

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-410
<b>DA Number</b>	584/2024/DA-SL
<b>LGA</b>	Campbelltown
<b>Proposed Development</b>	Demolition of existing structures and construction and operation of a seniors housing development
<b>Street Address</b>	1-3 and 20-22 Old Menangle Road, Campbelltown (Lots 3 and 4 DP 193040, Lot 61 DP 997095, Part Lot 10 DP 1134526)
<b>Applicant/Owner</b>	Campbelltown Catholic Club Ltd
<b>Date of DA lodgement</b>	15 March 2024
<b>Total number of Submissions</b>	1
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 6 of the Planning Systems SEPP)</b>	Development with a Capital Investment Value (CIV) of over \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Precincts—Western Parkland City) 2021</li> <li>• Apartment Design Guide</li> <li>• Campbelltown Local Environmental Plan 2015</li> <li>• Campbelltown (Sustainable City) Development Control Plan 2015</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Landscape Plans</li> <li>• Statement of Environmental Effects</li> <li>• Detailed Site Investigation report</li> <li>• Clause 4.6 objection</li> <li>• Design Excellence Panel minutes</li> </ul>
<b>Clause 4.6 requests</b>	Maximum Building Height
<b>Report prepared by</b>	Luke Joseph – Senior Town Planner
<b>Report date</b>	23 October 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 \$88 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 compliance with the recommendations of the Detailed Site Investigation report submitted with the application.
- The application is compliant with the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP), with the exception of maximum building height, and a clause 4.6 objection has been submitted with the application in this regard. Council's assessment of the clause 4.6 objection has found that it 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 compliant with the relevant provisions of the Campbelltown Sustainable City Development Control Plan 2015 (CDCP).
- The application was publicly exhibited and notified to nearby and adjoining residents for a period of 26 days. One submission was received, which are addressed later in this report. The submissions raise important matters however do not prevent the approval of the application.
- Based on an assessment of the application against section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the application has been found to be satisfactory, and is therefore recommended for approval.

## **Proposal**

This development application proposes the demolition of existing structures and construction and operation of a seniors housing development at 3 Old Menangle Road Campbelltown, which is the site of the Campbelltown Catholic Club. Specifically, the application proposes the following works:

- Three levels of basement car parking, including two levels of resident car parking and one level of Catholic Club staff parking to compensate for the at-grade car parking spaces that would be lost as a result of the proposed development.
- A ground floor entrance lobby and communal amenities for residents, including a pool, golf facilities, wellness facility, workshop, lounge, cinema, library, and function space, as well as consultation space and an office.
- Seven levels of seniors housing comprising 92 independent living units (61 two-bedroom units and 31 three-bedroom units). Each unit would have access from a living area to a private terrace, and level 1 includes a terrace with a communal garden.
- Adaptive reuse of the heritage-listed Emily Cottage building to provide a wine room and library, with a communal garden for the enjoyment of residents and their families.
- Vehicular and pedestrian access is proposed from Old Menangle Road via a Porte cochere arrangement, which provides the primary access to the lobby and reception area. Access to the two resident basement parking levels is proposed from the existing internal access driveway of the Catholic Club. Access to the staff parking level (basement 3) would be gained internally from the existing Catholic Club basement.

## **Site and locality**

The development site sits within the broader Campbelltown Catholic Club site and is located at its eastern end, at the corner of Old Menangle and Camden Roads. The Campbelltown Catholic Club is a multi-storey entertainment and dining venue that also has a hotel and gymnasium. The Catholic Club's land has expanded to include the heritage-listed Emily Cottage, located at the corner of Old Menangle Road and Camden Road, and the heritage-listed Quondong, which accommodates the Campbelltown Visitor Information Centre, located between the development site and the club building. The location of the development site within the Campbelltown Catholic Club site is shown below:



Locality plan showing the development site's boundaries in red and the boundaries of the Catholic Club site in green

## 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

##### Regionally Significant Development

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 \$87,906,681, the proposed development is Regionally Significant Development and accordingly, the consent authority for this application is the Sydney Western City Planning Panel.

#### 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 (DSI) report was submitted with the application, which concluded that the site can be made suitable for the proposed development and land use, provided that the recommendations of the report are undertaken, including the preparation of a Remediation Action Plan (RAP) and an Asbestos Management Plan (AMP). A RAP has been submitted with the application, whilst an AMP will be provided post-consent. The recommendations of the DSI report have been included as recommended conditions of consent. In this regard, subject to the imposition of and compliance with these recommendations, the site is considered to be suitable for the proposed development pursuant to clause 4.6(1) of the Resilience and Hazards SEPP.

### **1.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

The purpose of the Sustainable Buildings SEPP is to promote sustainable development by establishing energy efficiency, water conservation, and thermal comfort standards for new 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 (Biodiversity and Conservation) 2021**

The Biodiversity and Conservation SEPP aims to protect and enhance biodiversity and natural habitats, while guiding development to ensure that conservation values are integrated into land use planning across New South Wales. Part 6.2 of the SEPP (Development in regulated catchments) is applicable to the site because the site is located within a designated regulated catchment area, which requires additional controls to protect water quality, manage land use impacts, and ensure the sustainability of water resources. Page 21 of the Statement of Environmental Effects contains an assessment of the proposed development against the provisions of Part 6.2 of the SEPP. This assessment is considered to be accurate and the provisions of the SEPP are therefore satisfied.

### **1.5 State Environmental Planning Policy (Housing) 2021**

The purpose of the Housing SEPP is to facilitate the delivery of diverse and affordable housing types across New South Wales by streamlining planning controls and promoting efficient housing development in suitable locations.

Part 5 of Chapter 3 of the Housing SEPP relates to housing for seniors and people with a disability. Division 1 of Part 5 of the Housing SEPP establishes that seniors housing is permissible with development consent within the MU1 Mixed Use zone, and therefore the proposed development is permissible on the subject site, which is zoned MU1 Mixed Use.

Divisions 3-5 of Part 5 of Chapter 3 of the SEPP outline a series of development standards, site requirements and design requirements that seniors housing developments are required to comply with. An assessment of the proposed development against these provisions can be found at Appendix 1, and demonstrates that the proposed development is fully compliant in this regard.

Clause 147 of the Housing SEPP mandates that consent authorities for residential apartments must consider the prescribed design quality principles, the Apartment Design Guide, and advice from a *design review panel*. The architect's assessment of design quality is accurate and the project complies with the Apartment Design Guide. Council's Design Excellence Panel

is not a recognised *design review panel*. The Environmental Planning and Assessment Regulation 2021 requires a qualified designer to submit a statement verifying their involvement in residential apartment development design and explaining how the project addresses design quality principles and the Apartment Design Guide. Doug Southwell from Scott Carver provided this statement.

## **1.6 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 “Cultural & Leisure”. This does not imply that a change to the site’s current zoning of MU1 Mixed Use is envisaged. As the proposed development is for a seniors housing development, which is permissible in the MU1 Mixed Use zone under the Housing SEPP, the proposed development would be consistent with the relevant precinct planning strategy. The proposed development satisfies Clause 3.21 of the WPC SEPP.

## **1.7 Campbelltown Local Environmental Plan 2015**

### Permissibility

The subject site is zoned MU1 Mixed Use under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as seniors housing and is prohibited within the MU1 zone. However, seniors housing is permissible on the site pursuant to the provisions of the Housing SEPP.

### 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 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.

### 4.3 Building height

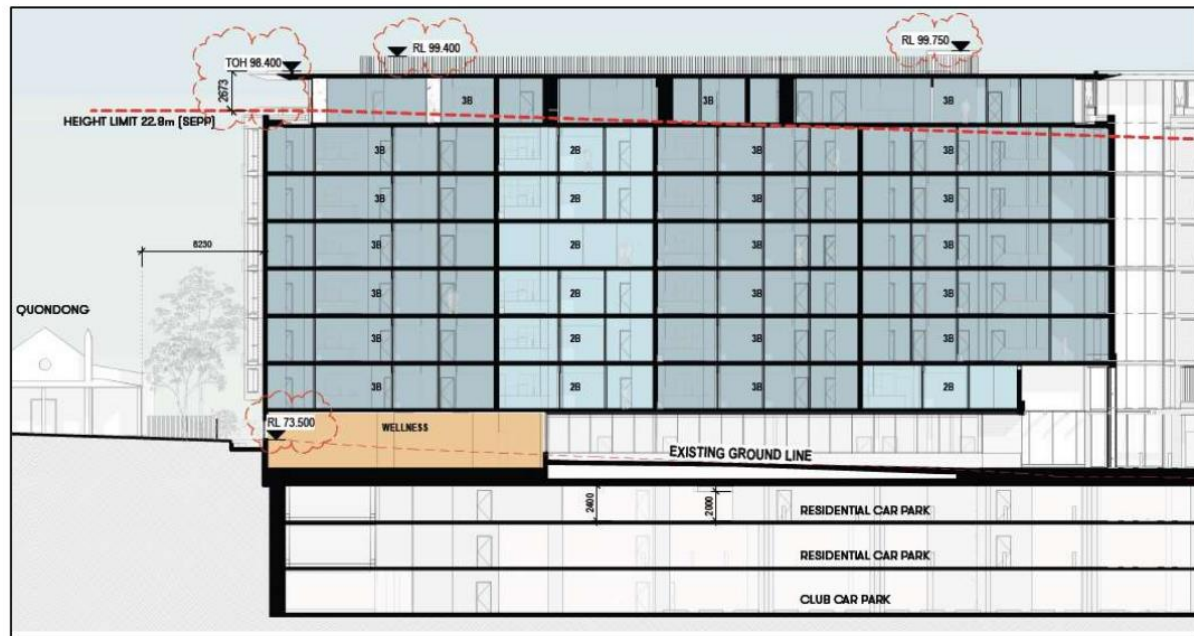
The subject site has a maximum building height of 19 metres under the CLEP 2015. However, the Housing SEPP allows for an additional 3.8 metres in building height, which increases the site’s maximum building height to 22.8 metres. The proposed development has a height of



28.65 metres and therefore fails to comply with this standard. The table below illustrates the heights of various components of the building and the extent of their exceedance of the maximum building height.

Portion of building	Building Height	Numerical exceedance	Percentage of exceedance
Roof	25.573m to 27.22m	+2.673m to +4.42m	11.72% to 19.38%
Screening	28.02m	+5.22m	22.89%
Lift-overrun	28.65m	+5.85m	25.65%

This is illustrated in the image below:



A clause 4.6 objection has been submitted in relation to this non-compliance, which is discussed below.

#### 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 is satisfied the applicant has demonstrated that:

- (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 for seniors housing set by the Housing SEPP was provided with the application, which is attached to this report. Council's assessment of the applicant's request is outlined in Appendix 3, and concludes that the proposed contravention of the development standard in question is justified.

### 5.10 Heritage Conservation

Subclause (5) of this clause allows the consent authority, prior to granting consent to the development of land containing a heritage item, to require a heritage management document to be prepared, assessing how proposed development would impact the heritage significance of the item. A Heritage Impact Statement was submitted with the application, which assesses the extent to which the carrying out of the proposed development would affect the heritage significance of Emily Cottage and Quondong, which are two heritage items that directly adjoin the location of the proposed building. It should be noted that the suite of heritage-related information that was submitted with the application was found to be inadequate by Council's heritage officer, and therefore a recommended condition of consent requires the submission of various additional details and reports in this regard for Council's written approval prior to the issue of a construction certificate.

Subclause (6) of this clause permits the consent authority to request a heritage conservation management plan after evaluating the heritage significance of an item and the extent of proposed changes to it, before granting development consent. A Conservation Management Plan (CMP) was not submitted with the application, however a recommended condition of consent requires the submission of a CMP for Council's written approval prior to the issue of a construction certificate.

### 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.

In this regard, the subject property is a flood control allotment, and is affected by overland flow. Prior to the lodgment of the application, analysis undertaken by Council's flooding engineer established a series of minimum ground and floor levels throughout the site that the proposed development would need to adhere to, and additional levels were provided following the lodgment of the application. The proposed development adheres to these minimum ground and floor levels. In addition, the design incorporates flood-compatible materials and ensures that building openings are positioned to prevent water ingress during flood events. Furthermore, the development will incorporate measures to safeguard the efficient evacuation of people and the safe occupation of the site in the event of a flood. Council's Development Engineer has recommended numerous conditions of consent in relation to flood mitigation and preparedness, which are included within the attached recommended conditions. In the opinion of Council, the proposed development satisfies the relevant flood planning requirements of this clause.

### 7.1 Earthworks

This clause requires that 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 investigation report was submitted with the application, which outlines numerous geotechnical considerations for the proposed development to address, in relation to many of the above matters. Additionally, a condition requiring a detailed geotechnical report to be submitted prior to the issue of a Construction Certificate has been outlined in the recommended conditions of consent.



The findings and recommendations of these reports will inform the detailed structural design of the development, and in this regard, the provisions of this clause are satisfied.

#### 7.9 Mixed use development in Zone E2 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.

It is Council's position that this clause is inconsistent with clause 89 of the Housing SEPP (which aims to achieve similar outcomes), and therefore cannot be enforced.

#### 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.

#### 7.13 Design excellence

Pursuant to this clause, 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 two separate occasions (one prior to the lodgement of the application and one following its lodgement). The last occasion was at the Panel's meeting of 30 May 2024, the minutes of which are attached. 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. Accordingly, in Council's opinion, the proposed development, if the recommended conditions of consent are adopted, would achieve design excellence.

### **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:

**Sustainable building design** – The proposed building would include solar panels on its roof as well as a rainwater tank, and would also allow for passive ventilation of rooms.

**Landscaping** – The proposed development makes provision for a reasonable amount of landscaping, located in the following places:

- Along both of the site's street boundaries and its internal-facing frontage to the club
- Along the building's side setback (its interface with Quondong)
- Within the ground level and level 1 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 Council drainage system in Old Menangle Road via a network of pits, pumps and pipes. Council's Development Engineer has advised that the proposed stormwater configuration is satisfactory, subject to the imposition of recommended conditions of consent in relation to stormwater, flooding mitigation and flooding preparedness.

**Acoustic Privacy** – An acoustic report was submitted with the application and was reviewed by Council's independent acoustic consultant. Numerous deficiencies were identified with regard to the report, however a recommended condition of consent would require an updated acoustic report to be submitted, demonstrating compliance with the relevant acoustic criteria.

## **Part 5 – Residential Flat Buildings and Mixed-Use Development**

Whilst Part 5 of the DCP technically applies to the application (as the proposed seniors housing development is in the form of a residential flat building), state planning controls applying to seniors housing development are of primary importance in relation to this application. Nevertheless, general compliance with the main controls of Part 5 of the DCP would be achieved.

## **Part 6 – Commercial Development**

While state planning controls are of primary importance in relation to the proposed seniors housing development, Part 6 of the DCP also broadly applies to the site, given that the Catholic Club is a commercial development. The only control from Part 6 that is specifically relevant to the proposed development is car parking. Although the proposed development would result in the removal of some of the Catholic Club's parking spaces, the proposal would compensate for the loss in the total number of parking spaces, and these parking spaces would be provided on Basement Level 3.

## **2. 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 payable and an appropriate condition is recommended in this regard.

### **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 publicly exhibited and notified to nearby and adjoining property owners for a period of 26 days. Council has received one submission, which raised the following issues:

### **Issue**

**Inappropriate Location:** The proposed site is within the cultural, entertainment, and tourist precinct of the Campbelltown CBD. Incoming residents may make complaints regarding the noise and traffic impacts of the surrounding land uses, and land use conflicts may ensue.

### **Comment**

The proposed development at the existing Catholic Club site aligns with the Reimagining Campbelltown vision for the Cultural Precinct by enhancing the area's cultural assets and providing future residents with access to local entertainment and facilities, including the Club, Aquafit, Campbelltown Arts Centre, and parks. The development application is supported by an Environmental Noise Impact Assessment (which will be updated post-consent to address deficiencies), which outlines measures such as facade glazing, masonry walls, and solid core doors to manage external noise and comply with acoustic standards. Additionally, the site's zoning permits seniors housing development, and the possibility of potential complaints from future residents is not a valid reason to refuse the application.

### **Issue**

**Parking Concerns:** The proposed development would remove existing parking spaces used by Catholic Club patrons and the Visitor Information Centre, as well as parking for coaches, which would not be replaced. In addition, not all proposed residential units would be allocated a car parking space, which would be problematic.

### **Comment**

The proposed development would replace 48 existing at-grade car parking spaces with 88 spaces in Basement Level 3, resulting in a net increase of 40 spaces accessible via the existing Catholic Club basement. Existing coach bays along Old Menangle Road would remain unaffected, ensuring continued access for visitors to the Visitor Information Centre, who can also utilise the broader Club car park and public parking on Art Gallery Road. The residential car parking requirement, based on the Housing SEPP, is calculated at 0.5 spaces per bedroom, necessitating a minimum of 107 spaces. The proposed development would provide 135 car parking spaces across Basement Levels 1 and 2, exceeding the minimum statutory requirements.

### **Issue**

**Bulk and Overshadowing impacts:** The proposed building would dwarf and overshadow nearby cultural landmarks like the Campbelltown Arts Centre, Japanese Gardens, and Quondong Cottage, affecting their aesthetic appeal and visibility.

## **Comment**

The proposed development is designed to integrate with existing cultural landmarks by recessing the uppermost level to reduce visual bulk and minimise amenity impacts on the Arts Centre and Japanese Gardens. A shadow analysis indicates that overshadowing of the Arts Centre would be marginal and primarily occur after 3pm during the Winter solstice, while Quondong Cottage would maintain excellent solar access from midday onwards. The proposed development would be set back 6 metres from Quondong Cottage to respect its heritage significance, and landscaping and buffer zones have been included to mitigate potential impacts. Although the new building would be larger than the neighbouring heritage items, careful siting, massing, and landscaping would ensure that the cultural and heritage values of the surrounding landmarks are preserved without adverse effects on their significance.

## **Issue**

Waste Management: Concerns about the adequacy of space and access arrangements in relation to waste collection.

## **Comment**

Council's Waste Officer has reviewed the waste management plan for the proposed development and has found no issues with the adequacy of space or access arrangements in relation to waste collection, subject to the imposition of conditions of consent that govern waste management for the site.

## **Issue**

Use of Emily Cottage: Public usage of Emily Cottage would be a better community outcome than exclusive use by a niche group of residents.

## **Comment**

Emily Cottage, which is owned by the Campbelltown Catholic Club, is currently unused and unsuitable for conversion into a public venue due to its small size. The Club has previously explored various uses for the cottage and determined that integrating it into the seniors living development is the most viable option. This approach will allow for low-intensity uses like a library and wine room, which will help activate the heritage site while preserving its fabric and significance. The proposed adaptive reuse aims to foster a sense of ownership among future residents and the community, ensuring the preservation and continued appreciation and interpretation of the cottage's heritage.

## **Issue**

Pedestrian and Accessibility Issues: There is limited and challenging pedestrian access and public transport options between the subject site and the surrounding commercial precincts, posing safety and convenience issues for elderly residents and causing reliance on private vehicles.

## **Comment**

The DA includes an Access Report that assesses compliance with Section 93 of Division 4 of Part 5 of the Housing SEPP, which requires independent living units to have adequate access to facilities and services either through transport services or on-site amenities. The report

concludes that the development site meets these requirements. It is close to Macarthur Square, and there are public bus stops servicing Kellicar Road and Hurley Street, which connect to Macarthur Square and are within 400 meters of the site via a level path with appropriate road crossings.

### **Issue**

The proposed development would contribute to and be affected by existing traffic congestion within the site's immediate locality, and the proposed development's reliance on Old Menangle Road for vehicular access would create access challenges.

### **Comment**

The vehicular entry from Old Menangle Road would serve as a secondary access point for drop-off and pick-up, functioning as a porte cochere, while the main entry and exit for the basement car park would be via the existing access from Camden Road. The Transport Assessment submitted with the development application confirms that vehicles can use the Old Menangle Road driveways for drop-off and pick-up from either direction, with adequate space for simultaneous vehicle passage. Additionally, the assessment indicates that the proposed development would result in a minor increase in traffic (nine vehicles during the morning peak and 16 during the afternoon peak), which will not significantly impact the surrounding road network.

## **4. Conclusion**

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

### **Officer's Recommendation**

That the proposed development be approved subject to the standard conditions and the specific conditions referred to in this report.

## Appendix 1 – Assessment against Part 5 of the Housing SEPP

Control	Required	Proposed	Compliance
<b>84 - Development standards – general</b>	(1) This section applies to development for the purposes of seniors housing involving the erection of a building.	This DA proposes development for the purposes of seniors housing involving the erection of a building.	Yes
	(2) Development consent must not be granted for development to which this section applies unless—		
	(a) the site area of the development is at least 1,000m <sup>2</sup> , and	The site has an area of 31,394sqm (5,963sqm for the seniors housing area).	Yes
	(b) the frontage of the site area of the development is at least 20m measured at the building line, and	The site has a frontage in excess of 20 metres to Old Menangle Road.	Yes
	(c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys — the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	The site is zoned MU1 Mixed Use and residential flat buildings are permissible in the zone.	NA
	(3) The servicing equipment must—		

	<p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p> <p>(4) Subsection (2)(a) and (b) do not apply to development if the development application is made by a social housing provider or Landcom.</p>	<p>The servicing equipment would be integrated into the design of the roof and would be screened from public view.</p> <p>The building is compliant in this regard (solar panels are not servicing equipment).</p> <p>A clause 4.6 objection has been submitted in relation to maximum building height.</p> <p>Noted. The proponent is not a social housing provider or Landcom, so these subsections apply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p>
<b>85 - Development standards for hostels and independent living units</b>	<p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p>	<p>An access report submitted with the application demonstrates that the development will comply with these standards. Certification of compliance will be required at the Construction Certificate and Occupation Certificate stages.</p>	<p>Yes</p>
<b>87 - Additional floor space ratios</b>	<p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument, or</p> <p>(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</p> <p>(2) Development consent may be granted for development to which this section applies if—</p>	<p>Residential flat buildings and shop top housing are permitted on the land.</p>	<p>Yes</p> <p>Yes</p>



	<p>(a) the site area of the development is at least 1,500sqm , and</p> <p>(b) the development will result in a building with the maximum permissible floor space ratio plus—</p> <p>(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</p> <p>(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</p> <p>(iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and</p> <p>(c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.</p>	<p>The development site exceeds 1,500sqm in size.</p> <p>The subject site/ development does not have an applicable floor space ratio.</p> <p>The subject site/ development does not have an applicable floor space ratio, so no quantifiable level of additional floor space is applicable.</p> <p>A residential care facility is not proposed.</p> <p>A residential care facility is not proposed. In addition, the subject site/ development does not have an applicable floor space ratio, so no quantifiable level of additional floor space is applicable.</p> <p>An additional 3.8m would increase the maximum building height to 22.8m. The proposed building would have a maximum height of 28.65 metres.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>No, however a clause 4.6 objection has been submitted with the application.</p>
<b>88 - Restrictions on occupation of seniors housing</b>	<p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <p>(a) seniors or people who have a disability,</p>	<p>This development application proposes that the people listed under this clause would be accommodated at the site.</p>	<p>Yes</p>

	<p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>A recommended condition of consent requires compliance with this condition, including the registration of an 88B instrument on the title of the land.</p>	Yes
<b>89 - Use of ground floor of seniors housing in business zones</b>	<p>(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.</p> <p>(2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.</p> <p>(3) Subsection (2) does not apply to a part of a building that—</p> <p>(a) faces a service lane that does not require active street frontages, or</p> <p>(b) is used for 1 or more of the following purposes—</p> <p>(i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building,</p> <p>(ii) access for fire services,</p> <p>(iii) vehicular access.</p> <p>(4) Subsection (2) does not apply if another</p>	<p>A building to be used for the purposes of seniors housing is proposed on land in a business zone.</p> <p>No residential units are proposed on the ground floor. The ground floor consists of communal facilities for the seniors housing development, which would activate the streetscape to some extent.</p> <p>The proposed building does not face a service lane.</p> <p>The ground floor contains a lobby and other communal facilities, as well as vehicular access to the proposed development.</p> <p>No other environmental</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>NA</p>

	environmental planning instrument permits the use of the ground floor of the building for residential purposes.	planning instrument permits the use of the ground floor of the building for residential purposes.	
<b>90 - Subdivision</b>	(1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part.	Subdivision of land is not proposed under this application.	NA
	(2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	The subject site is not located on land zoned Zone E2 Commercial Centre or Zone B3 Commercial Core, and subdivision of land is not proposed under this application.	NA
<b>92 - Development on land used for the purposes of an existing registered club</b>	<p>(1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that—</p> <p>(a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and</p> <p>(b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.</p> <p>Note— The Gaming Machines Act 2001 provides for gambling harm minimisation measures.</p>	<p>The club and residential areas would be separated by the site's vehicular access road, and no land use conflicts would be apparent.</p> <p>A Management Protocol will be established, and a relevant condition of consent has been recommended in this regard.</p>	<p>Yes</p> <p>Yes</p>

	<p>(2) For the purposes of subsection (1)(a), appropriate measures include the following—</p> <p>(a) separate pedestrian access points for the club and the residential areas of the seniors housing,</p> <p>(b) design principles underlying the building aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the seniors housing.</p>	<p>Separate pedestrian access points are proposed for the seniors housing, separated from the club.</p> <p>An acoustic report submitted with the application (which will be updated post-consent to address deficiencies) outlines measures to reduce noise levels in bedrooms and living areas.</p>	<p>Yes</p> <p>Yes</p>
<b>93 - Location and access to facilities and services – independent living units</b>	<p>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—</p> <p>(a) by a transport service that complies with subsection (2), or</p> <p>(b) on-site.</p> <p>(2) The transport service must—</p> <p>(a) take the residents to a place that has adequate access to facilities and services, and</p> <p>(b) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City—</p> <p>(i) not be an on-demand booking service for the transport of passengers for a fare, and</p> <p>(ii) be available both to and from the site at least once between</p>	<p>The subject site is within 400 metres of the 870 bus route, which facilitates access to Macarthur Square, Campbelltown Mall and the Liverpool CBD.</p>	<p>Yes</p>

	<p>8am and 12pm each day and at least once between 12pm and 6pm each day, and</p> <p>(c) for development on other land—be available both to and from the site during daylight hours at least once each weekday.</p> <p>(3) For the purposes of subsections (1) and (2), access is adequate if—</p> <p>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</p> <p>(b) the distance is accessible by means of a suitable access pathway, and</p> <p>(c) the gradient along the pathway complies with subsection (4)(c).</p>		
<b>95 - Water and sewer</b>	<p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</p> <p>(a) be connected to a reticulated water system, and</p> <p>(b) have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or</p> <p>(b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and</p>	<p>The subject site is serviced by reticulated water and sewerage systems, and the proposed development would be connected to these systems.</p>	Yes

	sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.		
<b>96 - Bushfire prone land</b>	(1) A consent authority must not consent to development under this Part on bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.	The subject site is not bushfire prone.	NA
<b>97 - Design of seniors housing</b>	<p>(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.</p> <p>(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</p>	<p>The proposed development has been assessed against these guidelines and has been found to be compliant.</p> <p>The proposed development has been assessed against these principles.</p>	<p>Yes</p> <p>Yes</p>
<b>106 - Application of design principles for seniors housing</b>	Nothing in this division affects the operation of section 97(2).	This is noted.	Yes
<b>108 - Non-discretionary development standards for independent living unit</b>	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the		

	<p>consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(d) a minimum landscaped area that is the lesser of—</p>	<p>The subject site has its own maximum building height of 19m (which is increased by the Housing SEPP to 22.8m), and a clause 4.6 objection has been submitted in this regard, as the proposed building height is 28.65 metres.</p> <p>The proposed development does not comply with these standards, however the standards within clause 84 are a more appropriate benchmark.</p> <p>This is not an appropriate standard to apply to the development as the site is located within the Campbelltown City Centre and has a maximum building height of 19 metres.</p> <p>A landscaped area equivalent to greater than 30% of the site's area is proposed.</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Yes</p>
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	<p>(i) 35m<sup>2</sup> per dwelling, or</p> <p>(ii) 30% of the site area,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>Deep soil zones exceeding 15% of the site area and 3 metre width have been provided. However it is not practicable to locate the deep soil zone at the rear of the site due to the presence of the heritage-listed Emily Cottage dictating the building configuration.</p>	Yes
	<p>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</p>	<p>67 dwellings (73%) would receive compliant solar access.</p>	Yes
	<p>(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</p> <p>(i) at least 15m<sup>2</sup> of private open space per dwelling, and</p> <p>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</p>	<p>No single storey buildings are proposed, and there are no dwellings located on the ground floor of the proposed multi-storey building.</p>	NA
	<p>(i) for a dwelling in a multi-storey building not located on the ground floor— a balcony accessible from a living area with minimum dimensions of 2m and—</p> <p>(i) an area of at least 10m<sup>2</sup>, or</p> <p>(ii) for each dwelling containing 1 bedroom—an area of at least 6m<sup>2</sup>,</p>	<p>All of the proposed dwellings would have a balcony accessible from a living area with minimum dimensions of 2 metres and an area of at least 10m<sup>2</sup>.</p>	Yes
	<p>(j) for a development application made by, or</p>	<p>No 1 bedroom dwellings are proposed.</p>	NA
			NA

	<p>made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,</p> <p>(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom</p>	<p>The proponent is not a social housing provider or Landcom.</p> <p>The proposed development has 215 bedrooms, which generates the requirement for 108 car parking spaces. The development proposes 125 resident car parking spaces.</p>	<p>Yes</p>
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## Appendix 2 - Assessment against Apartment Design Guide

Control	Required	Proposed	Compliance
<b>Orientation</b>	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	Overshadowing to the south would not be unreasonable. The proposed building is oriented to the east and west.	Yes
<b>Public Domain Interface</b>	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	Visually permeable materials used except where the built form is dictated by flood planning levels. Solid fencing unable to be limited in this situation due to flood planning.	Yes
	Length of solid walls should be limited along street frontages	Solid walls are limited to areas where the built form is dictated by flood planning levels.	Yes
	The visual prominence of underground car park vents should be minimised and located at a low level where possible	Car parking ventilation would consist of "hit and miss" brickwork.	Yes
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Only the proposed substations and the sprinkler boosters would be at street level due to access requirements.	Yes
	Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	The ground level is as low as it can be, having regard to the site's flood affectation.	Yes
	On sloping sites, protrusion of car parking above ground level should be minimised by using split levels to step underground car parking	There would be no protrusion of the basement-level car parking above ground level.	Yes

Control	Required	Proposed	Compliance
<b>Building separation for visual privacy (5-8 storeys)</b>	4.5m between non-habitable rooms	Setbacks comply with this standard.	Yes
<b>Building separation - general</b>	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	No steps in the building are proposed.	Yes
<b>Street setbacks</b>	In mixed use buildings a zero setback is appropriate.  Street setbacks are to be consistent with existing/desired future setbacks.	2.7–5.5 metre front setbacks are proposed.  The proposed front setbacks are considered to be appropriate for the future character of the area.	Yes  Yes
<b>Deep soil zones</b>	Minimum 7% of site area (15% of the site as deep soil on sites greater than 1,500sqm is ideal)  Minimum width of 6 metres	Greater than 15% of the site would be deep soil zones.  Deep soil zones would be at least 3 metres wide as per the more applicable seniors housing section of the Housing SEPP.	Yes  Yes
<b>Communal Open space</b>	Communal open space must have a minimum area equal to 25% of the site.  Developments must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space (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.  Communal open space should be consolidated into a well-designed,	25% of the site would be communal open space.  All of the proposed communal open space areas would receive a compliant amount of solar access.  The proposed COS consists of several well-designed, easily	Yes  Yes  Yes

Control	Required	Proposed	Compliance
	easily identified and usable area	identified and usable areas.	
	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 areas would be partially 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 podium level.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: <ul style="list-style-type: none"> <li>• seating for individuals or groups</li> <li>• barbecue areas</li> <li>• play equipment or play areas</li> <li>• swimming pools, gyms, tennis courts or common rooms</li> </ul>	A wide range of communal facilities is proposed, accommodating all age groups.	Yes
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	A wide range of different spaces is proposed, to account for differing weather patterns.	Yes
	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: <ul style="list-style-type: none"> <li>• bay windows</li> <li>• corner windows</li> <li>• balconies</li> </ul>	Communal open space and the public domain would be readily visible from habitable rooms and private open space areas while maintaining visual privacy.	Yes

Control	Required	Proposed	Compliance
<b>Basement Protrusion</b>	Protrusion of car parks should not exceed 1 metre above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	The basement level would not protrude above ground level.	Yes
<b>Bicycle Parking</b>	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Bicycle parking is very unlikely to be necessary. However, if a resident has a bike, it may be stored in their car parking space or storage cage.	Satisfactory
<b>Pedestrian access and entries</b>	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge	Multiple communal building entries are proposed.	Yes
	The design of ground floors and underground car parks minimise level changes along pathways and entries	The ground level is as low as it can be, having regard to the site's flood affectation.	Yes
	Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport	Pedestrian links through the site are proposed.	Yes
	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	The proposed pedestrian links have clear sight lines, and will be well-lit.	Yes
<b>Vehicle access</b>	Car park entries should be located behind the building line	The car park entry points would be behind the building line of the front building.	Yes
	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the	Vehicle entries would be from the lowest point of the site.	Yes

Control	Required	Proposed	Compliance
	<p>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>Car park entry and access is from the internal driveway (not the street frontage).</p> <p>Access point locations would avoid headlight glare to habitable rooms.</p>	<p>Yes</p> <p>Yes</p>
<b>Apartment layout</b>	<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>A window should be visible from any point in a habitable room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> <p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of</p>	<p>Complies</p> <p>Complies</p> <p>Complies</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>



Control	Required	Proposed	Compliance
	<p>3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas</p> <p>All bedrooms allow a minimum length of 1.5m for robes</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high</p>	<p>Complies</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>
<b>Apartment mix</b>	<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"> <li>• the distance to public transport, employment and education centres</li> <li>• the current market demands and projected future demographic trends</li> <li>• the demand for social and affordable housing</li> <li>• different cultural and socioeconomic groups</li> </ul>	<p>A Mixture of 2 and 3 bedroom apartments is proposed. One-bedroom apartments are not preferred as they limits visitation of residents.</p>	<p>Yes</p>
<b>Minimum Apartment Sizes</b>	<p>2 bedroom – 70sqm</p> <p>3 bedroom – 90sqm</p>	<p>All of the proposed apartments exceed the minimum sizes.</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each	Complies	Yes
<b>Balcony size, Depth and Configuration</b>	2 bedroom – 10sqm 3+ bedroom – 12sqm	All balconies comply with the minimum size requirements.	Yes
	Depth: 2 bedroom – 2m 3+ bedroom – 2.4m	Complies	Yes
	The minimum balcony depth to be counted as contributing to the balcony area is 1 metre	Complies	Yes
	Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space	Complies	Yes
	Private open spaces and balconies predominantly face north, east or west	Complies	Yes
	Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms	Complies	Yes
	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 15m <sup>2</sup> and a minimum depth of 3m	No ground level/podium apartments are proposed.	Yes
<b>Ceiling heights</b>	2.7 metres minimum for apartments	All apartments would have ceiling heights exceeding 2.7 metres	Yes
	3.3 metres minimum for ground and first floors	Ground floor would exceed 3.3 metres. The first floor does not comply however it is unlikely to ever be	Satisfactory

Control	Required	Proposed	Compliance
		converted to commercial floor space due to the site's location and the building's function.	
<b>Common circulation and spaces</b>	Entry from circulation core to maximum of eight units (or up to 12 dwellings where 8 cannot be achieved).	Not achieved however there is a break in each circulation core that allows for solar access and social interaction.	Satisfactory
	Maximum of 40 apartments sharing a single lift	92 apartments would share two lifts	Satisfactory
<b>Storage</b>	2-bed unit – 8m <sup>3</sup> 3-bed unit – 10m <sup>3</sup>	Complies	Yes
	At least 50% of the required storage is to be located within the apartment	Complies	Yes
	Storage is accessible from either circulation or living areas	Complies	Yes
<b>Solar access</b>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	67 of 92 dwellings (73%) would receive compliant solar access.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	24 of 92 apartments (26%) would receive no direct sunlight between 9 am and 3 pm at mid-winter. However ample solar access to these south-facing apartments would be received prior to 9am.	Satisfactory
	The design maximises north aspect and the number of single aspect south facing apartments is minimised.	A large number of south-facing apartments appears to be inevitable due to the site's orientation.	Satisfactory
	Single aspect, single storey apartments should have a northerly or easterly aspect.	Generally satisfactory – although some have south-facing aspect,	Yes

Control	Required	Proposed	Compliance
	<p>Living areas are best located to the north and service areas to the south and west of apartments.</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> <li>• dual aspect apartments</li> <li>• shallow apartment layouts</li> <li>• two storey and mezzanine level apartments</li> <li>• bay windows</li> </ul> <p>A number of the following design features are used:</p> <ul style="list-style-type: none"> <li>• balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas</li> <li>• shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting</li> <li>• horizontal shading to north facing windows</li> <li>• vertical shading to east and particularly west facing windows</li> <li>• operable shading to allow adjustment and choice</li> <li>• 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)</li> </ul> <p>Overshadowing of neighbouring properties is minimised</p>	<p>which is inevitable due to the site's orientation.</p> <p>Generally satisfactory</p> <p>The development incorporates some of these design measures.</p> <p>The development incorporates some of these design measures.</p> <p>There would only be slight overshadowing of</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	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.	the adjoining Arts Centre building and grounds from approximately 1pm onwards.	
<b>Natural ventilation</b>	<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>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Satisfactory</p> <p>56 of 92 (61%) apartments under ten storeys would be naturally cross ventilated.</p> <p>The depth of proposed cross-through apartments does not exceed 18 metres.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Facades</b>	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> <li>• a composition of varied building elements</li> <li>• a defined base, middle and top of buildings</li> <li>• revealing and concealing certain elements</li> <li>• changes in texture, material, detail, and colour to modify the prominence of elements</li> </ul>	The proposed building incorporates some of these design solutions.	Yes

Control	Required	Proposed	Compliance
	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"> <li>• well composed horizontal and vertical elements</li> <li>• variation in floor heights to enhance the human scale</li> <li>• elements that are proportional and arranged in patterns</li> <li>• public artwork or treatments to exterior blank walls</li> <li>• grouping of floors or elements such as balconies and windows on taller buildings</li> </ul>	The proposed building incorporates some of these design solutions.	Yes
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights	The datum line of the adjoining Emily Cottage ceiling level is somewhat referential to the ground level ceiling level in the proposed building.	Yes
	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	The building would have shadows on its facades throughout the day.	Yes
	Building entries should be clearly defined	Satisfactory	Yes
	Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	Important corners are given visual prominence	Yes
	The apartment layout should be expressed	The apartment layout would be expressed	Yes

Control	Required	Proposed	Compliance
	externally through facade features such as party walls and floor slabs	externally through balcony balustrades.	
<b>Roof Design</b>	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• special roof features and strong corners</li> <li>• use of skillion or very low pitch hipped roofs</li> <li>• breaking down the massing of the roof by using smaller elements to avoid bulk</li> <li>• using materials or a pitched form complementary to adjacent buildings</li> </ul>	The proposed building would include unique and interesting roof features.	Yes
	<p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• roof design proportionate to the overall building size, scale and form</li> <li>• roof materials compliment the building</li> <li>• service elements are integrated</li> </ul>	Roof treatments would be integrated with the building design.	Yes
	<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"> <li>• the roof lifts to the north</li> <li>• eaves and overhangs shade walls and windows from summer sun</li> </ul>	The roof design would satisfy this requirement.	Yes
<b>Awnings</b>	Awnings should be located along streets with high pedestrian activity and active frontages	Awnings would be provided along internal paths adjacent to the building, however awnings covering the footpath would not be practical as the building does not directly adjoin the street.	Satisfactory



## **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, based on the implied objectives of the Housing SEPP’s floor space ratio (FSR) and height bonuses for seniors housing. Section 87 of the Housing SEPP incentivises the delivery of seniors housing on large sites in high-density urban areas by affording floor space ratio (‘FSR’) bonuses. The SEPP applies a 3.8 metre building height bonus as a condition of these FSR bonuses in order to facilitate development in a manner that does not unreasonably impact the character and amenity of the locality. The applicant contends that this would be the case notwithstanding non-compliance with the increased maximum building height, and makes the following arguments in support of this contention:

- The scale of the proposed building would provide a transition from the Park Central development to the south-west (which has a maximum building height of 22.5m) and the CBD core to the north-east (which has a maximum building height of 32m that is likely to increase in the future).
- The height of the proposed building is commensurate in scale to the established Rydges hotel building to the west of the development site, owing to the site levels. The roof level of the proposed building is only marginally higher (0.78m) than the level of the Rydges hotel building parapet, which in elevation form, presents a consistent streetscape to Old Menangle Road.
- The proposed recession of the uppermost building level would reduce the mass impression of the building from the Old Menangle Road frontage and would ensure that amenity impacts on adjoining developments (including the Arts Centre) are minimised. A comparative shadow analysis between a Housing SEPP compliant building height and the proposed building height demonstrates that, owing to the orientation of the development site, the proposed development would generate only a marginal increase in overshadowing of the Arts Centre site from 3pm onwards at the Winter solstice.
- The proposed development has been designed to respond to the surrounding and future context of the locality, as envisaged in the Reimagining Campbelltown City Centre Master Plan, which acknowledges that “the best design solutions deliver place-based outcomes that respond to context and are instinctively stitched into their surroundings.” Strict compliance with Section 87(2)(c) of the Housing SEPP is considered to be unreasonable and unnecessary, as it would limit the opportunity for the development to deliver a building that is site-responsive and presents a built form scale that is appropriate to the locality.

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. The applicant’s contentions in support of this argument are summarised below:

- Good design that is contextually appropriate – The location of the proposed development within the existing Catholic Club site is consistent with an outcome of the Reimagining Campbelltown City Centre Master Plan for the Cultural Precinct; to “build upon the success of existing assets.” The building has been sited and designed to integrate with the existing buildings on the Campbelltown Catholic Club site. At the heart of the Cultural Precinct is the Campbelltown Arts Centre, with Reimagining Campbelltown acknowledging that “the development of a precinct around the arts centre will create an opportunity for the community to access a diverse range of high-quality artistic works and play a key role in development of jobs and creative economy.

The Arts Centre and precinct will be amenity for residents, workers and visitors alike.” The proposed development has been designed to create an active interface with the Campbelltown Arts Centre site immediately to the southeast. The proposed development also responds to the future context envisaged in Reimagining Campbelltown, which relevantly notes that “capacity testing of the Master Plan, incorporating selective rezoning at the right times and sensitively accommodating additional height in key locations, identified the City Centre has potential capacity to support four times the projected floor space demand over the next 20 years.” The proposed building design is site responsive, acknowledging the site’s corner location and responding appropriately to the two adjoining heritage items.

- Delivery of ecologically sustainable development – The proposed development has been designed to achieve a 5 Star Green Star Buildings Certification, which is an internationally recognised rating system that sets the standard for healthy, resilient, positive buildings that:
  - Reduce the impact of climate change;
  - Enhance health and quality of life;
  - Restore and protect biodiversity and ecosystems;
  - Drive resiliency in buildings, fitouts and communities; and
  - Contribute to market transformation and a sustainable economy.
- Delivery of housing for an ageing population - The Campbelltown Local Strategic Planning Statement (LSPS) acknowledges “our existing community has a large ageing population” with “the late working age group between 55 – 69 years expected to grow by less than 30% whereas the retirees age group 70 and above, will more than double.” The proposed development is consistent with Planning Priority 2 of the LSPS, which relates to creating high quality diverse housing in the right locations. The provision of 92 independent living units would contribute to accommodating Campbelltown’s ageing population in an accessible location that is well serviced by a range of retail, medical, social and cultural facilities to meet the needs of residents.

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 has adequately addressed how both of these criteria would be met, and that the proposed contravention of the development standard in question is justified.