
COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-60
DA Number	434/2020/DA-C
LGA	Campbelltown City Council
Proposed Development	Demolition of existing structures and construction of an 11 storey building comprising a RSL club on the ground and first floors and a nine-storey hotel above the club containing 152 hotel rooms
Street Address	Lot 1 DP 558320 and Lot 5 DP 1167855, 158 Queen Street, Campbelltown
Applicant/Owner	Think Planners Pty Ltd – Applicant Cabra-Vale Ex-Active Servicemen's Club Ltd – Owner
Date of DA Lodgement	17 February 2020
Number of Submissions	No submissions received
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a Capital Investment Value (CIV) of more than \$30 million. The proposed development has a CIV of \$50 million.
List of All Relevant s4.15(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy 55 – Remediation of Land • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Campbelltown Local Environmental Plan 2015 • Draft Campbelltown Local Environmental Plan 2015 – Amendment No. 24 • Campbelltown (Sustainable City) Development Control Plan 2015
List all documents submitted with this report for the panel's consideration	• Recommended conditions of consent • Statement of Environmental Effects and Clause 4.6 Objection • Architectural Plans • Civil Concept Plans • Landscape Plan • Traffic and Parking Assessment Report • Detailed Site Investigation Report
Report by	Luke Joseph – Senior Town Planner
Report date	9 December 2020

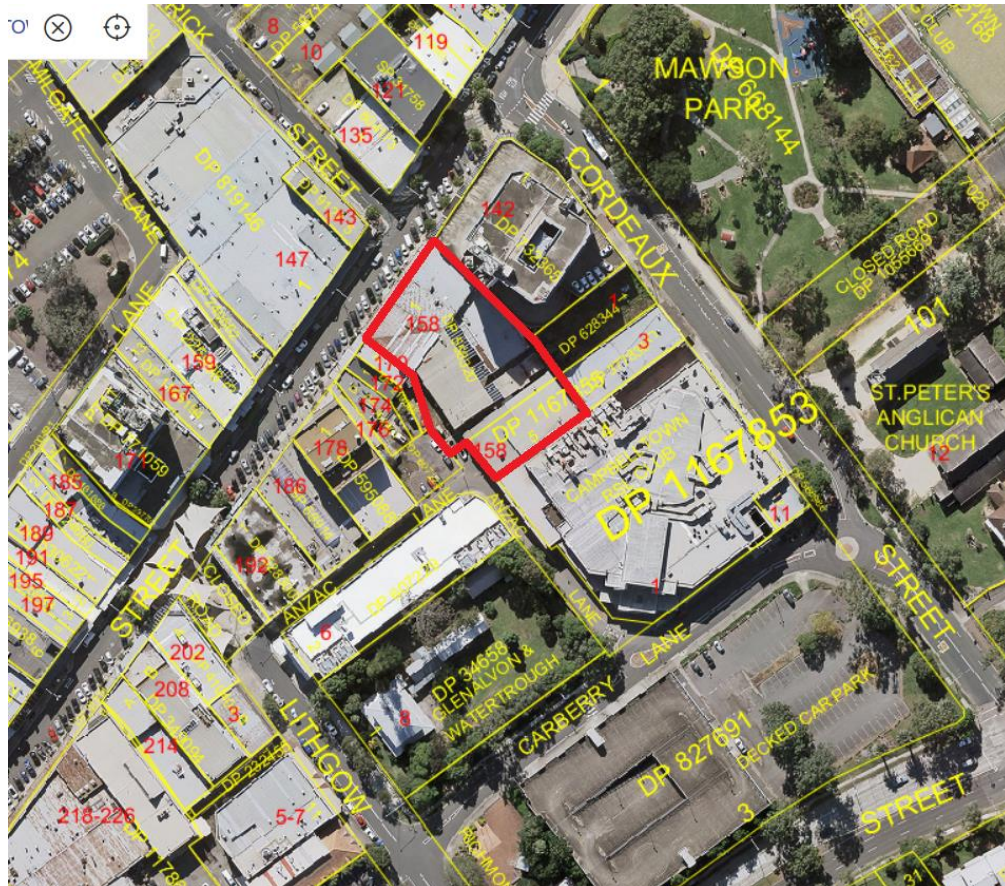
Summary of 4.15 matters	Yes
Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	Yes
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment? <i>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</i>	

Executive Summary

- This development application proposes the demolition of existing structures, construction of an 11 storey building comprising a RSL club on the ground and first floors, a nine-storey hotel above the club containing 152 hotel rooms and two levels of basement car parking, and provision of a semi-public thoroughfare through the site.
- Due to the Capital Investment Value of the proposed development exceeding \$30 million, the Sydney Western City Planning Panel is the consent authority for this application.
- The proposed building has a height of 43 metres, which exceeds the current maximum building height for the site of 32 metres. An objection pursuant to clause 4.6 of the Campbelltown Local Environmental Plan 2015 was submitted with the application in respect of this proposed non-compliance, and is considered to be sound and reasonable.
- The subject site and others around it are currently the subject of a Planning Proposal that has a Gateway determination, which proposes to increase the maximum building height from 32 metres to 45 metres for the subject site and 85 metres for the remainder of the land subject to the Planning Proposal.
- The application proposes a large variation to Council's car parking standards, however a location-specific and development-specific approach to transport management is considered to be warranted for the proposed development.
- Apart from variations to maximum building height and car parking, the proposed development is generally consistent with the provisions of the Campbelltown Local Environmental Plan 2015 and Campbelltown Sustainable City Development Control Plan 2015.
- The application has been assessed against the assessment criteria listed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory. The application is therefore recommended for approval.

Site and Locality

The subject site is located within the commercial core of Campbelltown on the southeastern side of Queen Street. It has an area of 2,688sqm, consisting of two separate allotments, which are collectively known as 158 Queen Street, Campbelltown. The site has a 40 metre frontage to Queen Street, and a small frontage to Anzac Lane at the rear of the site that is suitable for vehicular access. The site currently contains a two-storey commercial complex known as City Arcade. The site is surrounded by commercial buildings of varying ages, types and heights, although the predominant scale is 1-2 storeys. Noteworthy surrounding buildings include a 10-storey office building directly to the north-east of the site and the existing two-storey Campbelltown RSL Club to the south-east of the site.



Proposal

The application proposes the following works:

- Demolition of all existing structures on 158 Queen Street (on both Lot 5 DP 1167855 on Lot 1 DP 558320)
- Construction of an 11-storey 43 metre high building on Lot 1 DP 558320 only (No development is proposed on Lot 5 except for part of the proposed driveway).
- A new RSL Club would occupy the first two levels of the building, however a fitout of the club is not proposed under this application.
- A hotel would occupy the upper nine floors of the building.

- Two levels of basement car parking are proposed, containing 86 car parking spaces. All vehicular access to the site would be from Anzac Lane.
- Provision of a semi-public thoroughfare from Queen Street to Anzac Lane, which includes a 4-metre wide walkway as well as seating and landscaping, which would remain in private ownership.

Background and History

The subject site and others around it are currently the subject of a Planning Proposal that has a Gateway determination, which proposes to increase the maximum building height from 32 metres to 45 metres for the land fronting Queen Street (the subject site) and 85 metres for the remainder of the land (1 Carberry Lane and 3&11 Cordeaux Street). The timeframe given by DPIE for completion of the amendment to the LEP is 29 June 2021.



Planning Proposal site boundaries

Report

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

1. Planning Provisions

1.1 State Environmental Planning Policy (State and Regional Development) 2011

Schedule 7 of the State and Regional Development 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 \$50 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 55 – Remediation of Land

Clause 7 of SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless:

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

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

- All structures on the site should have a HMS conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements.
- Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

A recommended condition of consent requires compliance with these recommendations. In this regard, subject to the imposition of and compliance with these recommendations, the site is considered to be suitable for the proposed development pursuant to clause 7 of SEPP 55.

1.2 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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

Clause 16 - Development applications in growth centres - matters for consideration until finalisation of precinct planning for land

Clause 16(1) of the SEPP states:

(1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—

- (a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,*
- (b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,*
- (c) whether the proposed development will result in further fragmentation of land holdings,*

- (d) *whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,*
- (e) *whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,*
- (f) *whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,*
- (g) *in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.*

The SEPP does not include a precinct plan for the Greater Macarthur Growth Area, and therefore the above criteria requires consideration. In this regard, the following should be noted:

- The Campbelltown Precinct Plan released under the Glenfield to Macarthur Corridor Strategy (which is not a Precinct Plan for the purposes of the SEPP but is rather a structure plan) indicates that the subject site would be “Commercial & Retail Core”. This implies that a land use zoning of B3 Commercial Core would likely continue to apply to the site. As *registered clubs* and *hotel or motel accommodation* are permissible in the B3 Commercial Core zone, the proposed development would not preclude the future urban land uses identified for the site under the Corridor Strategy, and the proposed development is consistent with the relevant precinct planning strategy.
- The proposed development will not result in the subdivision of the land, and will therefore not result in fragmentation of the land.

Therefore, the proposed development is considered to be satisfactory with regard to clause 16 of the SEPP.

Clause 17 - Referral to Department of Planning after release of precinct

This clause applies to land within a growth centres precinct that has been released by the Minister for urban development, and applies until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land.

The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling) —

- (a) with a capital investment value of more than \$500,000, or
- (b) in respect of land that has an area of more than 2 hectares, or
- (c) that is a subdivision of land (being a subdivision that creates 2 or more lots),

refer the application to the Director-General of the Department of Planning for comment.

The consent authority must take any comments received from the Director-General of the Department of Planning (within 21 days after the development application was referred to the Director-General for comment) into consideration when determining whether to grant consent to any such development.

This application was referred to the Department of Planning and Infrastructure (DPIE) pursuant to this clause. However, DPIE returned the referral, advising that it is DPIE’s opinion that this clause does not apply to the application and only applies to land within identified land release areas.

1.3 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned B3 Commercial Core under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as a *registered club and hotel or motel accommodation*, and both of these land uses are permissible with consent within the B3 zone.

Zone objectives

The proposal is consistent with the objectives of the B3 Commercial Core zone, which are listed below:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To accommodate the redevelopment, enhancement and vitality of centres by facilitating mixed use development.

Building height

The subject site has a maximum building height of 32 metres under the CLEP 2015. The proposed development has a height of 43.1 metres and therefore fails to comply with this standard by a margin of 35%. The applicant has made a written request pursuant to clause 4.6(3) of the CLEP 2015 seeking to justify the proposed contravention of the maximum building height standard, and this is discussed below.

Exceptions to development standards

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

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

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

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

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

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

The applicant contends that the proposed development, despite the numerical non-compliance, remains consistent with the objectives, based on the following:

- “The overall height of the development presents as a compatible form of development to the anticipated high density developments that are emerging in the locality.
- The plans have been designed in anticipation for the implementation of the planning proposal, providing a variation to the LEP building heights limit. As outlined in the SEE the mapped LEP height control for this site is 32m. However, the site is part of a larger block which is subject to a Planning Proposal, currently in the Pre-Exhibition stage, which is aligned with the recommendations of the Department of Planning and Environment’s Greater Macarthur Growth Area Implementation Plan and the Campbelltown Precinct. The planning proposal seeks to permit development up to 85m in height.
- The locality is undergoing a significant period of change consistent with the site’s location within the Campbelltown CBD and proximity to Campbelltown train station. This offers future residents’ significant convenience and results in land that is prime for redevelopment for mixed-use development.
- The vision for Campbelltown is a strategic city centre providing a gateway to the South West as well as serving the Greater Macarthur Growth Area. Campbelltown is envisioned to become a world-class health and education precinct, based around existing facilities including the Western Sydney University Campus and Campbelltown Hospital.
- Campbelltown as a strategic centre is to provide a range of business, investment and work opportunities as well as retail choices. The Campbelltown Precinct Plan prepared by the Department of Planning and Environment has recommended that maximum indicative heights for high rise development be removed so that appropriate heights can be determined at the detailed planning stage.
- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.
- 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 substantially recessed behind the building perimeter.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.
- The proposal will not unreasonably impact on the significance of any heritage items.
- The proposal provides tourist and visitor accommodation opportunities, the proposal will strongly contribute towards revitalising the subject area, as it will increase employment opportunities both during the construction phase and at the completion of the proposal. The design concept will promote increased activation of the street level to enhance pedestrian movement and patronage for the area and the additional accommodation will provide augmented patronage in the locality thus both components will contribute towards boosting the local economy of Campbelltown.
- The proposal will provide for a number of distinct public benefits:
 - Delivery of additional accommodation within close proximity to the Campbelltown Town Centre and Train Station;

- Creation of jobs both during the construction stage and through the delivery of additional commercial floor space upon completion of the proposal;
- Activation of the street level;
- Amenity impacts to adjoining properties are mitigated.
- The traffic modelling concludes that the impact of the development on the surrounding traffic network is acceptable.

It is noted that the applicant's request under clause 4.6 makes reference to the post-gateway Planning Proposal but only refers to a proposed building height of 85 metres. In fact the Planning Proposal also includes a proposed change from the current maximum building height of 32 metres to 45 metres, and the area proposed for the 45 metre height limit directly corresponds with the site of this proposed development.

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 adopts an appropriate urban form, as it provides for a building height and building modulations, with the development to be viewed within a high density urban setting.

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 noted that the applicant's written request focuses largely on the potential future built form of the Campbelltown CBD and the impacts and benefits of the development as a whole as opposed to the component of the proposed building that does not comply with the maximum building height. For the avoidance of doubt, the lodgment or progression of a Planning Proposal seeking to increase the site's maximum building height is not considered to be a sufficient reason in and of itself to support the proposed non-compliance with the maximum building height standard. The request does correctly identify that the proposed development satisfies the objectives of the maximum building height standard and the objectives of the B3 Commercial Core zone, and would have a notably distinct absence of adverse planning impacts upon surrounding properties and the public domain. It is therefore considered 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.

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 B3 Commercial Core 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 Director-General'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 Councils where a development contravenes a numerical development standard by greater than 10% (as is the case in this situation). This restriction does not apply to regionally significant development determined by a district panel, so a referral to the Director-General is not required in this case and the concurrence of the Director-General can be assumed.

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

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question, as the additional building height would facilitate the positive planning outcome of the supply of additional tourist/visitor accommodation to the Campbelltown CBD.

Mixed use development in Zone B3 and Zone B4

- (1) The objective of this clause is to promote employment opportunities and mixed use development in Zone B3 Commercial Core and Zone B4 Mixed Use.

The proposed building would have two levels occupied by the RSL club, and all other levels occupied by the proposed hotel. The proposed configuration provides a mix of land uses, and both of the proposed land uses generate employment.

- (2) This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use.

The subject site has a zoning of B3 Commercial Core under the CLEP 2015.

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

- (a) the building will have an active street frontage after its erection or change of use, and

The proposed building would contain an RSL Club at street level facing Queen Street, and requires all of its small frontage to Anzac Lane to be used for the purposes of vehicular access. Whilst a registered club is not strictly a business premises or retail premises as required by the CLEP's definition of *active street frontage* (below), its presence on the ground and first floors of the proposed building would give the building a very active street frontage.

- (b) the ground floor will only accommodate non-residential land uses, and

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

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

The subject site is within Zone B3 Commercial Core. The first two levels of the building are proposed to contain a registered club, and therefore the proposed development complies with this subclause.

- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.

Access for fire services and vehicular access are provided at ground level.

- (5) In this clause:

active street frontage, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

non-residential land uses includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking.

Design Excellence

Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

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

The proposed development is considered to comply with all of the above design excellence criteria. It should be noted that an earlier iteration of the proposed development was considered by the Campbelltown Design Excellence Panel on 26 March 2020. The Panel raised a number of issues with regard to the proposed development, and it was subsequently redesigned in response to the advice given by the Panel and Council.

Heritage Conservation

Under clause 5.10(5) of the CLEP 2015, the consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

A Heritage Impact Assessment was submitted with the application, however its relevance and utility is limited by the fact that it was prepared in support of the Planning Proposal to increase the maximum building height on the subject land and surrounding land.

The site is located nearby three heritage items; Glenalvon, Richmond Villa and St. Peter's Anglican Church, the closest of which is Glenalvon. The impact of the proposed development on these heritage items is considered to be minor. Whilst the proposed development would be visible from all three of these heritage items, the visual impact of the development would not be so severe as to diminish their heritage value, and it is important to note that several other multi-storey developments would be visible from these heritage items. With regard to solar access, it is important to note that the proposed building (and in particular its upper section that exceeds the maximum building height) would not cause any additional overshadowing of Glenalvon beyond that which it already experiences from the building directly adjoining Glenalvon to its northwest. Accordingly, the impact of the proposed development on the three nearby heritage items is considered to be negligible.

1.4 Draft Campbelltown Local Environmental Plan 2015 – Amendment No 24

Section 4.15(1)(a)(ii) of the EP&A Act requires consideration of any proposed instrument that has been the subject of public consultation under the Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Amendment No. 24 to Campbelltown Local Environmental Plan 2015 has been publicly exhibited and the Planning Proposal was considered post-exhibition by Council on 9 June 2020. The Planning Proposal has been forwarded to the Department of Planning, Industry and Environment for finalisation. As such, the proposed amendment has a high level of certainty and imminence.

The proposed amendment includes the addition of an additional objective to the B3 zone being wording like "To provide a healthy, attractive, vibrant and safe commercial core". The proposed development is considered to be consistent with this objective. Beyond this objective, there are no other elements of Amendment No. 24 that are of relevance to the subject application.

1.5 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 10,000 litre rainwater tank is required to be provided. A 12,000 litre rainwater tank is proposed for the development.

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

- Along the edge of the proposed semi-public thoroughfare
- Along the rear boundary of the site
- Along the rear edge of the outdoor dining area
- Within an outdoor area on level 3 of the building (above the RSL Club)

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

Stormwater – The proposed development would be drained to the kerb in Queen Street via a network of pits and pipes. Council's Development Engineer has advised that numerous modifications to the stormwater plan are required, however these can be addressed as part of a recommended condition of consent requiring an amended stormwater plan to be submitted to the PCA prior to the issue of a construction certificate.

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

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

The application, which includes a Crime Prevention Through Environmental Design report, was referred to the Crime Prevention Officer at the Campbelltown City Police Area Command of NSW Police. The Police reviewed the application and advised that if the application were to be approved, all of the recommendations made by the 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 the Police.

Part 6 – Commercial Development

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

Standard	Required	Proposed	Compliance
Building Form and Character	All building façades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape	All building façades would be architecturally treated.	Yes
	Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: - the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be 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 building satisfies all of the specified architectural criteria.	Yes
	The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	The main entry to the building (from Queen Street) is easily identifiable from the street and directly accessible through the front of the building.	Yes

	Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	No blank walls are proposed for elevations that face public spaces.	Yes
	Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.	Views of the proposed roof mounted plant room would be obscured by proposed architectural roof features.	Yes
	Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.	Roller shutters are not proposed over windows and doors.	Yes
	Buildings shall not incorporate highly reflective glass.	A recommended condition of consent requires that all glass has a low reflectivity index.	Yes
	Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.	The setback to Queen Street is slightly greater than that of adjoining buildings – but this provides for a small expansion of the public domain which is acceptable.	Yes
	Commercial development shall be designed to address both primary and secondary street setbacks.	The proposed development addresses both of the site's street frontages.	Yes
Car Parking	Registered club – 1.5 spaces per 10sqm GFA (267 car spaces required based on 1,781sqm of floor space) Hotels - 1.5 space per 10sqm, plus 1 space per 2 employees (628 car spaces required based on 4,130sqm of		

	floor space and 16 employees Total car parking spaces required = 895 All car parking spaces that are required shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time. Off street parking and loading shall be designed in accordance with <i>Australian Standards 2890.1 and 2 (as amended)</i> No car parking spaces shall be designed in a stacked configuration. 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).	Parking spaces provided = 86 The application indicates that no car parking would be locked off, obstructed, reserved or separately allocated to any individual use. The proposed car parking is compliant with these Australian Standards. No proposed car parking spaces would be in a stacked configuration. 4 of 86 proposed car parking spaces would be accessible (4.6%)	No – see discussion below this table Yes Yes Yes The number of accessible spaces is considered to be acceptable, since any number exceeding 2 would be in excess of the requirements of the BCA.
Vehicular Access and Manoeuvring	Commercial development shall be designed to accommodate all related vehicle movements on site such that: i) all vehicles shall enter and exit the site in a forward direction; ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably	All vehicles would be able to enter and exit the site in a forward direction. The maneuvering area of the loading dock is separate from the proposed vehicle parking areas.	Yes Yes

	accessed via a rear service lane; iii) cause minimal interference to the flow of traffic within the surrounding road network; and iv) safe and convenient access is provided for pedestrians. Each site shall have a: i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and ii) each site may have an additional ingress/egress for cars (and other light vehicles). Required manoeuvring areas for heavy vehicles shall not conflict with car parking. Each new commercial building/unit having a gross floor area greater than 1,500 square metres shall provide an area to allow for a heavy rigid vehicle (12.5 metres long) to manoeuvre on site. Consent must not be granted to the development of land that has a frontage to Queen Street unless Council is satisfied that:	The proposed development would not interfere with the flow of traffic within the surrounding road network A recommended condition of consent requires pedestrian access be provided across the driveway and loading area. One ingress/egress point is proposed for all vehicles. One ingress/egress point is proposed for all vehicles. Manoeuvring areas for heavy vehicles would not conflict with car parking as they are proposed to be on different levels of the building. An 11 metre long rigid truck would be able to manoeuvre on site, which the application indicates is the maximum length vehicle needed to service the development. This arrangement is reinforced by a recommended condition of consent. Vehicular access is not proposed from Queen Street.	Yes Yes Yes Yes Satisfactory Yes
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	i. where practicable, vehicular access to the land is provided by a road other than Queen Street; and ii. The safety, efficiency and ongoing operation of Queen Street must not be adversely affected by the proposed development as a result of: a. The design of the vehicular access to the land, or b. The nature, volume or frequency of vehicles using Queen Street to gain access to the land.		
Loading/Unloading	Where practicable, loading bays shall be separated from parking and pedestrian access.	A recommended condition of consent requires pedestrian access be provided across the driveway and loading area.	Yes
	All loading and unloading shall take place wholly within the site.	All loading would take place within the proposed loading area at the rear of the site.	Yes
	No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	Due to the intensity of the proposed land use and frequency of patron movements, some unloading of passengers is likely to occur within Anzac Lane.	Yes
	Parking and loading bays shall be provided and clearly identified on site.	Parking and loading bays would be clearly identified on site.	Yes
	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	All loading would take place within the proposed loading area at the rear of the site.	Yes

	means to Council's satisfaction.		
Public Domain	A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for new development having a gross floor area greater than 5,000sqm.	A public domain plan for the proposed development has been provided.	Yes
	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.	Public artwork is proposed within the semi-public thoroughfare from Queen Street to Anzac Lane.	Yes
	Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.	The proposed semi-public thoroughfare through the site would contribute positively to and improve the public domain within the Campbelltown CBD.	Yes
	Awnings shall be provided on all newly constructed buildings that have road frontages, be it primary or secondary frontages located within the Campbelltown, Macarthur, and Ingleburn Business Centres.	An awning is provided along the Queen Street frontage of the site, and a recommended condition of consent requires that it extend to the north-eastern boundary of the site to provide continuous weather protection for pedestrians.	Yes
	Awnings shall: i. be 2.5 metres wide;	3 metres, but provides additional coverage for busy pedestrian street.	Satisfactory
	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.	1.4 metres setback to kerb. Minimum clearance of 3.5 metres.	Yes Yes
Landscaping	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for	A detailed landscape plan has been provided.	Yes

	commercial development involving the construction of a new development.		
Commercial Waste Management	Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development. All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.	The proposed development has an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development. A recommended condition of consent requires this to be done.	Yes Yes
Parenting Facilities	Parenting facilities shall be incorporated in all new buildings and alterations/ refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be provided. Each parenting facility shall be designed to: • provide a quiet place for parents to feed children in privacy; • be a unisex use facility; provide an allocated area to change nappies; • provide hand washing (warm and cold) and drying facilities; • provide a toddler toilet; • be separated from male, female and disabled toilets; and be well ventilated in	The proposed RSL club is the type of facility that requires parenting facilities. As a fitout of the proposed RSL Club is not proposed, the final configuration of the RSL Club's floor plan has not been designed at this stage. Accordingly, to address this matter, a recommended condition of consent requires that the future fitout of the RSL Club includes the provision of parenting facilities that satisfy the applicable criteria.	Satisfactory

	accordance with Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities.		
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As the table above shows, the proposed development is generally compliant with the Campbelltown Sustainable City DCP 2015, but fails to comply in relation to car parking, which is discussed further below.

Car Parking

The proposed development fails to comply with the numerical requirements of Council's DCP by a significant margin. A total of 895 car parking spaces would be required for the proposed development if the applicable car parking rates were strictly enforced (267 for the RSL Club and 628 for the hotel), however only 86 car parking spaces are proposed. In this regard, the following factors must be considered in the determination of appropriate car parking provision for the development:

- The DCP's car parking rate for registered clubs (1.5 spaces per 10sqm GFA) is derived from parking surveys of licensed clubs referenced in the RMS Guide to Traffic Generating Developments. These surveys, which were carried out in 1978, revealed an average peak number of cars parked at these clubs per 100sqm of public or licensed floor area was 26.4, varying from 7.2 to 69.9, with a sample standard deviation of 17.4. However, the RMS Guide also states that "research has indicated that the demand for parking varies substantially depending on the type of club and cannot readily be related to building floor areas", and also points out that since 1978 there have been some behavioural changes in the use of clubs, partly due to random breath testing. The RMS Guide stipulates that the determination of the number of parking spaces required for a registered club is to be based on the characteristics of the proposed development, and comparisons must be drawn with similar clubs. Parking must be provided to satisfy the peak cumulative parking requirements of the development.
- A parking survey undertaken by the applicant's traffic consultant at the Liverpool RSL Club in March 2018 identified a peak parking demand of 1 space per 70sqm of floor area, occurring at 8pm on Saturday night. The Liverpool RSL Club is located in an area with similar socio-economic characteristics to the Campbelltown CBD, and is located at a similar walking distance from its nearby bus and rail interchange. The Liverpool RSL Club also operated courtesy buses prior to the onset of Covid-19, as would the proposed RSL Club. It is therefore reasonable to apply Liverpool RSL Club's peak car parking rate to the proposed RSL Club, which would result in a required car parking provision of 25 parking spaces.
- With regard to the hotel component of the proposed development, Council's car parking rate of 1.5 space per 10sqm plus 1 space per 2 employees is considered to be inappropriate for a hotel providing accommodation, and is applicable instead to hotels of the pub variety. In this regard, the 628 parking spaces that strict application of this rate would require would equate to more than four spaces per hotel room, which is not considered to be accurate given the two-person capacity of each hotel room. The RMS Guide to Traffic Generating Developments recommends that for 3 and 4 star hotels, a car parking rate of 1 space per 4 bedrooms is used (a lower car parking rate is recommended for 5 star hotels). Applying this rate to the proposed hotel would result in a required car parking provision of 38 spaces.

The use of car parking rates that are more appropriate and realistic than those specified in Council's DCP as outlined above results in a car parking demand of 63 spaces for the proposed

development. As the proposed development would have 86 car parking spaces, it is expected to be able to comfortably accommodate the parking demand generated by the proposed development. It is also noted that the peak car parking demand time for the RSL club is outside of the hours of the majority of businesses within the vicinity of this site. As the car parking rate applied to the RSL Club component of the development is dependent on the use of courtesy buses during the club's peak operating hours, a recommended condition of consent requires the use of courtesy buses during the Club's expected peak operating hours.

1.6 The impact of the development

The proposed development is expected to have positive economic and social impacts upon the Campbelltown CBD and the City of Campbelltown broadly, due to the increase in economic and social activity that the development would generate, and would have positive impacts on the built environment due to its high quality design.

1.7 The suitability of the site

Due to the site's zoning (B3 Commercial Core) and location within the main street of Campbelltown's CBD, the site is considered to be suitable for the proposed development.

1.8 Public Participation

The application was publicly exhibited and notified to nearby and adjoining property owners for a period of 21 days. No submissions were received.

1.9 The Public Interest

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

2. Conclusion

The application has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979, and has been found to be satisfactory in this regard.

Officer's Recommendation

That 434/2020/DA-C, which proposes the demolition of existing structures and construction of an 11 storey building comprising a RSL club on the ground and first floors and a nine-storey hotel above the club containing 152 hotel rooms, be approved subject to the recommended conditions of consent outlined in Attachment 1.