



Statement of Environmental Effects

156-168 QUEEN STREET
CAMPBELLTOWN

6 FEBRUARY 2020



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Photomontage of the Development Proposal

QUALITY ASSURANCE

PROJECT:	Statement of Environmental Effects for 11 Storey Mixed Use Development – Hotel and RSL
ARCHITECT:	Aleksandar Projects
ADDRESS:	Lot 1 DP 558320: 156-168 Queen Street, Campbelltown
COUNCIL:	Campbelltown City Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
28 January 2020	Draft version for review	Draft	SR	SF
6 February 2020	Revised	Council submission	SF	SF

EXECUTIVE SUMMARY

This development application relates to land within the heart of the Campbelltown CBD which presently contains the Campbelltown RSL Club. The genesis of this application is the redevelopment of the RSL Club to deliver to the local community a contemporary facility with a new vibrant range of dining and recreation services. Given the strategic planning context for the site and Council's impressive vision for Campbelltown (as published in Re-imagining Campbelltown), the vision for this site includes a fully revitalised RSL Club along with a hotel to provide much needed tourist and visitor accommodation.

The subject site is currently subject to a Planning Proposal which seeks to redevelop the entire development block in line with Re-imagining Campbelltown. While this Planning Proposal remains current this development proposal is for the first stage of the redevelopment of the site. The site is part of a larger block which is subject to a Planning Proposal, currently in the Pre-Exhibition stage, the proposal is to increase the maximum building height to 85m.

This Statement of Environmental Effects has been prepared in support of this application for the amalgamation of two allotments, demolition of identified structures and the construction of an 11 storey building comprising of a 2 storey RSL on the ground and first floor with 152 hotel rooms located above at 156-168 Queen Street, Campbelltown.

This application does not propose the fit out of the RSL, as this is to be provided in a later and separate development application. This application will only assess the permissibility of the exterior shell of the RSL Club and the hotel rooms above.

The site, legally known as Lot 1 DP 558320, has a site area of 2,096m² and a frontage of approximately 39m. The subject land is presently occupied by Campbelltown RSL Club and several small-scale retail buildings. The site is located on Queen Street, which is the main commercial strip of Campbelltown, with Campbelltown shopping mall located 400m south west of the site, and Campbelltown train station located 400m north east of the site.

The key aspects of the proposal are as follows:

Commercial Space

A total of 1746.9m² of commercial floor space comprising of:

- Level 1: Hotel Lobby and RSL Club – 908m²
- Level 2: RSL Club – 838.9m².

Hotel Elements

A total of 152 hotel rooms, contained within levels 3-11.

Parking

- A total of 86 car parking spaces including 4 accessible parking spaces within 2 basement levels;
- Basement Level 2: 45 spaces (including 2 accessible); and
- Basement Level 1: 41 spaces (including 2 accessible).

The site is zoned B3 Commercial Core, currently with a maximum building height of 32m under the Campbelltown Local Environmental Plan 2015. *'Registered clubs'* and *'Hotel or motel accommodation'* are permissible with consent within the B3 zone.

It is noted that the proposal presents a variation to the current LEP maximum building height control of 32m. The current Planning Proposal is at pre-exhibition for the site is to amend the maximum building height to 85m and as such a Clause 4.6 variation is technically required which seeks to vary the maximum permitted building height by 11.1m.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

SUBJECT SITE

The subject site is situated within the heart of the Campbelltown CBD and is on the south eastern side of Queen Street, approximately 150m walking distance from Campbelltown station. The site is identified in the aerial photo overleaf.

The subject site is legally defined as the following:

- Lot 1 DP 558320 (156-168 Queen Street).

The subject site has an area of 2096m² and a frontage of 39.07m to Queen Street.

The subject land is presently occupied by the existing Campbelltown RSL Club along with several small-scale retail buildings. The site is located on Queen Street, which is the main commercial strip of Campbelltown, with Campbelltown shopping mall located 400m south west of the site, and Campbelltown train station located 400m north east of the site.

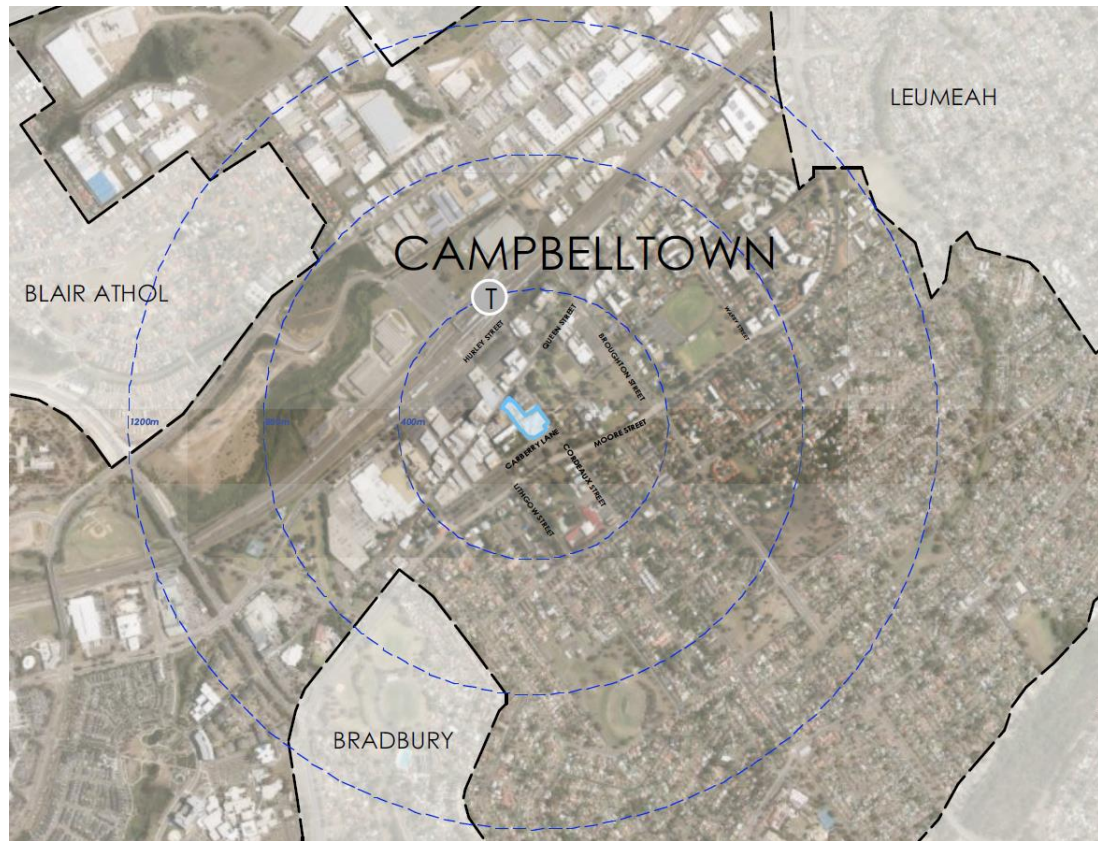
The aerial photographs provided at Figures 1, 2 & 3 show the subject site and the immediate context.

Figure 1: Aerial photograph of the subject site (Source: Google Maps).



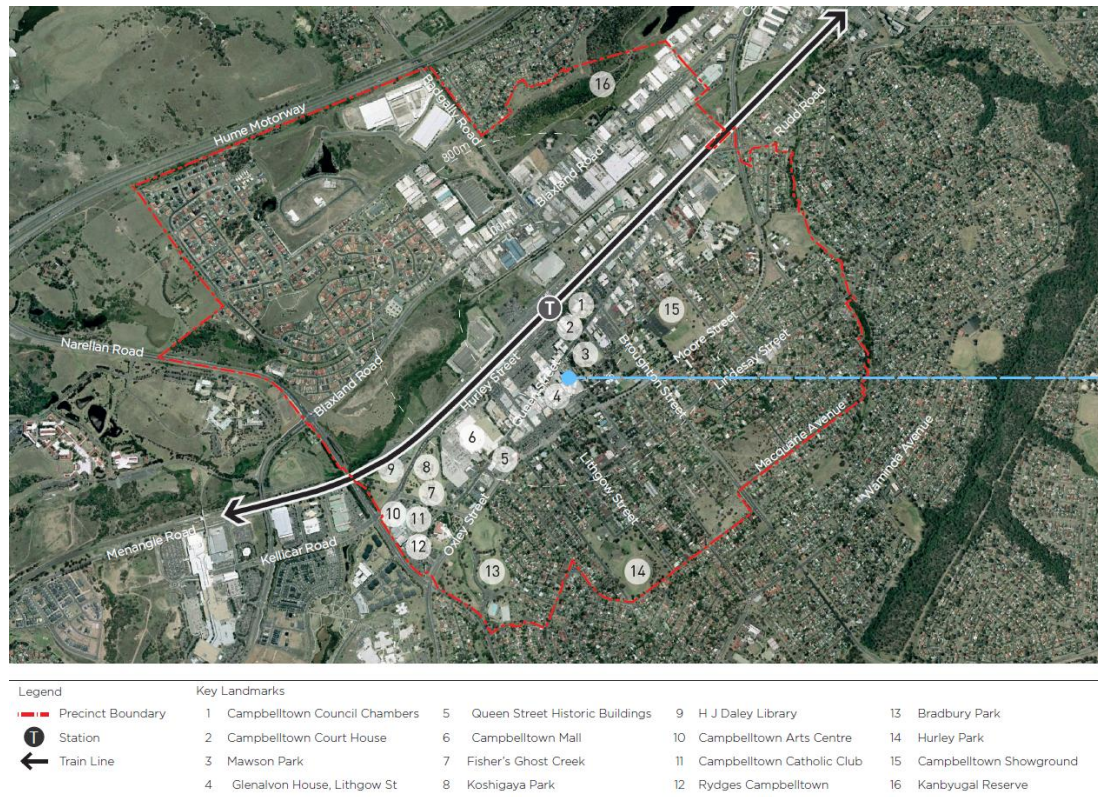
 The site

Figure 2: Aerial photograph of the broader subject site showing 400m, 800m and 1200m radius (Source: Urban Design Report – Aleksandar Projects).



 Subject land

Figure 3: Regional Context Map (Source: Urban Design Report – Aleksandar Projects).



LOCALITY

The site is located on Queen Street, which runs through the centre of Campbelltown, and contains majority of the large commercial and residential developments within this strategic centre. Campbelltown Mall is located on Queen Street, approximately 400m south west from the site. The Mall contains many large chains including Woolworths, Coles, ALDI, Target, Kmart, with more than 120 stores in total.

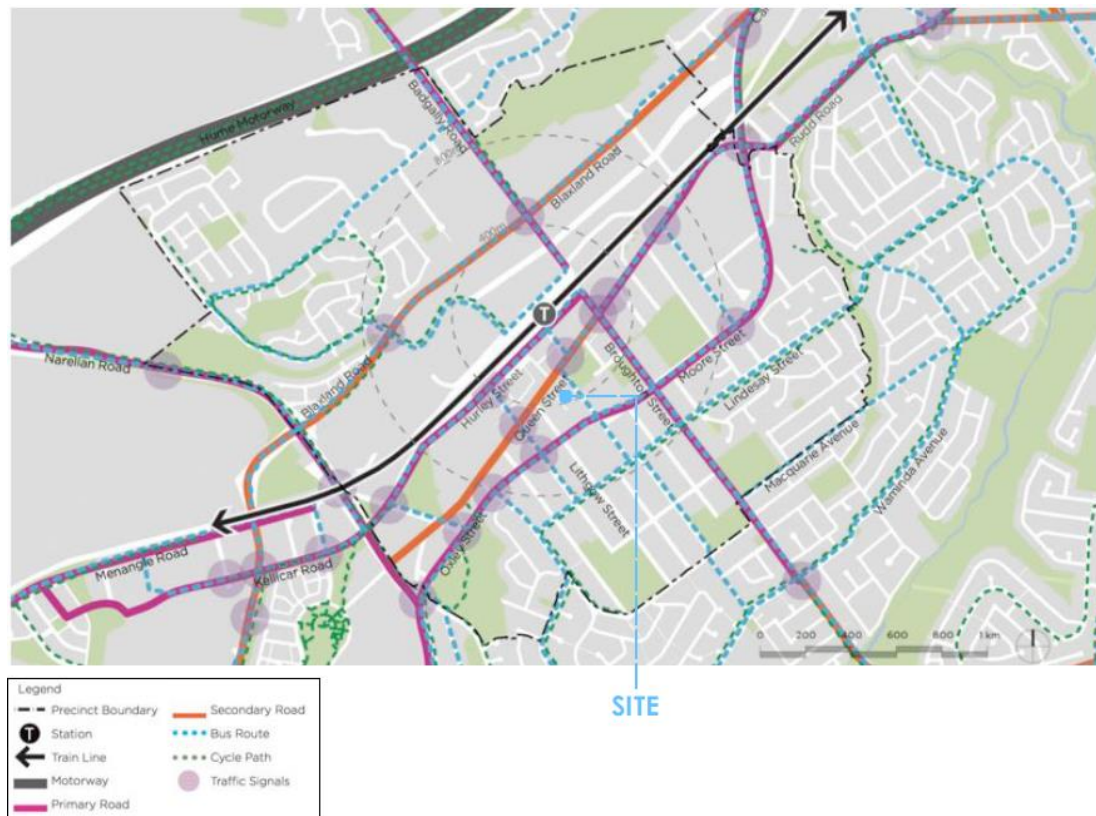
The immediate locality is characterised predominately by 2 storey shop top housing developments, interspersed by several larger mixed use buildings, including the Campbelltown City Hotel, located adjacent to the subject site, which is approximately 10 storeys tall. The site is located 400m from Campbelltown train station.

The current development within this locality, given the 32m height limit and B3 commercial core, represents a significant underutilisation of the land. The site is ideal to deliver mixed-use development which has been recognised by the Re-imagining Campbelltown, A Metropolis of Three Cities and the Western City District Plan.

This location is well serviced by schools, tertiary institutions, child care centres, community services, recreational and sporting facilities and an established

commercial centre. Furthermore, the locality has excellent connectivity with access to several key arterial road networks including Campbelltown Road, Hume Highway and Narellan Road as well as regular public transport services.

Figure 4: Transport and Movement (Source: Urban Design Report – Aleksandar Projects).



This 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 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.

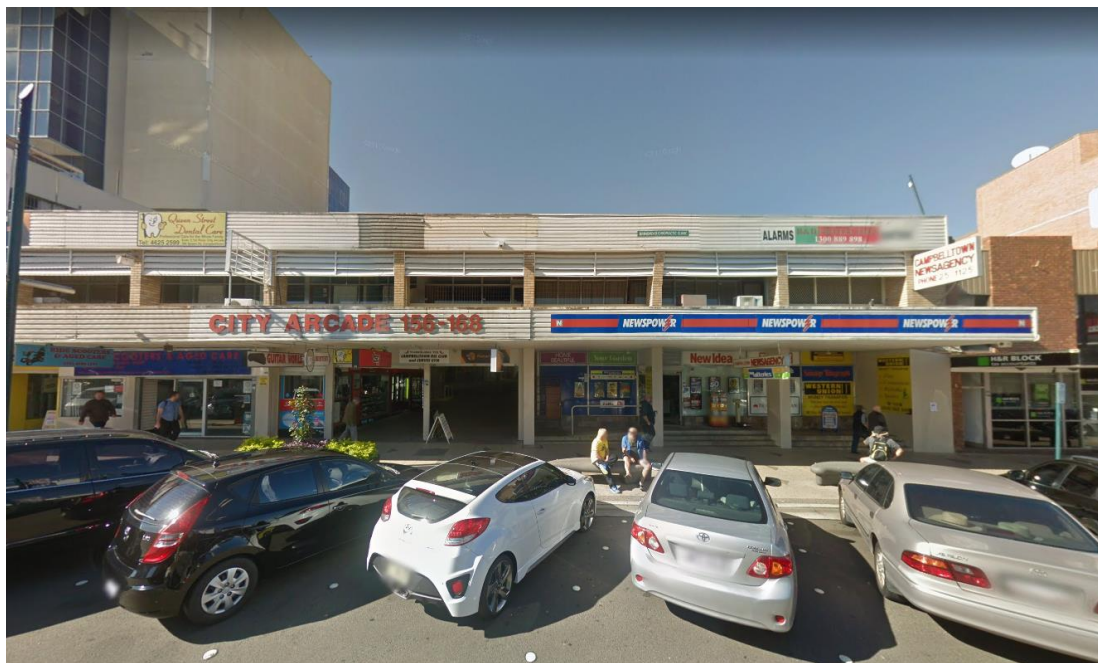
Campbelltown as a strategic centre is to provide a range of business, investment and work opportunities as well as retail choices. The Campbelltown Precinct Plan prepared by the Department of Planning and Environment has recommended that maximum

indicative heights for high rise development be removed so that appropriate heights can be determined at the detailed planning stage.

The Precinct Plan makes this recommendation; however, this does not result in changes to the current planning controls. Changes to the planning controls is to occur through planning proposals submitted by landowners to Campbelltown City Council, through Council led amendments to the Local Environmental Plan and future State Government-led planning for certain precincts.

Photographs overleaf and in the following pages are provided to illustrate the context of the locality.

Photograph 1: Shows the existing retail buildings located at 156 Queen Street.



Photograph 2: Shows the streetscape of Queen Street, viewing north eastwards.



Photograph 3: Shows the large scale mixed use building (Campbelltown City Hotel), that is neighbouring the subject site.

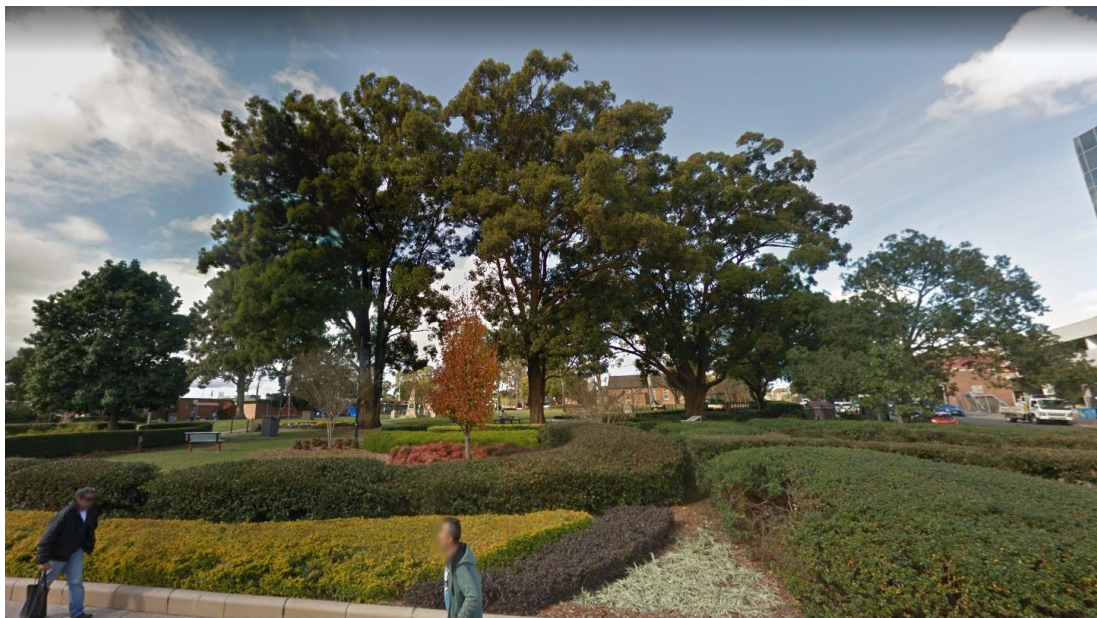




Photograph 4: Shows Campbelltown Train Station, located within a 400m walking distance of the subject site.



Photograph 5: Shows Mawson Park, located within proximity of the site.





Photograph 6: Shows Campbelltown Mall, located on Queen Street, approximately 400m from the subject site.



PRE DA MEETING

A Pre DA meeting was held for the proposed development with Campbelltown Council on the 4 November 2019, which gave feedback on the key areas of concern deemed by Council.

The issues raised have been addressed where possible in the design of the DA architectural plans and within this Statement of Environmental Effects, with a table below summarising the key points.

Pre-DA compliance table	
Issue	Discussion
Public Domain and Street Activation	The design of the proposed new building seeks to create a highly permeable corner treatment to Queen Street and the new public laneway which will connect through to the rear of the site (Anzac Lane). This can clearly be seen in the photomontage. At the ground floor there will be a significant improvement to activation of the public domain with the RSL and the new RSL entry feature. All the back of house features of the site are strategically located to ensure maximum activation is achieved. The main entry space will remain clear to be utilised as a public space with no unnecessary visual or physical clutter/obstruction. An impressive selection of materials of high quality materials and finishes as shown in the photo montages is achieved. The proposal achieves rationalisation of the RSL entry and hotel entry space and entry points. Canvas Landscape Architects (qualified landscape architects) have prepared the landscape concept plans which accompany this submission. The extent of landscape areas is maximised throughout the development as far as possible. Canopy trees are provided in key locations to scale the built form. The trees species and planting locations have been carefully chosen to ensure there is maximum activation while also considering safety and security matters.
Car parking	A traffic assessment report is to be provided by Varga with this development application submission. The traffic assessment identifies the

Site specific DCP to reflect car parking rates needed for the development.	impacts of the proposal on the local street network as requested by Council. Parking is provided in accordance with the proposed draft Site Specific DCP, RMS Guidelines and AS 2890.
Overshadowing of Glenalvon DA to address extent of overshadowing of Glenalvon.	Overshadow diagrams are provided with this submission which show the extent of existing overshadow impacts to Glenalvon, the extent of additional overshadowing that would be generated by a building that complies with the maximum building height and the extent of overshadowing caused by the actual proposal. The recently constructed NSW Government Family and Community Services building on Anzac Lane creates a significant overshadowing impact on Glenalvon. The result in that this proposal does not cause any additional overshadow impact to Glenalvon.
11 Cordeaux Street Site isolation is a potential concern which must be dealt with the in Site Specific DCP.	As the current development application relates to the land fronting Queen Street, the site isolation of 11 Cordeaux Street is not an issue for consideration as part of this development application. Further detailed consideration will be given to this for the Site Specific DCP and future applications for the remaining part of the development site.

PLANNING PROPOSAL

A Planning Proposal was submitted to council on 15 March 2018 to provide a justification for a proposed amendment to the Campbelltown Local Environmental Plan 2015. On 29 January 2019 the Planning Proposal was approved at Gateway for a maximum height of 82m.

CURRENT STATUS OF THE PLANNING PROPOSAL

Section 3.38 of the Environmental Planning and Assessment Act 1979 states that:

(1) This Division applies if a development application is made to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended.

(2) (Repealed)

(3) A reference in this Division to the appropriate amendment of an environmental planning instrument includes a reference to the making of an appropriate principal environmental planning instrument.

This Section of the Act applies to a development application that is made while at the same time Council is considering a Planning Proposal that would permit the proposal. This Division applies to the proposal. Although it is noted the current maximum building height is 32m and as a result a Clause 4.6 Variation Request is submitted with the proposal due to the proposed building height being 43.1m. Then Section 3.39 of the Environmental Planning and Assessment Act 1979 further states that:

Nothing in this Act prevents:

(a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or

(b) the consideration by a consent authority of such a development application,

subject to this Division.

This Section of the Act clearly states there is nothing to prevent a development application being made to a consent authority, which in this case is the Council, if the Local Environmental Plan is proposed to be appropriately amended. Part B of this Clause also permits the Council to consider the development application.

Technically, the Council can consider the current proposal under the existing maximum building height control and the supporting Clause 4.6 Variation Request. However, it is of assistance to consider the current Planning Proposal that is generally supported by Council.

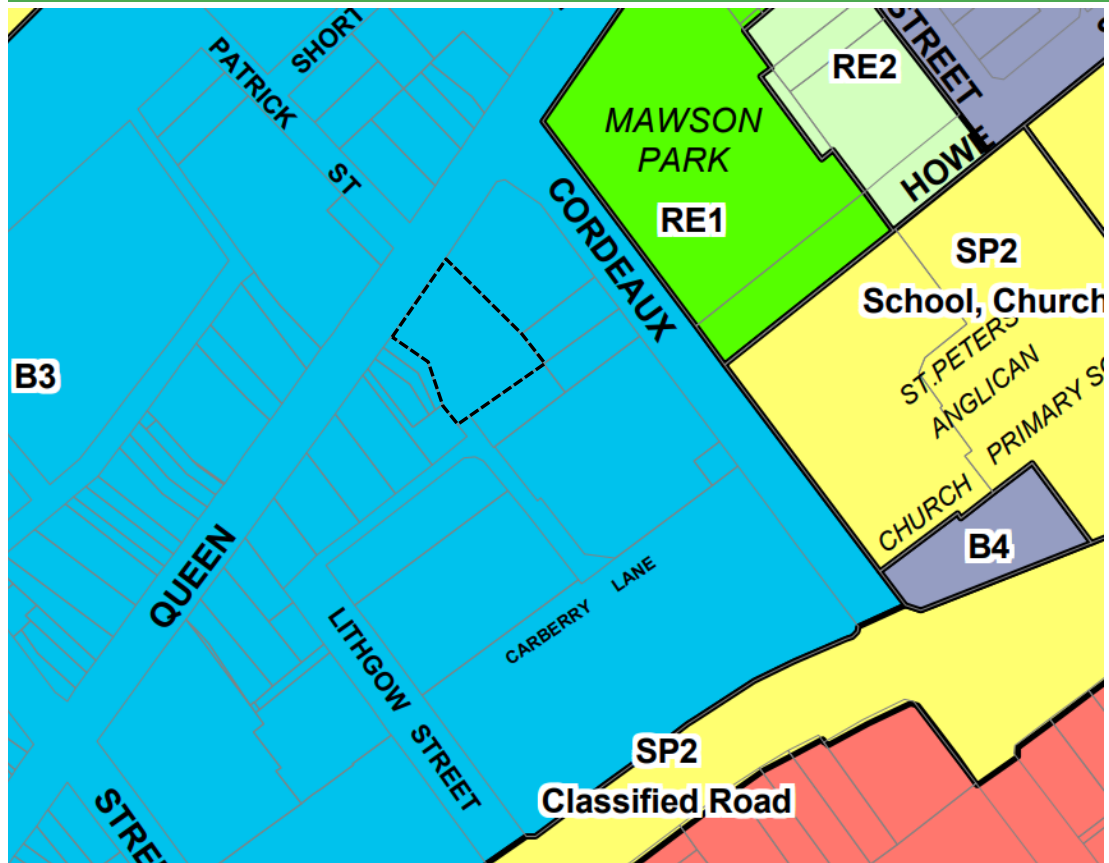
It is anticipated the amendment to the Campbelltown Local Environmental Plan will occur at some stage in the coming 4-6 months as such the Planning Proposal is imminent.

LOCAL PLANNING FRAMEWORK

ZONE

The Land Use Zone Map for the Campbelltown LEP 2015 indicates that the zone for this land is B3 Commercial Core as shown below.

Figure 5: Extract from Campbelltown LEP 2015 Land Use Zone (LZN_008B)

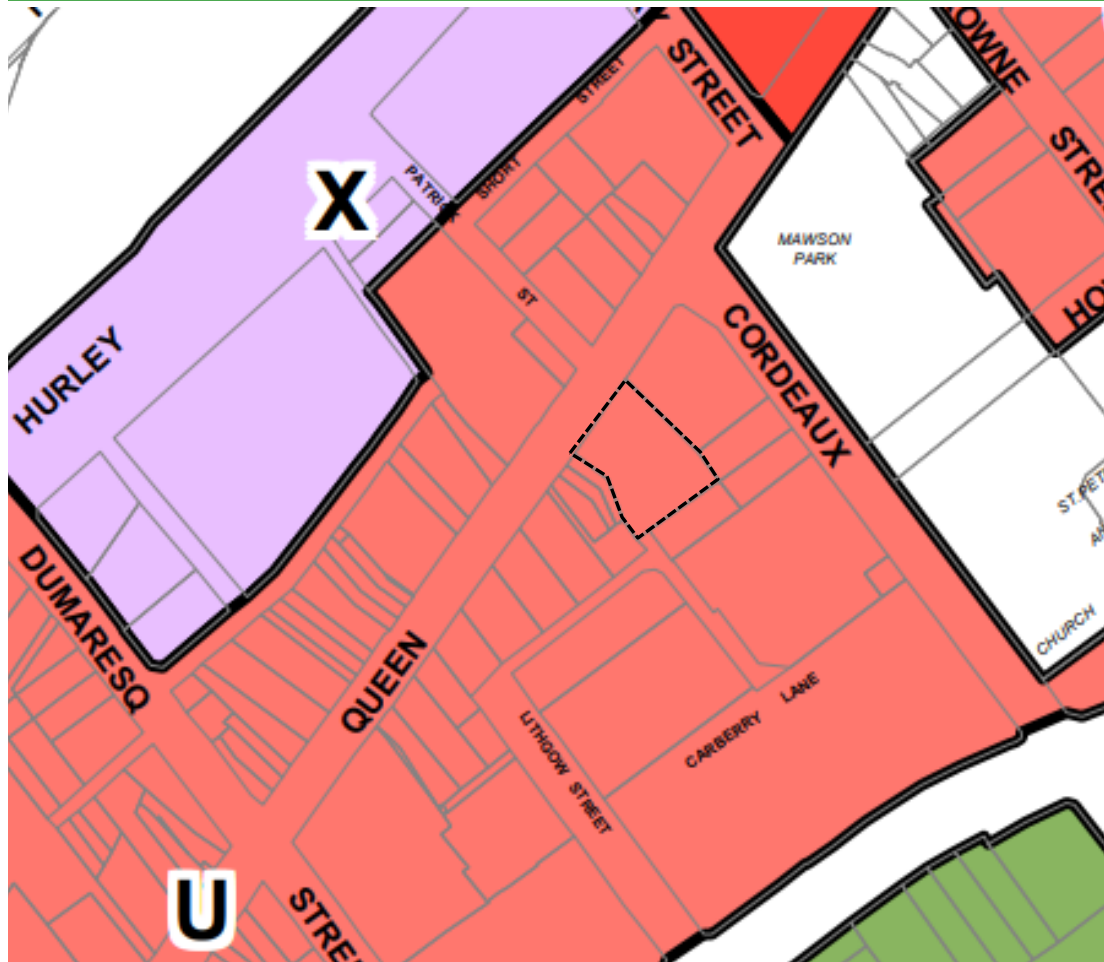


 The site

BUILDING HEIGHT

The Height of Buildings Map for the Campbelltown LEP 2015 indicates that the maximum building height permitted on the subject site is 32m.

Figure 6: Extract from Campbelltown LEP 2015 Height of Buildings Map (HOB_008)



 The site

The current Planning Proposal seeks to amend the maximum building height control for this land 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.

HERITAGE

There are no heritage items located within the site boundaries however, it is separated by Anzac Lane from the heritage listed Glenalvon House to the west and is separated by Cordeaux Street from the heritage listed St Peters Anglican Church to the east.

The subject site is demonstrably physically separated from heritage listed sites and is unlikely to impact on the heritage significance of this property. Detailed consideration of the impact of heritage is provided within the heritage impact statement prepared by Heritage 21. Noting the heritage impact statement also considers the entire site that is subject to the Planning Proposal. It is important to review this proposal in the context of the entire development lot.

Figure 7: Extract from Campbelltown LEP 2015 Heritage Map Sheet.



DESCRIPTION OF PROPOSAL

The development application is proposed for the amalgamation of two allotments, demolition of identified structures, and the construction of an 11 storey *'Mixed Use Building'* comprising of a 2 storey RSL Club on the ground and first floor with 152 hotel rooms located above at 156-168 Queen Street, Campbelltown.

The key aspects of the proposal are as follows:

Commercial Space

A total of 1746.9m² of commercial floor space comprising of:

- Level 1: Hotel Lobby and RSL Club – 908m²; and
- Level 2: RSL Club – 838.9m².

Hotel Elements

A total of 152 hotel rooms, contained within levels 3-11.

Parking

- A total of 86 car parking spaces including 4 accessible parking spaces within 2 basement levels:
- Basement Level 2: 45 spaces (2 accessible space); and
- Basement Level 1: 41 spaces (2 accessible spaces).

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level 2	Access to basement level is provided via a graded access ramp from Basement Level 1 with internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction. 45 car parking spaces (including 2 accessible spaces). 4 x lift cores and 3 x stairwells including fire escape stairs. Vehicular ramp.
Basement Level 1	Graded ramp access to lower basement level with graded ramp access to the ground floor and internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction. 41 car parking spaces including 2 accessible car parking spaces. Services and storage. 4 x lift cores and 3 x stairwells including fire escape stairs. Vehicular ramp.
Level 1	Access Arrangements Pedestrian access is provided via Queen Street. Vehicular access to the site is provided via a vehicular crossover and driveway via Anzac Lane, in the southern corner of the site, with access to ramps to lower basement level. RSL Level 1 of the RSL will have a GFA of 908m². The fit-out details of the RSL are to be provided within a future DA. 5 x lift core and 5 x stairwells including fire escape stairwells.
Level 2	RSL Level 2 of the RSL will have a GFA of 838.9m². The fit-out details of the RSL are to be provided within a future DA. 3 x lift core and 4 x stairwells including fire escape stairwells.
Level 3	Internal lobby and corridor providing access to the rooms, with 2 x lift cores and 2 x stairwells. Level 3 provides a total of 16 units. Each room is provided with an ensuite bathroom. 192.7m² of landscaped rooftop communal open space is provided.
Levels 4-11	Internal lobby and corridor providing access to the rooms, with 2 x lift cores and 1 x stairwell. Each level provides 17 units. Each room is provided with an ensuite bathroom.
Level 12	Services

The proposed mixed use building addresses the site's context by incorporating contemporary architectural aesthetics and providing significant enhancements to the existing streetscape through the provision of an active interface to Queen Street, the high density development will increase the tourist and visitor accommodation stock and provide additional commercial opportunities within the Campbelltown Strategic Centre.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 REMEDIATION OF LAND

A Preliminary Site Investigation is provided with this application which confirms the Environmental Consultant considers that the potential for significant contamination of soil and ground water within the site to be low. Furthermore, the Consultant finds the site can be made suitable for the proposed development and land use, however, further investigations are required to determine the current onsite contamination levels and whether remediation is required.

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

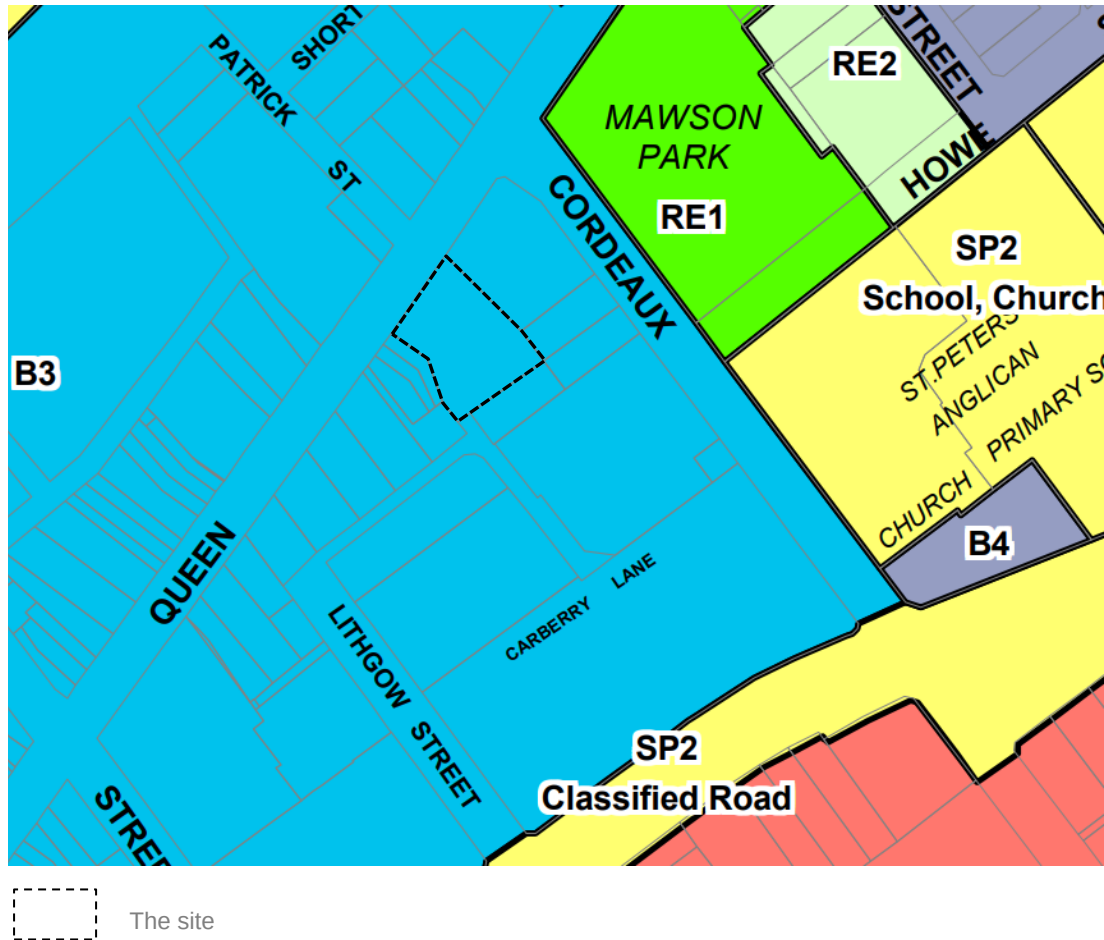
Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?		X
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?		X
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	Y	

There is no information that would indicate that the site is contaminated. Based on the available information there is nothing to warrant further investigation in relation to contamination at this stage.

CAMPBELLTOWN LOCAL ENVIRONMENTAL PLAN 2015

The Land Use Zone Map for the Campbelltown LEP 2015 indicates that the zone for this land is B3 Commercial Core as shown below.

Figure 8: Extract from Campbelltown LEP 2015 Land Use Zone (LZN_008B)



'Registered Clubs', and 'Hotel or Motel Accommodation' are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

registered club means a club that holds a club licence under the Liquor Act 2007.

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- 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.

The proposed development provides a large comprehensive mixed-use development that will contribute towards generating local employment and building investment in the local economy. The development will not only play an important role in not only revitalising the town centre but is to provide a gateway building within a strategic location earmarking the entrance to the CBD and providing valuable dining and recreational opportunities for residents.

Residing within an established town centre, the site is well located within proximity to essential services, employment and commercial opportunities, public transportation and other ancillary recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Campbelltown Local Environmental Plan 2015 – Compliance Table			
Relevant Clause	Control	Comment	Complies
Zoning	B4 Mixed Use	'Registered Clubs' and 'Hotel or Motel Accommodation' are permissible with Council consent within the B3 Commercial Core Zone.	Yes
Part 2 Permitted or prohibited development			
	Zoning Objectives and Land Use Table	The proposal is consistent with the zoning objectives of the B3 Commercial Core Zone. The proposal will appropriately fulfil the site's zoning potential and provide an	Yes

		attractive built form that will address the public domain and increase retail / commercial opportunities at the street level and tourist accommodation stock within the locality.	
2.6	Subdivision – Consent Requirements	Council consent is not sought for strata subdivision at this stage.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of identified structures on site.	Yes
Part 4 Principle development standards			
4.3	Height of Buildings: 32m	It is noted that the proposal presents a variation to the current LEP maximum building height control of 32m. A planning proposal at pre-exhibition for the site is to amend the maximum building height to 85m, and therefore the building is to have a height of 43.1m. Nonetheless a clause 4.6 justification is to be provided within this report. Refer to attached clause 4.6.	Clause 4.6 Variation
4.4	Floor Space Ratio	No maximum FSR controls apply.	N/A
4.6	Exception to Development Standards	A clause 4.6 departure is attached as appendix A and outlines why breaching the height standard is appropriate in this instance.	Yes
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	There are no heritage items located within the site boundaries however, it is separated by Anzac Lane from the heritage listed Glenalvon House to the west and is separated by Cordeaux Street from the heritage listed St Peters Anglican Church to the east. The subject site is demonstrably physically separated from heritage listed sites and is unlikely to impact on the heritage significance of this property. Detailed consideration of the impact of heritage is provided within a heritage impact statement, which is provided with this application.	Refer to attached Heritage Report

Part 7 Additional Local Provisions

7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area, will follow the natural contours of the site where possible and will have minimal adverse environmental or amenity impact. It is considered that the proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
7.2	Flood Planning	The subject site is not identified as being flood prone. Not applicable.	N/A
7.3	Riparian Land and Watercourses	The subject site is not identified as within riparian land and watercourse. Not applicable.	N/A
7.4	Salinity	The subject site has been identified as containing moderate potential for Saline Soils and measures will be implemented to mitigate this issue with full detail provided at CC stage. A geotechnical report is provided with this submission.	Yes
7.7	Considerations for Development on Environmentally Constrained Land	The subject site is not identified as being environmentally constrained land under Council's Environmental Constraints Map.	N/A
7.9	Mixed Use Development in the Zone B3 and Zone B4	Clause 7.9 (3) requires mixed use developments with a residential component within B3 & B4 Zones to provide an active street frontage and prohibits residential land uses on the ground floor.	Yes

		The proposed mixed-use development provides an active frontage to Queen Street, noting no residential units are provided on the ground floor or at all within the proposed scheme. Complies.	
7.10	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes
7.13	Design Excellence	The proposal exhibits design excellence and embodies the matters prescribed in Clause 7.13 (4) as illustrated below: The proposal is to achieve a high standard of architectural design with the proposal to adequately address its frontages, is to acknowledge the prominence of the site within an established town centre while providing an important gateway building into the centre. The development also aims to set the tone and scale for future mixed-use development within the commercial centre. The proposal results in an appropriate outcome on site that responds to the unique characteristics of the site and addresses the established context of the surrounding area. The development proposes a modern mixed-use building that will significantly improve the urban form within the town centre. It is highlighted that the proposal is not located within a strategic view corridor, however, maintains appropriate setbacks and designed with a podium level and towers above to minimise overshadowing and privacy impact on adjoining properties; The development has been zoned for higher densities by virtue of its B3 zoning with a Heritage Report address potential heritage issues. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. Materials used are consistent with that existing in the area while being contemporary in character. The range of materials significantly contributes to the	Yes

articulation of the building and reducing the overall bulk and mass of the building. See plan for detail.

Development has been designed with a two-storey podium feature with tower above to minimise impact at the street level.

The proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.

The application has been provided with a Section J Report indicating the developments commitment to ecologically sustainable development.

Appropriate vehicular and pedestrian access to the site is provided.

The proposal is located within an appropriate location, within close public transportation and services and will permit the land to be developed to its full potential. Proposal will contribute towards increasing the housing stock and housing mix within Campbelltown.

CAMPBELLTOWN DEVELOPMENT CONTROL PLAN 2015

PART 2 REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT

All relevant Council controls have been identified and considered in the following compliance table.

Campbelltown Development Control Plan 2015 Part 2 – Requirements Applying to all Types of Development Compliance Table			
Clause	Controls	Comment	Complies
2.2	Site Analysis	A Site Analysis has been prepared for the proposal and is attached as part of this application.	Yes
2.3	Views and Vistas	The proposed development will not impact on significant views due to the nature of the proposal as well as its location within an established town centre earmarked for higher densities. Furthermore, the proposed development is to be appropriately landscaped within a commercial context and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape. The development aims to providing a gateway development into the city centre, while setting the tone and scale for future high-density development within the Campbelltown Town Centre.	Yes
2.4	Sustainable Building Design	<u>2.4.3 Natural Ventilation</u> The development has been designed to maximise natural ventilation. <u>2.4.5 BASIX</u> The development is for a Hotel and Commercial development and therefore does not required a BASIX certificate.	Yes Yes
2.5	Landscaping	The site was previously used for commercial purposes and thus the site is predominately absent of vegetation. The site proposes landscape works appropriate within the commercial context including the landscape plantings within the common outdoor area/terrace space.	Yes

2.7	Erosion and Sediment Control	This application seeks Council consent for excavation of the site as per the attached plans. It is considered that the proposed excavation, especially for the basement levels will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. A Geotechnical Investigation report is provided as part of the DA.	Yes
2.8	Cut, Fill and Floor Levels	<u>2.8.1 Cut and Fill</u> The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area. It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties. <u>2.8.2 Surface Water and Floor Levels</u> The subject site is not affected by flooding. Not relevant.	Yes N/A
2.9	Demolition	The development seeks consent for demolition of identified structures. Waste is to be appropriately managed during the demolition and construction stages of the development. A Waste Management Plan is attached as part of this application.	Yes
2.10	Water Cycle Management	<u>2.10.1 Water Cycle Management</u> A Water Cycle Management Plan has been prepared and is attached as part of this application. The proposed development incorporates Water Sensitive Urban Design (WSUD) principles which seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site	Yes

		and will allow for the efficient management of stormwater.	
		<u>2.10.2 Stormwater</u> A Stormwater Management Plan is attached as part of this application. See attached Stormwater Management Plan for detail. <u>2.10.3 Stormwater Drainage</u> A Stormwater Concept Plan is attached as part of this application. See attached Stormwater Concept Plan for detail.	Yes
2.11	Heritage Conservation	There are no heritage items located within the site boundaries however, it is separated by Anzac Lane from the heritage listed Glenalvon House to the west and is separated by Cordeaux Street from the heritage listed St Peters Anglican Church to the east. The subject site is demonstrably physically separated from heritage listed sites and is unlikely to impact on the heritage significance of this property.	Refer to enclosed Heritage Report.
2.12	Retaining Walls	Retaining walls that are visible are appropriately screened.	Yes
2.13	Security	The proposed development incorporates an active façade that will permit casual surveillance to Queen Street as well as the driveway areas. The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The development proposes ground floor retail tenancy that will activate the streetscape. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in	Yes

		context with development and street presentation of surrounding development.	
		All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	
2.14	Risk Management	<u>2.14.1 Contaminated Land</u> Given the historical use of the site for commercial purposes, land contamination is not likely. A Preliminary Site Investigation is provided with this application which confirms the Environmental Consultant considers that the potential for significant contamination of soil and ground water within the site to be low. Furthermore, the Consultant finds the site can be made suitable for the proposed development and land use, however, further investigations are required to determine the current onsite contamination levels and whether remediation is required. <u>2.14.2 Salinity</u> The subject site has been identified as containing moderate potential for Saline Soils and measures will be implemented to mitigate this issue with full detail provided at CC stage. <u>2.14.3 Bushfire</u> The site is identified as being bush fire prone land. Not relevant. <u>2.14.5 Public Health</u> Cooling towers are to be located in accordance with the relevant Australian Standards.	Yes Yes N/A Yes
2.15	Waste Management	A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Appropriate waste facilities will be provided for future residents of the proposal. Development also provides appropriate located loading bays to permit the collection of waste from the site.	Yes

2.16	Provision of Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes
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PART 5 RESIDENTIAL FLAT BUILDINGS AND MIXED-USE DEVELOPMENT

All relevant Council controls have been identified and considered in the following compliance table.

Campbelltown Development Control Plan 2015 Part 5 – Residential Flat Buildings and Mixed-Use Development Compliance Table			
Clause	Controls	Comment	Complies
5.3	Desired Future Character for Mixed Use Precinct	The proposed mixed-use development achieves a high standard of architectural design with the proposal to adequately address its frontages, acknowledges the prominence of the site within an established town centre while setting the desired future scale of the centre. The hotel components associated with the proposal are located on higher levels with front facades articulated and balconies and podiums fronting Queen Street. The RSL on the ground floor ensures that the development will activate the streetscape.	Yes
5.4	General Requirements for Residential Flat Buildings and Mixed-Use Development	<u>5.4.1 Relationship of the Plan to SEPP 65 Design Quality of Residential Apartment Design</u> The proposal is for a hotel mixed use development and therefore will not address the SEPP 65. <u>5.4.2 Building Form and Character</u> a) A Site Analysis has been prepared for the proposal and is attached as part of this application. b) Development incorporates the following features to achieve high quality architectural outcomes: Development proposes appropriate façade treatment that address Queen Street. The proposed facades are well articulated with a	Yes Yes Yes

mixture of vertical and horizontal features including windows, projecting walls and balconies, framed elements and fixed and operable louvers and designed to address the sites frontage to Queen Street.

Furthermore, the proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. Materials and finishes used are consistent with that existing in the area while being contemporary in character. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.

Development incorporates articulation in walls, roof lines, a variety of roof pitches and individualised architectural features.

Development proposes variation in the vertical planes of exterior walls in depth and direction. Development proposes a variety in the vertical and horizontal planes that will achieve the building to appear as having distinct elements. Development proposes appropriate landscape embellishment works appropriate within a commercial context.

Development has been designed to avoid blank walls at ground and level levels are avoided.

c) The development has been designed to: Yes

Facilitate casual surveillance within units oriented towards Queen Street with proposed the proposed RSL on the ground and first floor to achieve active interaction at the street level. The development is built to boundary, which is appropriate within a commercial context, noting appropriate landscape embellishment work is proposed within a commercial context.

d) Building colours, materials and finishes are to be consistent with other mix use buildings within the Campbelltown LGA. See architectural plans for detail. Yes

e) Building materials are to be of high quality, durable and low maintenance. Complies. Yes

5.4.3 Site Services

The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site. All relevant services such as lift wells are to be

incorporated into the design of the proposed building.

External lighting plan and waste management plan is attached to this report.

An on-going Waste Management Plan is attached as part of this application.

5.4.4 Acoustic Privacy

Appropriate acoustic noise mitigation measures are to be employed to ensure adequate acoustic amenity is achieved for future residents. Yes

Furthermore, the application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy.

5.4.5 Vehicular Access

Queen Street has the capacity to provide safe and efficient vehicle access to and from the subject site. See attached Traffic Report for detail. Yes

5.4.6 Stormwater Drainage

The proposed development incorporates Water Sensitive Urban Design (WSUD) principles which seek to minimise and manage the impact of stormwater on site and within the area. Yes

The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.

See attached Stormwater Management Plan for detail.

5.4.7 Thermal Comfort

The development has been designed to maximise thermal comfort through the use of energy efficient glazing and shading devices. Yes

Furthermore, the proposal incorporates appropriate design features including window size and unit orientation that will permit adequate solar penetration as well as maximising cross ventilation.

5.4.8 Waste Management

A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Appropriate waste facilities will be provided for future residents of the proposal. Yes

The proposal is provided with a communal waste storage area that provides sufficient space for the recycling and residual waste bins that are located out of public view. It is noted that the lift is in proximity to the communal waste storage area with recycling bins located adjacent to the lifts and a chute system is proposed to facilitate transport from the development to the waste storage areas.

Development also provides appropriate located loading bays to permit the collection of waste from the site.

5.4.9 Access for People with Disabilities

The proposal is consistent with the disability design criteria contained within the relevant Australian Standard and BCA. Yes

Lift core provides access to all levels of the proposed mixed-use development including the basement levels from the ground floor and as such the proposal provides appropriate access to, from and within the site for those with disability. See site plans for detail.

The proposal also provides disabled car parking spaces within the two basement levels.

5.6 Mixed Use Development (Zones B3 & B4)

5.6.1 General Requirements for Mixed-use Development in Area Zoned B3 & B4 Yes

No residential units are proposed on the ground floor (or within the proposed scheme), providing an RSL Club ensuring that the development activates the streetscape along Queen Street.

5.6.2 Site Requirements for Building Envelope for Mixed-Use Development in areas zoned B3 & B4

a) The development site has an area of 2,096m² and a frontage width greater than 30m. Yes
Complies.

b) i) DCP requires mixed use buildings within the B3 and B4 zone to have a zero metre setback from any street boundary. The proposed building is to be built to boundary along Queen Street. Yes
Complies.

ii) The building provides setbacks of 6m to the boundaries. This provision relates specifically to mixed use building where there is a commercial development on the ground floor and residential development above. In this case however, the proposal is for a hotel development and as such the setback provision does not technically apply. Yes

Nonetheless, the proposal does seek to ensure a 6m setback is provided however due to the irregular shape of the land, there are some point encroachments. It is noted that some portions of the building exceed this control. However, they are provided without windows that may impact on privacy to protect the visual privacy of future occupants and for neighbouring properties.

5.6.3 Car Parking and Access in areas zoned B3 & B4

(a) The development will use the parking controls within Part 6, Commercial Development. Refer to Traffic Report

(b) Development will provide a single entry foyer which will in a future DA be detailed to ensure both hotel visitors and people visiting the RSL Club will be granted adequate pedestrian access.

(c) Development provides adequate loading bays to permit loading and unloading of deliveries/service vehicles. Complies.

5.6.4 Roof Terraces

No roof terrace is proposed. Not applicable. NA

5.6.5 Mixed-use Development and Waste Management

Anzac Lane has the capacity to provide safe and efficient vehicle access to and from the subject site. See attached Traffic Report for detail. Yes

PART 6 COMMERCIAL DEVELOPMENT

Campbelltown Development Control Plan 2015 Part 6 – Commercial Development Compliance Table

Clause	Controls	Comment	Complies
6.4.1	Building Form and Character a) All building facades, 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. b) Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: i) 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; ii) articulation of the different parts of a building's facade by use of colour, arrangement of facade elements, or by varying the types of materials	As shown in the photomontage provided with this application, the elevations are presented with high quality design to articulate and enhance the quality of the streetscape. Both vertical and horizontal articulation features are integrated into the development proposal to achieve distinct massing elements. The outcome is a high quality catalytic development that aims to set the tone for the future revitalisation of Campbelltown. Details of the proposed material selection are provided with this submission. The materiality aims to provide high quality and long lasting building features that add quality architecture to Campbelltown.	Yes Yes Yes

used; and		
iii) maximising the interior and exterior interactions at the ground level.	The level of street activation has been pivotal in informing the design of the proposed building. Glazing is maximised as is the pedestrian interaction with the site.	Yes
c) 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 is highly visible and easy to identify.	Yes
d) 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.	There are no visible blank walls proposed.	Yes
e) 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.	All plant rooms are to be screened effectively from the public view.	Yes
f) 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.	There are no roller doors that will be visible from the public domain.	Yes
g) Buildings shall not incorporate highly reflective glass.	The building will not incorporate high reflective glass.	Yes
h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	As schedule of proposed colours and materials is provided.	Yes

i) Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.	The proposal is located on a corner site by virtue of the new laneway proposed which will provide the public with access from Queen Street to Anzac Lane. The proposed ground floor incorporates curved architectural features to reinforce the corner and create a new high quality landmark building.	Yes
j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	There are no outdoor storage areas proposed that will be visible from the public domain.	Yes
k) Commercial development shall be designed to address both primary and secondary street setbacks.	The proposal is designed to provide an attractive frontage to all street and laneway frontages.	Yes
l) Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.	The proposal seeks to provide setbacks that both reflect the existing character of the precinct and the vision set down in Re-imagining Campbelltown.	Yes
6.4.1.1 Commercial Development Floor Area		
a) The maximum gross floor area of any single retail premises within any business in areas zoned B1, B2 and B5 shall not exceed 500 square metres unless the proposal has been supported by an economic impact assessment, prepared by a suitably qualified person.	The site is located on B3 zoned land.	NA

6.4.1.2	Building setbacks		
	iv) 10 metres from any other primary street frontage, exclusive of any required road widening.	The proposal is located in the heart of the Campbelltown CBD where an activated street frontage is required. In this location the proposed setback is commensurate with both the existing and emerging character. The control requiring a 10m setback is largely irrelevant to the B3 Commercial Core zone.	NA
6.4.1.3	Fencing	There is no fencing proposed as part of this application.	NA
6.4.2	Car Parking and Access	This application is accompanied by a Traffic Report prepared by Varga Traffic Planning Pty Ltd.	Variation – See attached Traffic Report for detail.
	See attached Traffic Report	The report states that the DCP parking rates are outdated and excessive and have instead applied parking rates from the RMS Guide to Traffic Generating Developments. These rates require a total of 63 car parking spaces. The development provides 86 car parking spaces and therefore is consistent with the RMS rates and should be supported. Refer to the attached report for detail.	
6.4.3	Public Domain		
	a) A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for a new development having a gross floor area greater than 5,000sqm.	Please refer to the enclosed Landscape Plan provided with this application.	Yes
	b) 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.	Please refer to the enclosed Landscape Plan provided with this application.	Indicative locations are shown on the enclosed plans.

	c) Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces. d) 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. e) Awnings shall: i) be 2.5 metres wide; ii) be setback from the kerb by a minimum of 1 metre; and iii) provide a minimum of 3 metres clearance to the underside of the fascia.	As the site is located on Queen Street with an activated frontage there is no outdoor space provided along this frontage. Not applicable to this development due to the location on Queen Street where the existing character is for development to come to the street alignment. Noting the building design provides some pedestrian cover to the proposed new laneway with the cantilever design.	Yes NA
6.4.4	Landscaping	A detailed landscape plan is provided with this application addressing the relevant provisions of the DCP.	Yes
6.7	Commercial Waste Management	A waste management plan is provided with this development application which addresses all the relevant controls relating to commercial waste management.	Yes
6.8	Parenting facilities	As this application is only for the exterior/shell of the building, the details for parenting rooms are not yet available. These details will be forthcoming to Council in a future development application.	Yes

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent

APPENDIX 1. CLAUSE 4.6 DEPARTURE - HEIGHT

Introduction and Background

This Clause 4.6 variation request is prepared to accompany a revised Development Application in relation to 156-168 Queen Street, Campbelltown.

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 plans have been designed in anticipation for the implementation of the planning proposal, providing a variation to the LEP building heights limit.

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 high density mixed-use development.

The vision for Campbelltown is the metropolitan 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. This recommendation has not been enacted as yet. The Precinct Plan makes this recommendation; however, this does not result in changes to the current planning controls. Changes to the planning controls is to occur through planning proposals submitted by landowners to Campbelltown City Council, through Council led amendments to the Local Environmental Plan and future State Government-led planning for certain precincts.

The Height Departure

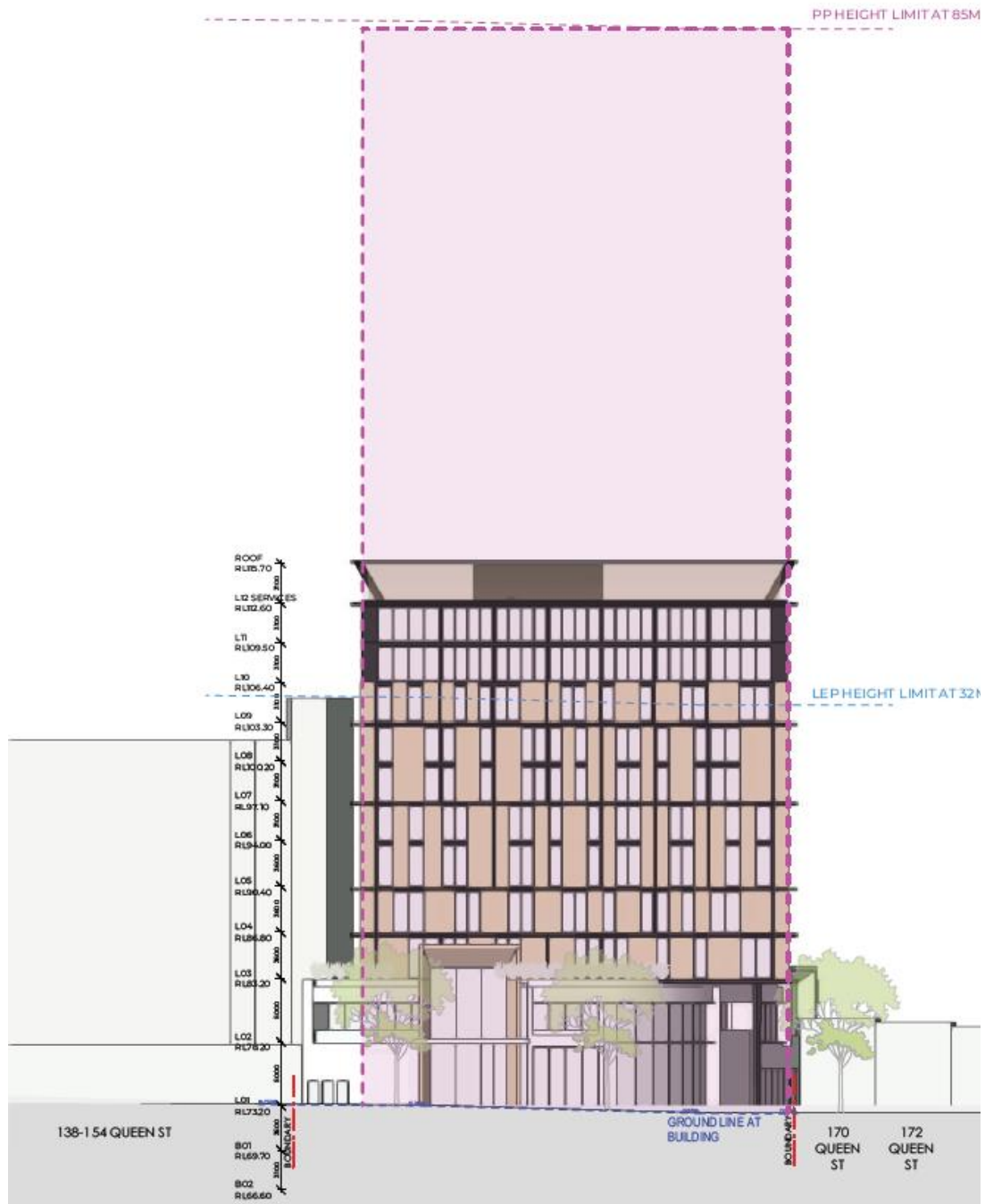
The proposal presents the following departures to the height controls:

- The height, relative to habitable floor areas, equates to 11.1m or a 34.7% variation.



An elevation of the building form compared with the LEP and PP building height limits is provided below.

Image 1: Building Elevation.



Land and Environment Case Law

The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of *Initial Action Pty Ltd v Woollahra Council* confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a ‘better outcome’.

However recent developments in the law in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 (‘Al Maha’) is also relevant.

In simple terms Al Maha requires that a Clause 4.6 will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have been demonstrated in the Clause 4.6 request itself- rather than forming a view by the consent authority itself.

This Clause 4.6 request demonstrates the matters if Clause 4.6 (3).

The key tests or requirements arising from recent judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation ; and
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the B3 zoning; and
- Satisfying the relevant provisions of Clause 4.6.

Consideration of Clause 4.6

Clause 4.6 of the Campbelltown Local Environmental Plan 2015 provides that development consent may be granted for development even though the development would contravene a development standard.

This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) 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.

(4) 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 Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.

Each of these provisions are addressed in turn.

Clause 4.6(3) & Underlying Objectives of the Standard

Compliance unreasonable or unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

The objectives of the building height development standard are stated as:

(1) The objectives of this clause are as follows:

(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

(b) to ensure development is consistent with the landform,

(c) to provide appropriate scales and intensities of development through height controls.

The current development proposal, despite the numerical non-compliance, remains consistent with the objectives, which are identified accordingly, 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 modeling concludes that the impact of the development on the surrounding traffic network is acceptable.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.

Clause 4.6(3) & Environmental Planning Grounds

As outlined above the proposal remains consistent with the underlying objectives of the control. In addition to the above it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

- Adopt an appropriate Urban Form: The proposal provides for a building height and building modulations, with the development to be viewed within a high density urban setting.

The demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)- Public Interest and Objectives of the Zone

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control and the objectives of the B3 zone.

The objectives of the B3 zone are:

- 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.

The proposal is consistent with the objectives of the B3 zone, insofar as the development is not antipathetic to the zone objectives (per *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21).

The development is consistent with the zone objectives noting that:

- The redevelopment provides enhancement and vitality of the centre by providing mixed use development;
- Maximises public transport patronage and encourages walking and cycling, being within close proximity to Campbelltown Train Station;
- By providing employment opportunities within accessible locations; and
- By providing a wide range of commercial uses that serve the needs of the local and wider community.

Clause 4.6(5)

The Secretary (of Department of Planning and Environment) can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 18–003 ‘Variations to development standards’, dated 21 February 2018. This circular is a notice under 64(1) of the Environmental Planning and Assessment Regulation 2000.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The points contained in Clause 4.6 (5) are a matter for consideration by the consent authority however the following points are made in relation to this clause:

- The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal
- There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the control is acceptable in the circumstances given the underlying objectives of the control are achieved and it will not set an undesirable precedent for future development within the locality as any future development on another site would require consideration of the relevant merits and circumstances of the individual application.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose.

CONCLUSION

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by mixed-use development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The objection is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law.