Bicycle spaces provided = 160	Yes
	Electric vehicle charging stations must be located behind the building line.	Any 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 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	All buildings have been oriented and sited to maximise sunlight to living areas.	Yes

Control	Required	Proposed	Compliance
	<p>living and open spaces.</p> <p>A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3.0 metres), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.</p> <p>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 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.</p>	<p>The proposed development would overshadow the dwellings across Kellicar Road from approximately 1pm onwards. However, these dwellings would have ample solar access from 9am to 1pm (greater than 3 hours).</p> <p>4% of proposed apartments would receive no direct sunlight between 9:00am and 3:00pm at mid-winter.</p>	<p>Yes</p> <p>Yes</p>
Balconies and Ground Courtyards	<p>Apartments shall be provided with a private courtyard and/or balcony.</p> <p>Courtyards / balconies shall be:</p> <p>i) not less than 8sqm in area and have a minimum depth of 2.0 metres;</p> <p>ii) clearly defined and screened for private use;</p> <p>iii) oriented to achieve comfortable year round use; and</p> <p>iv) accessible from a main living area of the apartment.</p>	<p>All apartments have a balcony</p> <p>All apartments have a balcony that complies with this criteria</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
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. (Screening is to be provided in some situations).	Yes
	Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	There are no dwellings on land adjoining the development site. Proposed balconies would not cause internal overlooking within the development.	Yes
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:	A communal recreation room is proposed on the ground floor of the development.	Yes
	i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and	800sqm of indoor recreation area would be required; 813sqm is proposed.	Yes
	ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).	Numerous barbeque/ outdoor dining areas are proposed, which in totality comply with this requirement.	Yes
	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Only a very small portion of the proposed communal recreation room would be located forward of the Menangle Road front setback alignment.	Satisfactory
			Yes

Control	Required	Proposed	Compliance
	<p>All communal recreational facilities shall be provided on the same land as the residential apartment building.</p> <p>Communal open space provided on the roof of a building shall not be included as part of the required communal open space.</p> <p>All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.</p>	<p>Each proposed building would have its own communal recreation room and outdoor space.</p> <p>Rooftop COS contributing towards compliance in a mixed use zone is considered appropriate.</p> <p>A recommended condition of consent requires the provision of the community facilities prior to the issue of an OC for the first stage of the development undertaken.</p>	<p>Satisfactory</p> <p>Yes</p>
Waste Management	<p>All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000 litre bulk bin/12 dwellings or part thereof.</p> <p>All buildings shall be provided with dry recyclable bins at the rate of a 240 litre bin /three dwellings / fortnight for dry recyclable.</p> <p>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.</p> <p>All garbage chutes shall have input points located within waste service rooms. Waste</p>	<p>The capacity of the waste storage area is sufficient, subject to a recommended condition demonstrating compliance.</p> <p>Household garbage chute on each level will be provided</p> <p>Each floor has a waste room with a chute on each floor.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	<p>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.</p> <p>Garbage chutes shall not be located adjacent to habitable rooms in each apartment.</p> <p>Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.</p> <p>The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.</p> <p>The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors.</p> <p>The storage room shall:</p> <p>i) be located behind the primary and secondary building alignment;</p> <p>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);</p>	<p>Acoustic treatment and testing will be required.</p> <p>A recommended condition of consent requires compliance with this standard.</p> <p>Condition of consent to comply</p> <p>Appropriately sized accessible bin storage rooms are proposed at basement level.</p> <p>Complies – located within basement</p> <p>Condition of consent to comply</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	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
	vii) have a self-closing door openable from within the room.	Condition of consent to comply	Yes
	Bin storage rooms shall be ventilated by:	Condition of consent to comply	Yes
	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.		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	Recommended condition of consent requires this to be demonstrated.	

Control	Required	Proposed	Compliance
	<p>collection of waste as required.</p> <p>Any mechanical compaction device within the building shall comply with the following requirements:</p> <p>i) maximum compaction rate of 2:1;</p> <p>ii) designed to accommodate general household garbage only and</p> <p>iii) not be used to compact recyclables.</p> <p>Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel-Back' service or a 1,000 litre bulk bin on-site collection service.</p>	<p>Condition of consent to comply</p> <p>Council's garbage truck would enter the site and bins would be emptied on site.</p>	<p>Yes</p> <p>Yes</p>
Ventilation	<p>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.</p>	<p>A condition is recommended requiring the provision of mechanical ventilation into the commercial premises.</p>	<p>Yes</p>

Appendix 3 – Assessment Against Volume 1: Part 6 (Commercial Development) of the Campbelltown Sustainable City DCP 2015

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
	<p>Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome:</p> <ul style="list-style-type: none"> - the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements; - 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. 	The proposed development would comply with this criteria (subject to recommended conditions)	Yes
Building Design	The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	Compliant subject to recommended conditions	Yes
	Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless	Compliant subject to recommended conditions	Yes

	<p>abutting a building on an adjoining allotment.</p> <p>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.</p> <p>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.</p> <p>Buildings shall not incorporate highly reflective glass.</p> <p>Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.</p> <p>Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.</p> <p>Commercial development shall be designed to address both primary and secondary street setbacks.</p>	<p>No roof mounted elements of this nature are proposed, and a recommended condition of consent requires additional consent to be sought for such structures.</p> <p>Two sets of roller shutters would face the street, however these doors would generally be open all day to facilitate commercial car parking.</p> <p>A recommended condition of consent requires that all glass has a low reflectivity index.</p> <p>The locality adjoining the site does not have established shopfront setbacks.</p> <p>These features are not proposed however some architectural emphasis on corners is included.</p> <p>Compliant subject to recommended conditions</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p>
Car Parking	<p>Commercial premises – 1 space per 25sqm of ground floor space (168 based on 4,208 sqm)</p> <p>All car parking spaces that are required shall not be locked off,</p>	<p>Parking spaces provided = 168</p> <p>The application does not indicate that any car parking would be</p>	<p>Yes</p> <p>Yes</p>

	<p>obstructed, reserved or separately allocated to any individual use at any time.</p> <p>Off street parking and loading shall be designed in accordance with <i>Australian Standards 2890.1 and 2 (as amended)</i>.</p> <p>No car parking spaces shall be designed in a stacked configuration.</p> <p>The required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces (5%); iii) and shall be designed in accordance with AS No 2890.6 (as amended).</p> <p>Carparks must be developed with the infrastructure required for electric vehicle charging.</p> <p>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.</p>	<p>locked off, obstructed, reserved or separately allocated to any individual use.</p> <p>The proposed car parking is compliant with these Australian Standards.</p> <p>Some stacked car parking spaces are proposed, however a recommended condition requires them to be allocated to the same apartment or premises that owns the car space that blocks the stacked space.</p> <p>17 of 168 proposed car parking spaces would be accessible (10%).</p> <p>A recommended condition of consent requires compliance with this requirement.</p> <p>A recommended condition of consent requires compliance with this requirement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Vehicular Access and Manoeuvring	Commercial development shall be designed to accommodate all related vehicle		

	<p>movements on site such that:</p> <p>i) all vehicles shall enter and exit the site in a forward direction;</p> <p>ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;</p> <p>iii) cause minimal interference to the flow of traffic within the surrounding road network; and</p> <p>iv) safe and convenient access is provided for pedestrians.</p> <p>Each site shall have a:</p> <p>i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and</p> <p>ii) each site may have an additional ingress/egress for cars (and other light vehicles).</p> <p>Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p>	<p>All vehicles would be able to enter and exit the site in a forward direction.</p> <p>Not fully separated however subject to a Loading Dock Management Plan.</p> <p>The traffic report projects a reduction in traffic compared to the previous land use on the site (Bunnings).</p> <p>Safe and convenient access is provided for pedestrians.</p> <p>Two entries are proposed for heavy vehicles, however this is acceptable because the two proposed basements would operate independently.</p> <p>Two ingress/egress points are proposed for cars, however this is acceptable because the two proposed basements would operate independently.</p> <p>Conflict would be mitigated via adoption of a Loading Dock Management Plan.</p>	<p>Yes</p> <p>Satisfactory</p> <p>Yes</p> <p>Yes</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>
Loading/Unloading	<p>Where practicable, loading bays shall be separated from parking and pedestrian access.</p> <p>All loading and unloading shall take</p>	<p>Not fully separated however subject to a Loading Dock Management Plan.</p> <p>All loading and unloading would take</p>	<p>Satisfactory</p> <p>Yes</p>

	<p>place wholly within the site.</p> <p>No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.</p> <p>Parking and loading bays shall be provided and clearly identified on site.</p> <p>Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p> <p>Each new commercial unit having a gross floor area more than 200 square metres, but up to 1500 square metres shall provide an area to allow for a medium rigid vehicle to manoeuvre on site</p> <p>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.</p>	<p>place wholly within the site.</p> <p>No loading or unloading is proposed to be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.</p> <p>Parking and loading bays would be clearly identified on site.</p> <p>Conflict would be avoided by adopting a Loading Dock Management Plan</p> <p>Medium rigid vehicles would be able to satisfactorily manoeuvre on the site, and a Loading Dock Management Plan would be required to be prepared.</p> <p>All loading docks would be located within basement levels of the buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Public Domain	<p>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.</p>	<p>A recommended condition of consent requires the preparation of a Public Domain Plan.</p>	<p>Yes</p>

	<p>Any development application for a new development having a gross floor area greater than 5000sqm shall provide public art of a type and location that is acceptable to Council.</p> <p>Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.</p> <p>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.</p> <p>Awnings shall:</p> <ul style="list-style-type: none"> i. be 2.5 metres wide; ii. be setback from the kerb by a minimum of 1 metre; and iii. provide a minimum of 3 metres clearance to the underside of the fascia. 	<p>A recommended condition of consent requires the preparation of a Public Art Strategy.</p> <p>Outdoor commercial areas facing the street would enhance the surrounding public domain and public spaces.</p> <p>Awnings are proposed however as the proposed buildings would be set back from the property boundaries, these awnings would not cover the footpaths.</p> <p>As the proposed buildings would be set back from the property boundaries, the proposed awnings would not cover the footpaths.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	The proposed development has an enclosed onsite waste and recycling facility that has adequate storage area to	Yes

	storage area to accommodate the waste generated from the development.	accommodate the waste generated from the development.	
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Appendix 4 – Assessment of Applicant’s Clause 4.6 Variation – Maximum Building Height

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 standard 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 of the standard, and the applicant’s arguments in this regard 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 located between land zoned MU1 Mixed Use, Railway Corridor and R4 High Density. The height distribution of the proposal responds to the range of building heights and built form and land use intensity of the adjacent zones. The proposal meaningfully reduces the height of buildings at the southern edge of the site, which is directly opposite the R4 land that has a height control of 15 metres, whereas the proposed height breaches are located at the edges of the site where there is a similar height control as the subject site. The maximum proposed breach occurs at the northern part of the site, opposite an area that does not have a height control in the LEP. The proposal directly responds to the objective of built form transition in response to zones.
- The proposed development is consistent with the MU1 zone objectives that aim to provide a high-density residential development on the site.
- The proposed development contains a range of building heights, which generates visual interest, protects amenity, and creates pockets of open space, all of which contribute to placemaking and delivery of amenity for residents, visitors, and passers-by.
- The density of the proposal is not increased by the proposed height departures. A development that strictly complied with the height control would achieve the same yield however would not deliver the superior urban design outcomes of this scheme.

(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

- As discussed above, the height of buildings reflect the scale of development intended for the site, and in particular responds to the locality. The MU1 zoned land will be

developed for mixed-use high-density development, reflecting the site's location proximate to Macarthur Railway Station and Macarthur Square Shopping Centre.

- The height of the proposed buildings on the site responds to adjoining zones, with the breaking of the height control oriented towards the nearby nodes (retail and transport) and the railway corridor where there is no height control. Equally, the proposed height of the buildings reflects the scale of development to the south of the site, by reducing the height of the built form in the southern part of the site to below the site's maximum building height control of 32 metres and referencing the lower maximum building height of 15 metres of land to the south of the site.
- The site is large and the impacts arising from overshadowing, visual impact and loss of privacy have been acknowledged as part of the building and site design process, and have no significant impact on adjoining properties or open space areas, with the extent of overshadowing considered to be well-reasoned and acceptable.
- The overall height of the proposed development presents as a compatible form of development, given the anticipated high density residential development of the surrounding precinct.
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally, noting the sloping topography and the alternative built form (that delivers additional open space, a public through-site link, and passive and active recreation spaces) are the key drivers of the proposed height variation rather than a desired to achieve greater yield on the site.

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

- The proposed variation to the height control is consistent with the objective of ensuring that built form is compatible with the hierarchy and role of centres. As discussed above, the allocation of height across the site not only seeks to create amenity and contribute to placemaking, but also locates much of the building height toward the surrounding MU1 Mixed Use zoned land and the railway corridor. This effectively reinforces the hierarchy and role of the centre in a visual manner, whilst the height reduction to the south responds to the residential area to the south of the site.

(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 additional height does not generate any additional adverse amenity impacts, given the form and layout of the proposed design and its sensitive integration with surrounding land uses.
- The proposal has been carefully designed to ensure that no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries, as the upper levels are located in the most appropriate areas of the site in relation to surrounding land uses and topography.
- The proposal has been designed to ensure that privacy impacts are mitigated, and that the proposal does not have any impact on view corridors.

- Given the site's orientation and the nature of the proposed height departure, the additional building height would not have any additional adverse overshadowing impacts on nearby developments.
- The proposal would sit comfortably in the streetscape, relative to the desired future character of the locality and adjoining land uses and zones.
- The proposal would not unacceptably impact upon views enjoyed from the public domain or adjoining properties.

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 contends that the proposed development will be in the public interest because it is consistent with:

1. The objectives of the particular standard, and
2. The objectives for development within the zone in which the development is proposed to be carried out.

The applicant's assessment of the proposed development against the objectives of the maximum building height standard was outlined above. The applicant's assessment of the proposed development against the objectives of the MU1 Mixed Use zone is outlined below:

- The proposed development provides a mix of uses across the site, encouraging diversity within the site, including retail, commercial, residential, open space, and public through-site pedestrian movement. The retail and commercial areas are located across the ground floor plane, consistent with the desire for employment opportunities on-site, and the relevant provision of the LEP.
- The proposed development provides for the housing needs of the community within a high-density residential setting.
- The proposed built form addresses the public streets and creates a new pedestrian through-site link that would contribute to diverse and active street frontages, that would attract pedestrian traffic, and contribute to placemaking in the CBD.
- The proposal is cognisant of the site's relationship to adjoining land use zones, employing built form, bulk and scale variations that respond to the character and nature of adjoining land. In particular, the height is modulated across the site in a way that responds to adjoining land uses and adjoining land use zones.
- The subject site previously housed a Bunnings Warehouse, which is no longer operational on the site. Temporary uses are currently being undertaken within the former Bunnings building. The site is in need of renewal and revitalisation to ensure that it contributes to the broader precinct and centre. The application is entirely consistent with this objective of the zone, as it comprises direct renewal and revitalisation of this key site within the centre, which is undergoing growth and change, consistent with the vision for Campbelltown and Macarthur.
- The proposed development would provide employment opportunities in an accessible location.
- The project is a focused investment into the Campbelltown CBD, which will provide ongoing opportunities for commercial investment, employment opportunities and centre-based living.

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 identify that the proposed development does satisfy the objectives of the maximum building height standard and the objectives of the MU1 Mixed Use zone. It is also 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), (b) and (c) 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 reallocating building height across the site in order to respond appropriately to surrounding land uses.

- There are no other matters required to be taken into consideration.