CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

27 FEBRUARY 2024

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held via Teams on **Tuesday, 27 February 2024 at 3.00 pm**.

MEETING AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

General Information

The role of the Local Planning Panel is to determine development applications and provide advice on planning proposals.

When the panel is considering a report relating to a development application, the panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period).

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the panel is to provide advice to Council. The panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) to decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The panel will consider verbal submissions made in relation to the matter from the applicant, if there is one, and from any other person. The panel will not consider written submissions tabled at the meeting, however they will be accepted and passed on to Council officers for consideration in their report to Council.

Any person who makes a verbal submission to the panel must identify themselves and must also accept that their presentation will include their images and sounds and will be webcast and stored on Council's website for future viewing. Any person who makes a verbal submission to the panel must also declare before their submission any political contributions or donations they have made over the last four years exceeding $1,000 to any political party or candidate who contested the last Ordinary Election of Council.

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask your questions at the end of your submission.

Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The Panel's recommendations become public the day following the Local Planning Panel meeting.

Information

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development Division on 4645 4575 between 8.30 am and 4.30pm.

The following report is referred to the Local Planning Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Development Application for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - 6 - 8 Palmer Street, Ingleburn

Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

Delivery Program

Principal Activity
2.1.1.3 Deliver effective land use planning to ensure community needs are met

Referral Criteria

In accordance with Section 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Local Planning Panel's direction, this application is to be determined by the Campbelltown Local Planning Panel (the Panel) as prescribed in Schedule 1 of that direction due to the development seeking a variation to a development standard of a magnitude greater than 10 per cent.

Executive Summary

- A development application has been received for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision.

- The subject site is zone R4 High Density Residential under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed residential apartment building is permissible with consent within the R4 High Density Residential zone.

- The application was publicly notified and exhibited between 31 January 2023 and 28 February 2023. During this time three submissions objecting to the proposal were received.

- The proposed development seeks approval for the variation to the maximum building height set by Clause 4.3 of CLEP 2015. The proposal has a maximum height of 17.52 m which exceeds the 15 m maximum building height by 15.49 per cent.

- An assessment under section 4.15 of the EP&A Act has been undertaken and it is recommended that the application be refused due to the potential flood impacts on adjoining properties, non-compliance with planning controls and insufficient information submitted to support the development proposal and demonstrate site suitability.

Officer's Recommendation

That development application 151/2023/DA-RA for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision be refused for the reasons listed in attachment 1.

Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of the EP&A Act.

Property Description	Lot 13 DP 522853 & Lot 42 DP 522731, Nos. 6-8 Palmer Street, Ingleburn
Application No	151/2023/DA-RA
Applicant	Mr Talaat Nasralla
Owner	Mr Talaat Nasralla
Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Campbelltown 2032
Date Received	17 January 2023

History

A Pre-Development Application meeting was held on 21 March 2022, including a referral of the proposed scheme to the Design Excellence Panel on 19 May 2022. Issues of concerns identified at the Pre-DA stage broadly included:

- Communal open space and a communal room is required to be provided in accordance with the Apartment Design Guide and Council's (Sustainable City) Development Control Plan 2015 (SCDCP).

- A Clause 4.6 is required to be submitted for any departures to the development standards within CLEP 2015.

- The driveway and layout of the basement car park areas will need to comply with AS2890.1 and AS2890.6.

- Stormwater design is required to comply with Council's Development Engineering Guide.

- The proposal is required to be presented to Council's Design Excellence Panel and must demonstrate design excellence in terms of architectural and urban design, residential amenity, materials and colours and open space design.

- It should be noted that the Ingleburn CBF is the subject of a current Planning Proposal where the applicant and developer are encouraged to review.

Following the Pre-DA meeting, additional email discussions between Council's Flood Engineer and the applicant were had in relation to the flood impacts of the proposed development. The applicant was advised that Council has a zero tolerance to afflux and additional works were required for the proposed development.

Following lodgement of the development application, Council issued a request for further information on 20 July 2023. The main issues included:

- The increased flooding impacts on adjoining properties;
- Inadequate information relating to stormwater design, calculations and modelling.
- Unsatisfactory Clause 4.6 variation.
- Non-compliance with the Apartment Design Guide and Council's development controls.
- Unsatisfactory landscape plan.
- Unsatisfactory vehicle access and manoeuvring.
- Unsatisfactory waste management.

Site and Surrounds

The site is identified as Lot 13 DP 522853 and Lot 42 DP 522731, known as 6-8 Palmer Street, Ingleburn. The sites are regular shaped allotments with a combined street frontage of 46.33 m to Palmer Street, north eastern side boundary of 36.73 m, south western side boundary of 36.73 m and a rear boundary of 46.33 m. The site has a total area of 1701 m^2 and has a slope from the western corner of the site to the eastern corner of the site.

The sites currently comprise of a dwelling on each lot with associated structures including sheds, hard stand areas and an inground swimming pool. There are a number of trees on both sites, scattered along the front boundary as well as the side boundaries.

Palmer Street is a cul-de-sac with both lots being located at the head of the cul-de-sac. No.8 Plamer Street is accessed directly from Palmer Street however No.6 is accessed via a paved section extending from the head of the cul-de-sac.

The subject site is adjoined by single detached dwellings to the south western side and rear of the site and a multi dwelling development to the north eastern side. The locality is characterised by detached dwellings, dual occupancy and multi dwelling developments.

Ingleburn Public School is in close proximity to the site as well as Ingleburn Train Station. There is a drainage channel directly opposite the site. There have been several development consents granted for residential apartment buildings within Palmer Street however none of them have been constructed or have commenced construction.

The property is not listed as an item of environmental heritage and is not located within a heritage conservation area.

Figure 1: Locality map

Proposal

The proposed development seeks the demolition of the existing dwellings, tree removal, lot consolidation and construction of a 5 storey residential apartment building. The residential apartment building would contain 30 apartments in the following dwelling mix:

- 7 x one bedroom apartments
- 16 x 2 bedroom apartments
- 6 x 3 bedroom apartment
- one x 4 bedroom apartment

The proposal comprises of the following:

	Car Spaces	Garbage Room	Bicycle Spaces	Storage Areas
Basement Level 1	17 including one disabled space	1	4	61
Basement Level 2	24 spaces including 2	0	0	23

	disabled spaces			

	1 Bedroom Apartments	2 Bedroom Apartments	3 Bedroom Apartments	4 Bedroom Apartments	Communal Room	Garbage Room
Ground Floor	1	1	2	0	1	1
First Floor	2	4	1	0	0	1
Second Floor	2	4	1	0	0	1
Third Floor	2	4	1	0	0	1
Fourth Floor	0	3	1	1	0	1
Total	7	16	6	1	1	5

Additional landscaping is proposed mainly around the boundaries of the site and within the front setback area.

Each level has a garbage storage room with bins for those apartments to use. These bins will then be transported to the garbage room within the basement level where they will await collection. The collection point is along the boundary of the paved area via Palmer Street where a private waste collection company will collect. There will be 12 garbage bins and 12 recycling bins required to be collected with the private waste vehicle required to reverse onto the paved area for collection. There is no opportunity for the private waste truck to manoeuvre within the paved area.

Referrals

The application was referred to Council's Engineering, Environment, and Waste Officers. The application was also externally referred to Endeavour Energy. Comments were provided from the relevant officers and additional information was required to be submitted.

Report

1. Vision

Campbelltown 2032 is the Community Strategic Plan (CSP) for the City of Campbelltown. The CSP addresses five key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: Community and Belonging
- Outcome 2: Places for People
- Outcome 3: Enriched Natural Environment

- Outcome 4: Economic Prosperity
- Outcome 5: Strong Leadership.

The proposed development is inconsistent with the long-term vision for Campbelltown as it cannot demonstrate that the site is suitable for the development.

2. Planning Provisions

The development has been assessed in accordance with matters for consideration under section 4.15 of the EP&A Act, and having regard to those matters, are discussed below.

3. Planning Assessment

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

A BASIX Certificate for the development was submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable under State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004.

2.1.2 State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.

Clause 2.48 sets out provisions relating to development in proximity to electricity infrastructure, and in certain circumstances requires notice to be given to the relevant electricity supply authority.

The proposal does not include underground electricity infrastructure or relocation of existing electricity infrastructure, however there are low voltage overhead service conductors in the vicinity of the site. The development application was therefore referred to Endeavour Energy, who raised no objections to the project and recommended certain conditions.

Clause 2.122 sets out provisions relating to traffic generating development as defined within Schedule 3. As the proposed development includes 30 apartments, it is not defined as traffic generating development and therefore referral to Transport for New South Wales is not required.

2.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) (RH SEPP) aims to provide a state-wide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

The RH SEPP requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 4.6 of the RH SEPP is provided in table below.

State Environmental Planning Policy (Resilience and Hazards) 2021

Requirement	Action	Response
Clause 4.6 1. Is the development for a **change of use** to a sensitive land use or for residential subdivision? **Sensitive land use** include residential, educational, recreational, childcare purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	The proposal includes residential accommodation with strata subdivision.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	
Clause 4.6 2. Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken. No evidence was found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.
Clause 4.6 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.
Clause 4.6 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use. NB: if the proposal is industrial then you should answer no to this question.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 10(b) —District Comprehensive Centre.
Clause 4.6 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	No evidence of potentially contaminated signs were present on site when the site was inspected.

Given that there was no potential for any contamination from the previous residential use, it was considered that a Preliminary Site Investigation was not required to be submitted.

Based on the above assessment, the provisions of Clause 4.6 of SEPP RH have been considered and the contaminated land planning guidelines and the site is considered suitable for the proposed development.

2.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 - Water Catchments applies to the subject site as it falls within the Georges River Catchment area. This chapter aims to ensure that development has regard to minimising adverse impacts in regard to water quality and quantity, flooding, on-site domestic sewerage systems and stormwater management.

The proposed development is considered to be inconsistent with this chapter as there would be an adverse impact on flood levels on adjoining properties and stormwater management would not be acceptable due to insufficient information being submitted.

2.1.5 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP) applies to all land in a growth centre. Pursuant to WPC SEPP, the subject site is located within the Greater Macarthur Growth Area and is therefore subject to the provisions of the WPC SEPP.

Pursuant to Part 3.4, Section 3.21(1) of the WPC SEPP, until provisions have been specified in a Precinct Plan or in Section 3.11 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:

- Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,
- 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,
- Whether the proposed development will result in further fragmentation of land holdings,
- 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 Section 3.11,
- 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,
- Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,
- 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 proposal will contribute to the local economy within Campbelltown through short term employment during construction and the proposed development is not considered to preclude the future urban and employment development land uses identified in the relevant growth centre structure plan. In addition, the proposed development is generally consistent with the now approved Ingleburn CBD Planning Proposal.

As such, it is considered that the development is consistent with the provisions of Chapter 3, Section 3.21(1) of the WPC SEPP.

2.1.6 State Environmental Planning Policy (Housing) 2021

Chapter 4 – Design of residential apartment development applies to the proposal. The aim of this chapter is to improve the design of residential apartment development in New South Wales recognising that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

Clause 147 states that development consent must not be granted to residential apartment department unless the consent authority has considered the design principles set out in Schedule 9, the Apartment Design Guide and any advice from a design review panel. An assessment of the proposed development against the design principles and a planning response to each comment are set out in Table 1 below:

Table 1: Assessment against the Design Principles

Principle	Verification Statement	Planning Comment
1. Context and Neighbourhood Character	• The construction of a residential flat building on the site promotes the desired future character of the locality given the high density zoning. • The design solution maintains appropriate setbacks to minimise overshadowing and privacy impact on adjoining properties and appropriate spatial separation between existing and likely future development. • The street setback is compatible with both the existing and desired street setbacks. • The proposed development has been designed to ensure the longevity of the street trees at the front of the site that will be supplemented by additional plantings.	The proposal is contextually appropriate within the current controls within the CLEP 2015 and the desired future character of the locality. The encroachment of balconies in the side setbacks demonstrate that there is potential to overlook adjoining properties and does not provide a compliant development. The proposed landscaping is considered to be sufficient given the 2 large trees have been proposed along the front boundary.
2. Built Form and Scale	• The building has been designed to comply with the 1 in 100 year flood level. • The design is compliant with the key design controls with exception to the height variation proposed. • The recessed upper level defines the	Council's Development Engineer has assessed the potential flood impacts of the proposal where it was determined that the proposal would increase the flood risk to adjoining properties. The nominated deep soil areas have a minimum of 6m in width and 7% in

	top of the building with pedestrian entries and courtyards providing a well-defined base. • The building displays an appropriate proportion of horizontal and vertical elements that are further enhanced by the palate of finishes. • Deep soil planting to all property boundaries will establish a well landscaped setting for the building.	area and therefore complies with the ADG requirements. The proposal has been reviewed by Council's Design Excellence Panel where no concerns were raised in regard to the design, articulation, built form and external colours and finishes of the current proposal.
3. Density	• The proposal provides 30 apartments with a mix of bedroom numbers.	The density proposed is acceptable.
4. Sustainability	• 21 of the 30 apartments receive 2 hours of solar access between 9am and 3pm. • 25 of the 30 apartments achieve cross ventilation. • A waste management plan was submitted detailing reuse and recycling where possible. • 641 m^2 of the site is for deep soil promoting natural water absorption.	Appropriate measures have been included in the development to provide for the long term sustainability of the development with regard to solar access, natural ventilation, insulation, water saving measures and energy consumption.
5. Landscape	• 641 m^2 or 37.6% of the site is for deep soil zones and landscaping. • A landscape plan has been submitted detailing all additional landscaping proposed.	The deep soil area complies with the required 6 m width and 7% area.
6. Amenity	• Ensuring that internal living areas and balconies of apartments within the building achieve the ADG requirements for solar access. • Ensuring that development achieves the ADG requirements for cross ventilation. • Ensuring that room sizes achieve the ADG thresholds. • Providing high amenity common open space at ground level areas including the provision of a common room. • Providing each apartment with a well configured private balcony or courtyard that has direct connectivity to internal living spaces. • Minimising as far as is practical the number of living room/bedroom common walls between apartments.	21 out of 30 apartments achieve appropriate levels of solar access in accordance with the ADG. Appropriate levels of cross ventilation are proposed. The proposed development provides for the amenity of the existing and future residents in the locality. Room sizes comply with the ADG requirements as detailed further in this report. Communal open space and communal outdoor areas are provided. Each apartment has a balcony. Car parking is isolated to the two

	• Isolating the car parking in basement levels. • Negating any potential for overlooking between windows internal of the development. In terms of external relationships to window setbacks to the boundaries enable compliance with ADG separation requirements upon the redevelopment of neighbouring properties. • Negating the potential for overlooking between balconies through spatial arrangement and the use of fin/party walls. • Providing relatively short and wide internal corridors with a straight alignment. • Providing lift access to all floor levels including the rooftop terrace and the basements. • Providing each apartment with internal storage. • Providing functional and practical internal floor layouts having regard to room sizes and circulation paces. • Providing for adaptive layouts including the provision of study nooks where practical.	basement levels. There are no internal windows that overlook between each other. Blade walls are proposed between balconies of units to minimise overlooking impacts between balconies. All internal corridors have a short, wide and straight alignment. Each apartment has internal storage within the unit as well as within the basement. There are several apartments that have storage on balconies. The proposed lift provides access to all levels. All apartments have a study nook and have functional floor layouts.
7. Safety	• The design orientates the windows and balconies to the street with the pedestrian thoroughfare providing good casual surveillance of the public domain. • Pathways have been designed as straight rather than a curve to enable clear sight lines. • The demarcation between private and public land will be by means of landscaping. • Access control will be achieved with design features that guide legitimate users through a space, highlight entrances/exits and deny offenders access to targets.	The proposal delineates between public and private property and also provides for a clear lobby entry. Casual surveillance is provided to both street frontages, whilst still providing for privacy.
8. Housing diversity and social interaction	• The proposal provides for a range of apartment sizes and bedroom numbers. • Adaptable apartments are provided. • A common room is provided for the benefit of residents.	The proposal provides for a mix of one, 2 and 3 bedroom apartments as well as one 4 bedroom apartment.

9. Aesthetics	• The design of the building provides for a contemporary development that will sit comfortably with and integrate with its context. • The aesthetics of the building are achieved through its architectural form integrated with a high component of quality landscaping.	The proposed design is considered to be generally well designed and would contribute to the streetscape character of Ingleburn.

Apartment Design Guide

Clause 147(1)(b) states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the ADG. An assessment of the application against the ADG prepared by Council is provided in Table 2 below:

Control	Required	Proposed	Compliance
Building Height	Achievable with the building height set in the LEP. Building height controls must respond to the desired number of storeys, minimum floor to floor heights and generous ground floor heights. Allows for articulated roof plans and building services.	A Clause 4.6 variation has been submitted for the non-compliance for the maximum building height. The proposal has a maximum building height of 17.5 m with the maximum building height in the LEP being 15 m.	No
Building Depth	12-18 m range	Maximum building depth is 22 m.	No
Building Separation	Five to eight storeys: • 18 m between habitable rooms/balconies • 12 m between habitable and non-habitable rooms • 9 m between non-habitable rooms	Generally complies however 12 balconies encroach by 0.5 m reducing the building separation by 0.5 m.	No
Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street. Where the street frontage is to the east or west, rear buildings should be orientated to the north. Living areas, private open space and communal open space should receive solar access in accordance	Building is orientated to the street which is north east. Living areas, balconies and communal open space receive appropriate levels of solar access. Neighbouring properties receive appropriate levels of solar access. Overshadowing is not an issue	Yes

	with sections 3D Communal and public open space and 4A Solar and daylight access. Solar access to living rooms, balconies and private open spaces of neighbours should be considered. Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. Overshadowing should be minimised to the south or downhill by increased upper level setbacks. A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	due to the orientation of the building.	
Public Domain Interface	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings. Upper level balconies and windows should overlook the public domain. Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1 m. Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets. Opportunities for people to be concealed should be minimised. Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	The ground level courtyards have direct access to the street. Casual surveillance is provided with doors and windows fronting the street. Upper levels have balconies that overlook the public domain. Front fences are integrated into the design of the building to present cohesion along the street frontage. No concealment opportunities have been proposed. Planting around the edges of the ground level courtyard areas and along the front property boundary has been proposed. Mail box design and location have not been provided. No underground car park vents are visible from the street. No services such as pump rooms, garbage storage areas and other service requirements not located where they are visible from the street. Pedestrian ramps are provided within the ground floor setback areas for the ground floor	No

	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided. The visual prominence of underground car park vents should be minimised and located at a low level where possible. Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels. Durable, graffiti resistant and easily cleanable materials should be used.	apartments. No information has been provided in regard to whether a substation is proposed at this stage.	
Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter). Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical	Minimum of 25% of communal open space area has been provided. The communal open space area receives more than 2 hours to more than 50% of the area. A communal room is provided that are for a range of ages. Services are not visible from the public street. Communal open spaces are well lit with external lighting. The public space is well connected to the public street. Appropriate levels of solar access are provided to the apartments.	Yes

	substations and detention tanks. Communal open space should be well lit. The public open space should be well connected with public streets along at least one edge. The public open space should be connected with nearby parks and other landscape elements. Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid. Solar access should be provided year round along with protection from strong winds Opportunities for a range of recreational activities should be provided for people of all ages. A positive address and active frontages should be provided adjacent to public open space, Boundaries should be clearly defined between public opens pace and private areas.		
	7% in area and minimum dimension of 6 m with significant tree cover Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include: • basement and sub basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.	A minimum of 7% of deep soil area is provided along the rear setback area of the site with a portion of the deep soil area having a minimum width of 6m. Two existing trees are to be retained with one of those within the deep soil zone. Basement levels are contained within the building footprint.	Yes
Visual	Separation between windows and balconies is provided to ensure	Twelve of the balconies encroach within the building	No

Privacy	visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries. Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. increase visual separation. Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas. Balconies and private terraces should be located in front of living rooms to increase internal privacy. Windows should be offset from the windows of adjacent buildings. Recessed balconies and/or vertical fins should be used between adjacent balconies.	separation distances required by 0.5m. The communal open space and common areas are separated from private open spaces. Living spaces and bedrooms are separate from gallery access and other circulation spaces. Balconies are accessed from living rooms. Windows are offset from the windows of adjacent buildings. Vertical fins are provided to separate balconies.	
Pedestrian access and entries	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. Entry locations relate to the street and subdivision pattern and the existing pedestrian network. Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries. Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces The design of ground floors and underground car parks minimise level changes along pathways and	Multiple entries are provided to activate the street edge. Building entries are clearly identifiable and communal entries are easily identifiable. Building access areas are clearly identifiable. Pedestrian ramps are integrated into the design of the building. Pedestrian links provide through connections and are direct, have clear sight lines and are well lit.	Yes

	entries. Steps and ramps should be integrated into the overall building and landscape design. For large developments 'way finding' maps should be provided to assist visitors and residents. For large developments electronic access and audio/video intercom should be provided to manage access. Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport. Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.		
Vehicle Access	Car park access should be integrated with the building's overall facade. Car park entries should be located behind the building line . Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout. Car park entry and access should be located on secondary streets or lanes where available. Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided. Access point locations should avoid headlight glare to habitable rooms. Adequate separation distances should be provided between vehicle entries and street intersections. The width and number of vehicle access points should be limited to the minimum. Visual impact of long driveways should be minimised through changing alignments and screen	The basement car park levels are integrated into the design of the building. The car park entry is located in the south eastern corner of the site. No secondary street or lane access. No vehicle standing area provided within the front setback area. Access location will not provide any headlight glare to any habitable areas. No intersections close to the site. Only one access point is provided to the development. No long driveway proposed. Garbage storage areas are located in the basement car park. Clear sight lines are provided. Pedestrian access and vehicle access is separated.	Yes

	planting. The need for large vehicles to enter or turn around within the site should be avoided. Garbage collection, loading and servicing areas are screened. Clear sight lines should be provided at pedestrian and vehicle crossings. Traffic calming devices such as changes in paving material or textures should be used where appropriate. Pedestrian and vehicle access should be separated and distinguishable.		
Bicycle and Car Parking	For development in the following locations: • on sites that are within 800 m of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street.	The car parking spaces provided are in accordance with Council's SCDCP requirements. All car parking is provided on the site. Bicycle spaces are provided on the ground level and the basement level.	Yes
Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct	21 of the 30 apartments (70%) achieve solar access for a minimum of 2 hrs to living rooms and private open spaces.	Yes

	sunlight between 9 am and 3 pm at mid winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.		
Natural Ventilation	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. Depths of habitable rooms support natural ventilation. The area of unobstructed window openings should be equal to at least 5% of the floor area served. Light wells are not the primary air source for habitable rooms. Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors Apartment depths are limited to maximise ventilation and airflow. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured glass line to glass line.	The building is orientated to capture natural ventilation. Habitable rooms have an acceptable depth. Maximises natural ventilation with doors and openable windows. Light wells are not the primary air source. 25 of the 30 apartments (83%) have appropriate cross ventilation.	Yes
Ceiling	Habitable rooms 2.7 m	Habitable rooms 2.7 m	Yes

Heights	Non-habitable 2.4 m	Non-habitable 2.4 m	
Apartment size and layout	Apartments are required to have the following minimum internal areas: Studio: 35 m^2 one bedroom: 50 m^2 2 bedroom: 70 m^2 3 bedroom: 90 m^2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5 m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m^2 each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Master bedrooms have a minimum area of 10 m^2 and other bedrooms 9 m^2 (excluding wardrobe space) Bedrooms have a minimum dimension of 3 m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: • 3.6 m for studio and one bedroom apartments • 4 m for 2 and 3 bedroom apartments The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	one bedroom: 53 m^2 – 58 m^2 2 bedroom: 73 m^2 – 104 m^2 3 bedroom: 95 m^2 – 104 m^2 4 bedroom: 108 m^2 All apartments with an additional bathroom provides an extra 5 m^2 in internal area. The 4 bedroom apartment has an additional 12 m^2 in internal area. All habitable rooms have a window in an external wall. Master bedrooms all have a minimum of 10 m^2 with a minimum dimension of 3 m. Bedrooms all have a minimum dimension of 3 m. Living rooms and combined living/dining rooms all have the appropriate widths. Cross-over and cross-through apartments are at least 4 m internally.	Yes
Private Open Space and Balconies	All apartments are required to have primary balconies as follows: Studio apartments: 4 m^2 one bedroom apartments: 8 m^2 with 2 m depth 2 bedroom apartments 10 m^2 with 2 m depth	All balconies have the required area and depth.	Yes

	3+ bedroom apartments 12 m^2 with 2.4 m depth The minimum balcony depth to be counted as contributing to the balcony area is 1 m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 m^2 and a minimum depth of 3 m.		
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Maximum number of apartments is 7 off a circulation core.	Yes
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio apartments: 4 m^3 one bedroom apartments: 6 m^3 2 bedroom apartments: 8 m^3 3+ bedroom apartments: 10 m^3 At least 50% of the required storage is to be located within the apartment Storage is accessible from either circulation or living areas Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street. Left over space such as under stairs is used for storage.	Each apartment has the required area of storage within the apartment and within the basement. Apartments 1, 13, 16 and 20 all have storage on the balcony and is not integrated into the balcony design.	No
Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings / adjacent uses. Window and door openings are generally orientated away from noise sources. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. Storage, circulation areas and non-	Adequate building is provided generally however there are twelve balconies that encroach into the side and rear setback areas by 0.5 m. Window and door openings are orientated away from noise sources. All corridors are located above each other. Party walls are limited where possible. Noises sources are not located	No

	habitable rooms should be located to buffer noise from external sources. The number of party walls (walls shared with other apartments) are limited and are appropriately insulated. Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3 m away from bedrooms	near noise sources.	
Noise and Pollution	Physical separation between buildings and the noise or pollution source. Residential uses are located perpendicular to the noise source and where possible buffered by other uses. Buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer Where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable. Landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.	The sites do not adjoin a noise or pollution source such as a main road or a railway corridor. The building has been designed to incorporate solar access and noise by keeping habitable rooms away from noise sources whilst still maintaining appropriate levels of solar access. Landscaping is provided to the rear and side setbacks as a buffer.	Yes
Apartment Mix	A variety of apartment types is provided.	The proposed provides a mix of one, 2 and 3 bedroom apartments with one 4 bedroom apartment.	Yes
Ground Floor Apartments	Direct street access is to be provided. Activity is achieved through front gardens, terraces and the façade of the building.	Direct street access is provided to ground floor apartments. Ground floor apartments have alfresco areas and landscaped gardens.	Yes
Facades	Design solutions for front building facades may include: • a composition of varied building elements	A number of vertical and horizontal elements have been used on the front façade. A variety of building materials	

	• a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements. Building services should be integrated within the overall façade. Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveal.	and colours has been proposed. The fifth floor has been setback to minimise the bulk and scale of the development.	
Roof Design	Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings. Roof treatments should be	The flat roof reduces the overall bulk of the building as opposed to having a pitched roof. The flat roof is proportionate to the building and does not extend further than the outer walls on the top level.	Yes

	integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated		
Landscape Design	Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls Tree and shrub selection considers size at maturity and the potential for roots to compete. Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features including trees and rock outcrops Significant landscape features should be protected by: • tree protection zones • appropriate signage and fencing during construction	The landscape plan incorporates a wide range of native trees and shrubs. Two large trees are proposed to be planted along the front setback with hedge planting used along the side and rear boundaries. The side and rear boundaries also have scattered trees along them. Existing trees will be protected during demolition and construction works.	Yes
Planting on Structures	Structures are reinforced for additional soil weight. Plants are suited to site conditions.	No planting on any structures is proposed except for small hedging around the swimming pool.	Yes
Universal Design	Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. Adaptable housing should be provided in accordance with the	Six of the apartments contain 7 design measures to achieve silver level. Three adaptable apartments are provided which also complies with Council's SCDCP	Yes

	relevant council policy.	requirements.	
Awnings and Signage	Awnings should be located along streets with high pedestrian activity and active frontages. Awnings should be located over building entries for building address and public domain amenity. Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	No awning proposed over the main entry. No signage proposed.	No
Energy Efficiency	Adequate natural light is provided to habitable rooms. Well located, screened outdoor areas should be provided for clothes drying. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens Provision of consolidated heating and cooling infrastructure should be located in a centralised location. Adequate natural ventilation minimises the need for mechanical ventilation. A number of the following design solutions are used: • rooms with similar usage are grouped together	Natural light is provided to habitable rooms where possible given the orientation of the building. All balconies have a roof which provides cover for clothes drying. 70% of apartments have solar access for a minimum of 2hrs to living areas and habitable rooms. A Basix certificate was submitted detailing that the proposed development achieved the relevant water, energy and thermal targets. The apartments are all afforded cross flow ventilation. All services are located in a centralised location. Natural ventilation is provided for 25 apartments (83%).	Yes

	• natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible		
Water Management and Conservation	Water efficient fittings, appliances and wastewater reuse should be incorporated. Apartments should be individually metered. Rainwater should be collected, stored and reused on site. Drought tolerant, low water use plants should be used within landscaped areas. Urban stormwater is treated on site before being discharged to receiving waters. Water sensitive urban design systems are designed by a suitably qualified professional. A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits. Flood management systems are integrated into site design. Detention tanks should be located under paved areas, driveways or in basement car parks. On large sites parks or open spaces are designed to provide temporary on site detention basin.	The application is accompanied by BASIX certificate indicating the water efficiency for each residential apartment provided.	Yes
Waste Management	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	Bin storage room located in the basement with a smaller bin storage room on each level. No bulky waste storage area has been provided.	No

	Waste and recycling storage areas should be well ventilated. Circulation design allows bins to be easily manoeuvred between storage and collection points. Temporary storage should be provided for large bulk items such as mattresses. A waste management plan should be prepared.	No details on ventilation of garbage rooms has been provided. A satisfactory waste management plan has been submitted for the storage and disposal of waste arising from demolition and construction works as well as ongoing waste management for the use of the apartments.	
Building Maintenance	Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	The proposed material is considered durable which may be easily cleaned.	Yes

2.1.7 Campbelltown Local Environmental Plan 2015

The site is zoned R4 High Density Residential under the CLEP 2015. In accordance with the provisions of the CLEP 2015 the consent authority must have regard for the zone objectives in determining any development application.

The objectives for R4 High Density Residential zone are:

a. To provide for the housing needs of the community within a high density residential environment.

b. To provide a variety of housing types within a high density residential environment.

c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

d. To encourage high density residential development in close proximity to centres and public transport hubs.

e. To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.

f. To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.

g. To minimise overshadowing and ensure a desired level of solar access to all properties. The proposed development is consistent with the objectives.

It is considered that the proposed development would provide for the housing needs of the community within a high density residential environment.

The proposed development is defined as a "residential flat building" and is permissible with development consent within the R4 High Density Residential zone.

Clause 4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

The objectives of this clause are to achieve planned residential densities, achieve satisfactory environmental and infrastructure outcomes, minimise impact on residential amenity and minimise land use conflicts.

The minimum qualifying site area for a residential apartment building in the R4 High Density zone is 1200 m^2. The site has a total combined area of 1701 m^2 and as such complies with this clause.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject sites currently have heights limits of 15 m (6 Palmer Street) and 26 m (8 Palmer Street) due to the commencement of the Ingleburn Planning Proposal. Notwithstanding, and as stated in Clause 1.8A – Savings provisions relating to development applications, the previous maximum building height for both sites was 15 m and therefore applies to the sites given the development application was lodged prior to the commencement of the Ingleburn Planning Proposal. The proposed development has a maximum height of 17.52 m over 6 Palmer Street and reduces down to 15.9 m over 8 Palmer Street. The lift overrun has a height of 17.3 m. The proposal exceeds the maximum height development standard by a maximum 2.52 m. The variation to the development standard is discussed below.

Clause 4.4 Floor Space Ratio

Clause 4.4 sets out the floor space ratio requirements for all developments in accordance with the floor space ratio map. The floor space ratio map provides an FSR of 2.7:1 for 8 Palmer Street and no FSR for 6 Plamer Street. Notwithstanding, and as stated in Clause 1.8A – Savings provisions relating to development applications, there was no previous FSR for both sites. Accordingly, there is no specific FSR requirements applicable to the sites given the development application was lodged prior to the commencement of the Ingleburn Planning Proposal. As there is no specific FSR, this clause is not applicable.

Clause 4.6 Exceptions to Development Standards

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the EP&A Act.

It is important to note that changes to Clause 4.6 commenced on 1 November 2023. There is a savings provision that states that the changes to Clause 4.6 does not apply to development applications lodged prior to 1 November 2023 where a Section 4.6 was submitted.

The proposed development includes a variation to Clause 4.3 of the CLEP 2015 with respect to the maximum height of building. The applicant has provided a Clause 4.6 variation request which is assessed in detail below.

The objectives of Clause 4.6 are as follows:

a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,

b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard, being Clause 4.3 relating to a proposed building height of 17.52 m in this instance.

The Clause 4.6 variation is an attachment to this report and addresses each provision of Clause 4.6. The Clause 4.6 variation details how the standard is unreasonable or unnecessary in the circumstances of this case and how the proposal would still satisfy the objectives of the zone in accordance with the Wehbe Test.

Below are key points from the Clause 4.6 Variation Request with respect to the proposed development:

- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally noting that the uneven topography is the key driver of the height variation rather than a desire to achieve greater yield on the site.

- The proposal has no impact on heritage or other views.

- The proposal presents an appropriate height on the site that facilities a high quality urban form to contribute to building diversity across the Ingleburn Precinct.

- The site is adjoined by an approved development application on the adjoining site at 10-12 Palmer Street Ingleburn that is an approved 5 storey residential flat building with a similar height departure.

- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties.

- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.

- The site is subject to flooding constraints and raising the building is an appropriate response to this constraint.

- The proposal will provide for a number of distinct public benefits:

    - Delivery of additional housing within close proximity to the Ingleburn Town Centre.
    - Creation of jobs during the construction stage.
    - Activation of the street level.

- Amenity impacts to adjoining properties are mitigated and the distribution of floor space across the site will not be discernibly different to a built form that is complaint with the height control.
- The scale and intensity of the development is consistent with other approved residential flat buildings in the wider precinct.

The figures stated are contained within the Clause 4.6 variation document. The proposal presents a departure to the height controls by way of an encroachment to the prescribed height limit by 2.52 m at the highest point which is a percentage exceedance of 16.8%.

Below is an extract from the architectural plans which clearly indicates the area of the building above the maximum height limit.

Figure 2: South east (front)

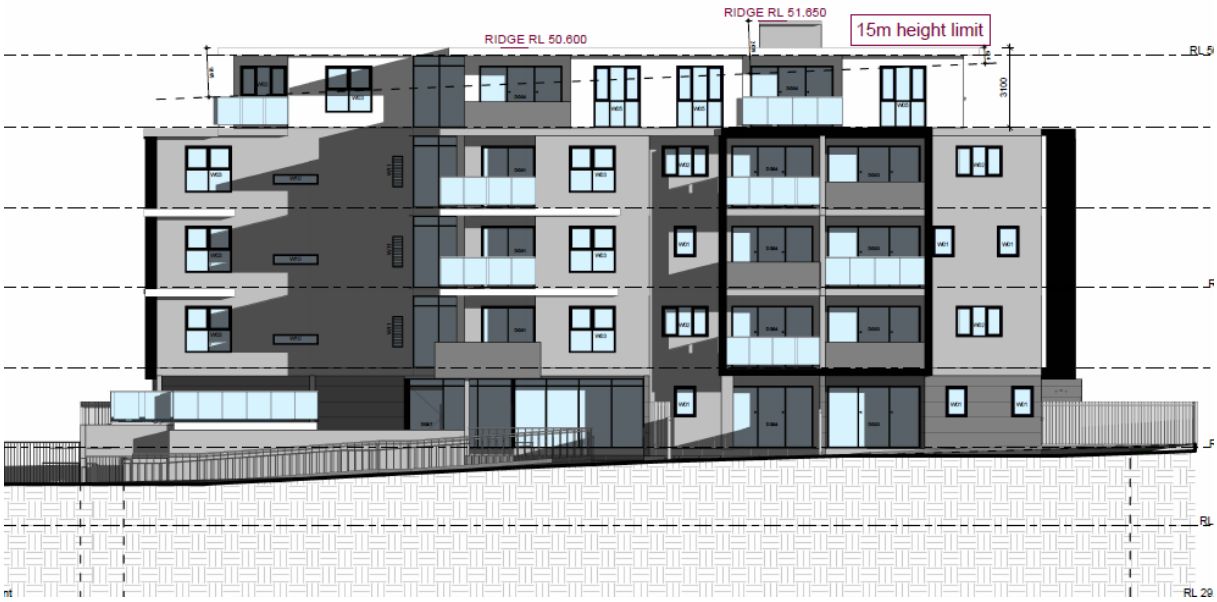


Figure 3: North – west (rear)

In accordance with Clause 4.6(3), as part of the assessment, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard which demonstrates:

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."

The assessment below has regard to the submitted Clause 4.6 variation request.

Is the planning control in question a development standard?

The 15 m maximum permissible building height applying to the subject land under Clauses 4.3 of CLEP 2015 is a development standard for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6 (2) - (5) of the LEP.

What are the underlying objectives or purpose of the development standard?

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to CLEP 2015 - Clause 4.3 (1) - Height of Buildings, 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.

As can be seen on the building elevations, the proposed development exhibits a variation to the maximum permitted building height. This is principally a reflection of the topography of the natural ground level and to allow articulation with the building form.

The proposed development exhibits architectural quality and urban form consistent with the desired future character of the R4 zone in Ingleburn.

The proposed building height exceedance does not significantly reduce the opportunity for either the proposed development, or adjoining properties to receive satisfactory exposure to sunlight given the orientation. The impact of the height exceedance is minimised due to the top floor being setback further than the lower levels thus reducing the overall bulk and scale.

The design height of the proposed development is appropriate to the residential area and has had regard to the surrounding future development. The departure from the 15 m maximum permissible building height development standard does not cause significant visual impact and does not adversely impact view corridors from public spaces.

Matters for Consideration by the Director-General

Clause 4.6(4)(b) of CLEP 2015 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard. As the report is being determined by the Local Planning Panel, assumed concurrence is granted in accordance with the Assumed Concurrence notice dated 21 February 2018.

Under Clause 4.6(5), the following matters are to be considered in deciding whether to grant concurrence.

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The proposed development is consistent with State and regional planning policies/strategic directions. Approval of the proposed exceedance of the applicable maximum permissible building height development standard in this particular case, would not raise any matter of significance for State or regional planning.

The public benefit of maintaining the development standard

This report demonstrates that the proposed exceedance of the permissible maximum building height development standard does not have adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties. It is also noted that the one of the lots has a current height limit of 26m under the changes made to the LEP as a result of the Ingleburn Planning Proposal.

Any other matters required to be taken into consideration by the Director-General before granting concurrence

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

Consideration

It is considered that any requirement for the proposed development to strictly comply with the applicable 15 m maximum permissible building height development standard of Clause 4.3 of CLEP 2015 would be unreasonable or unnecessary in the particular circumstances. The proposed development will facilitate the redevelopment of the site to deliver additional housing in the locality. The proposed height variation is considered to be consistent with the strategic planning objectives for the development of the area.

Further, the proposed development is consistent with objectives of the maximum building height development standard as expressed in Clause 4.3(1) of CLEP 2015.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the topography of the site and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from

neighbouring properties, or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of CLEP 2015.

This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clause 4.3 of CLEP 2015.

The Clause 4.6 variation to the height requirement for the proposed building is supported in this instance.

Clause 5.6 Architectural Roof Features

The objectives of this clause are to permit variations to the maximum height standards only where roof features contribute to the building design and to ensure that the majority of the roof is contained within the maximum building height.

The proposed building does not include architectural roof features.

Clause 7.1 Earthworks

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are required for the proposed development given 2 basement levels proposed however, insufficient information has been submitted to demonstrate that the required earthworks would not negatively impact on the flooding issues of the site and that stormwater drainage of the site would be sufficient.

Clause 7.4 Salinity

Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

The subject site has been identified as containing moderate potential for saline soils. No information has been submitted by the applicant detailing compliance with this clause.

Clause 7.10 Essential Services

This clause ensures that development consent is not granted to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of

electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services and the supply of natural gas are available. All required essential services are already in place. Notwithstanding, insufficient information has been submitted to demonstrate that stormwater drainage would be sufficiently available.

Clause 7.13 Design Excellence

Pursuant to Clause 7.13 of CLEP 2015, development consent must not be granted unless the consent authority has had 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,

The proposed development has incorporated a wide variety of façade treatments, materials and colours.

b. whether the form and external appearance of the development will improve the quality and amenity of the public domain,

The external façade is of a contemporary design that is appropriate with the streetscape and public domain. The DEP stated the façade treatment was well proportioned and balanced.

c. whether the development detrimentally impacts on view corridors,

The proposed development does not impact any significant view corridors.

d. how the development addresses the following matters—

(i) the suitability of the land for development,

The site is not suitable for the proposed development as it would adversely impact the adjoining properties with regard to raising the flood level.

(ii) existing and proposed uses,

The proposed development is consistent with the zone objectives and the proposed residential apartment building is permissible within the zone.

(iii) heritage issues and streetscape constraints,

There are no heritage items within the proximity of the site.

(iv) bulk, massing and modulation of buildings,

The design of the building is consistent with the future expectation of the area. The building design and presentation is what is expected from high density residential development. The DEP was happy with the design breaking up the built form with articulated elevations, material diversity, windows and balconies.

(v) street frontage heights,

The proposed development as viewed from the street level provides for an appropriate upper level setback to reduce the visibility of the building that exceeds the maximum height of building control from the street level. Therefore, the proposed street frontage heights are considered to be acceptable. The proposed height non-compliance is discussed in detail elsewhere in this report.

(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

The proposed development has given due consideration to its potential to result in an undesirable impact on the local environment. The provided shadow diagrams indicate that the proposed development allows the neighbouring allotments sufficient solar access given the orientation of the building. The proposed scale and materials would not cause wind or reflectivity issues, beyond what would be expected by high density development, and the materials are low reflectivity.

(vii) the achievement of the principles of ecologically sustainable development,

The proposed development has been designed with consideration to ecologically sustainable development particularly in the use of windows and balconies to take advantage of passive heating and cooling. Additionally, the proposed development would need to comply with the Building Code of Australia and BASIX which further encourages ecologically sustainable development.

(viii) pedestrian, cycle, vehicular and service access, circulation and requirements,

The proposed development would not adversely impact on the existing pedestrian networks surrounding the site. The proposed development provides car parking that is sufficient to the development requirements. The site is also well connected with existing pedestrian access to the Ingleburn Town Centre.

(ix) the impact on, and any proposed improvements to the public domain,

The proposed development would assist to complete the streetscape setting and associated public domain of the land which is evolving as the existing low density area is redeveloped into a high density locale.

(x) the interface with the public domain,

The proposed development addresses the public domain to create visual interest through architectural features, changes in building materials and landscaping.

(xi) the quality and integration of landscape design,

The proposed landscaping along the front boundary enhances the streetscape.

2.1.8 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 of the SCDCP 2015 aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	**Requirement**	**Proposed**	**Compliance**
Part 2 Requirements Applying to all Types of Development			
2.2 Site Analysis	a) A Site Analysis Plan shall be lodged with the development application for all development involving the construction of a building and the Torrens title subdivision of land.	A site analysis plan was submitted.	Yes
2.3 Views and Vistas	a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	The proposed development has an acceptable impact on views.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The proposed development has an acceptable impact on views.	Yes
	c) The opportunity to create new view/ vista corridors shall be taken wherever possible and appropriate.	The proposal does not create new view corridors.	Yes
2.4.1 Rain Water Tanks	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	A Basix certificate was submitted with all details on the architectural plans.	Yes
	b) A rain water tank shall be provided for all new buildings containing a roof area greater than 100 m^2 for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	A 5000 L water tank is provided.	Yes
	c) All rainwater tanks shall comply with AS3500 (as amended) - National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water's Guideline for Rainwater Tanks on	The water tank will comply with AS3500.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	**Requirement**	**Proposed**	**Compliance**
	Residential Properties.		
	d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000 m^2 shall be connected to the plumbing in the building to provide water for toilets.	N/A	N/A
	f) Above ground water tanks shall be located behind the primary or secondary building line.	The water tank is located behind the main building line on the south western side of the building.	Yes
2.4.4 Light Pollution	a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	An external lighting plan was submitted and is considered to be satisfactory.	Yes
2.5 Landscaping – Design Requirements	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	A landscape plan has been provided.	Yes
	b) Landscape design shall retain and enhance the existing native fora and fauna characteristics of a site wherever possible.	Two existing trees on site will be retained, one along the rear boundary and one within the front setback area.	Yes
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposal complies.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application for	A landscape plan was provided.	Yes
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan is satisfactory.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The proposal complies.	Yes

2.7 Erosion and Sediment Control – Design Requirements	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	An erosion and sediment control plan was submitted.	Yes
	b) Site activities shall be planned and managed to minimise soil disturbance.	All excavation works will be carried out to minimise soil disturbance. An erosion and sediment control plan has been submitted and is considered to be satisfactory.	Yes
	c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	N/A	N/A
	d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	No stockpiles will be located within an overland flow path.	Yes
2.8 Cut, Fill and Floor Levels	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A cut and fill management plan was not submitted.	No
	c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	A dilapidation report was not submitted.	No
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than i2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	A cut and fill plan was not submitted.	No
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	No details on fill submitted	No

	f) No fill shall be deposited in the vicinity of native vegetation.	No details on fill submitted.	No
2.8.2 Surface Water and Floor Levels	a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The flood report submitted with the development application details that the flood level will increase by 20 mm on the adjoining properties as a result of the development.	No
	b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	Insufficient information submitted to demonstrate compliance.	No
	c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level.	The proposal complies with the habitable floor level of RL 35.00m AHD as provided by Council's Infrastructure Section.	Yes
	d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100 mm. These heights can be reduced locally to 50 mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).	Not applicable.	N/A
	f) Any solid fence constructed across an overland flow path shall be a minimum 100 mm above the finished surface level of the overland flow path.	No solid fence constructed in an overland flow path.	Yes
2.9 Demolition	a) A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); ii) details of the licensed demolition contractor engaged to	A demolition plan was submitted. Demolition contractor details can be provided at a later stage. A hazardous materials report was not submitted at the DA stage. No details of asbestos were provided at DA stage. A dilapidation report was not	No

	carry out the work (including name, address and building licence number); iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.	provided at DA stage.	
	b) Where appropriate, demolished materials shall be recycled for reuse on site.	Demolition materials will be reused on site where possible.	Yes
2.10.1 Water Cycle Management	a) A comprehensive Water Cycle Management Plan (WCMP) shall be prepared and submitted as part of a development application.	Insufficient information was submitted.	No
2.10.2 Stormwater – Design Requirements	a) All stormwater systems shall be sized to accommodate the 100-yearARI event (refer to Section 4 of Council's Engineering Design Guide for Development.	A stormwater management plan has been prepared for the site.	Yes
	b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	The stormwater management plan was prepared by a suitably qualified engineer.	Yes
	c) Water quality control structures shall be located generally offline to creek paths or other watercourses. Major detention storages shall not be located on areas of native vegetation or within riparian areas.	Insufficient information submitted.	No
	d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	Insufficient information submitted.	No
	e) Safe passage of the Probable	The proposal was referred to Council's Development Engineer	No

	Maximum Flood (PMF) shall be demonstrated for major systems.	where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	
	f) A treatment train approach to water quality shall be incorporated into the design and construction of major systems.	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	g) A major/minor approach to drainage is to be taken for stormwater flows. Generally the piped drainage system shall be sized to accommodate the difference between the 100-year ARI flow and the maximum safe overland flow, with minimum requirements as set out in section 4 of Council's Engineering Design Guide for Development	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility.	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The proposal will increase the flood level for adjoining properties.	No

	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
2.10.3 Stormwater Drainage – Design Requirements	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater concept plan was submitted.	Yes
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	Insufficient information was submitted.	No
2.12 Retaining Walls – Design Requirements	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	There is an existing 1.7 m high concrete block retaining wall along the northern side boundary. No new retaining walls proposed.	N/A
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) No filling shall be permitted within 2 m of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.	No new retaining walls proposed.	N/A
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following	No new retaining walls proposed.	N/A

	design criteria shall apply: i) The retaining wall shall be setback a minimum of 450 mm from the rear and side boundary of the lot containing the cut.		
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	No new retaining walls proposed.	N/A
	e) Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	No new retaining walls proposed.	N/A
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	No new retaining walls proposed.	N/A
	g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 m to 1.2 m.	No new retaining walls proposed.	N/A
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	No new retaining walls proposed.	N/A
	i) Retaining walls higher than 900 mm shall be designed by a structural engineer and made from appropriate material.	No new retaining walls proposed.	N/A
	j) Any retaining wall(s) proposed on land designated as being bush fire prone must be constructed of non-combustible materials.	No new retaining walls proposed.	N/A
2.13 Security – Design Requirements	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead	The site is fenced and will have suitable measures in place for safety and security.	Yes

	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		
	b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	The development will have external lighting. An external lighting plan was submitted.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention	A landscaping plan was submitted detailing appropriate landscaping.	Yes
	d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.	N/A	N/A
2.14.3 Bushfire – Design Requirements	a) Development shall be designed and located so as to minimise the risk of loss of life or property from bushfire.	The site is not bushfire prone land.	N/A
	b) Development on bush fire prone land (as detailed on the Campbelltown Bush Fire Prone Lands Map) shall comply with the requirements of Planning for Bushfire Protection, (NSW Rural Fire Service) as amended.	The site is not bushfire prone land.	N/A
	c) Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.	The site is not bushfire prone land.	N/A
	d) All 'Asset Protection Zones' shall be provided within the boundary of the subject land. National Parks, Crown Reserves, water catchments, easements, Council managed reserves, riparian corridors other private land shall not be considered as part of asset protection zones unless approved	The site is not bushfire prone land.	N/A

	by the NSW Rural Fire Service.		
	e) Adequate water reserves for fire fighting shall be available and accessible on site as specified in Planning for Bushfire Protection, as amended. Hazard reduction (burning or mechanical) proposals shall be in accordance with the Campbelltown Bush Fire Risk Management Plan and the Bush Fire Environmental Assessment Code. Landowners wishing to undertake hazard reduction shall contact the NSW Rural Fire Service (NSWRFS) for any requirements. Applications to undertake hazard reduction will be assessed by the NSWRFS under the Bushfire Environmental Assessment Code. Guidelines for hazard reduction include: i) as far as possible, the frequency, time of year and intensity of any hazard reduction burning in native vegetation is to approximate the natural regime; and ii) periodic weed monitoring and control shall be undertaken after bushfires and hazard reduction burning, and appropriate action taken as necessary	Not required.	N/A
	f) Any development proposing the removal of native vegetation for APZ purposes shall investigate the environmental impact of the removal of that vegetation	Vegetation is not being removed for APZ purposes.	N/A
2.15.1 Waste Management Plan – Design requirements	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A waste management plan was submitted with the application.	Yes
	b) Plans submitted with a development application shall detail the following (as applicable): i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas;	The bin allocation is sufficient. Bin storage area does not demonstrate compliance with clause 5.4.8.3 of the DCP. No bulky waste storage is provided in accordance with clause 5.4.8.4 of the DCP.	No

	iii) collection point and/or access route for collection vehicles; iv) ventilation of waste and recycling 2.15 storage areas; v) location of garbage chute and service rooms; vi) bin and storage area washing facilities; and vii) occupants' disposal points for all waste streams	Bin presentation is sufficient for a private waste contractor which is to be conditioned as Council cannot service the site as the bin presentation proposed is not sufficient.	
2.15.2 Waste Management During Demolition and Construction	a) Waste and recyclable streams shall be stored separately on site.	General waste and recycling waste will be provided on the site	Yes
	b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP	A waste storage area is provided as detailed on the plans.	Yes
	c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management or recycling facility. Details of disposal arrangements shall be specified in the WMP for each material type	All details have been provided in the waste management plan.	Yes
	d) Convenient and safe heavy vehicular access to waste and recycling material storage areas shall be provided	Satisfactory access has been provided for a private contractor only.	Yes
	e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements.	No details of whether asbestos is on the site have been provided.	No
2.15.9 Bin Storage Areas	a) The design of the bin storage areas shall be considered early in the design process so that they can be successfully integrated into the overall design of the development and are convenient	A waste storage area is provided as detailed on the plans however is not compliant with clause 5.4.8.3 of the DCP.	No

	for all users.		
	b) Sufficient areas/space shall be made available within the property boundary to store the range of bins for the quantity of waste, recycling and organics (and other materials where appropriate) likely to be generated between collections.	A waste storage area is provided as detailed on the plans however is not compliant with clause 5.4.8.3 of the DCP.	No
2.17 Work On, Over or Near Public Land	a) Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	Council can provide written approval for any works on, over or near public land at a later stage.	Yes
2.17.2 Working Near Public Land	a) Not withstanding clause 2.17.1 a) a hoarding or fence shall be erected between the work site and a public place where: i) the work involved in the development is likely to cause pedestrian or vehicle traffic in a public place to be obstructed or altered; and/or ii) the building involves the enclosure of a public place in accordance with Work Cover requirements	Hoarding details can be provided at a later stage.	Yes
2.19 Development Near or on Electricity Easements	a) Wherever possible electrical easements are to be located within open space corridors.	No electrical easements are required.	Yes
	b) Restrictions apply to planting and erection of raised public domain elements (such as light poles) and are identified in the Mains Maintenance Instruction MMI 0015 - Management of Endeavour Energy's electrical easements (Endeavour Energy, 2011) or as revised for design requirements.	No electrical easements are required.	Yes
	c) All proposed activities within electricity easements require approval from the relevant utility providers. Applicants shall consult with these agencies and obtain the relevant approvals prior to submitting a DA to Council	No electrical easements are required.	Yes
	d) Evidence of approval from the relevant utility provider shall be	No electrical easements are required.	Yes

	submitted with the DA.		

The proposal is generally consistent with Part 2 of the SCDCP with exception to cut and fill, stormwater and waste management controls which are discussed below in the report.

Part 5 – Residential Flat Buildings and Mixed-Use Development

The development application was assessed under the relevant controls outlined in Part 5 of the SCDCP with regard to requirements for residential flat buildings and mixed-use development and is detailed below.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	**Requirement**	**Proposed**	**Compliance**
Pat 5 Residential Flat Buildings and Mixed-Use Development			
5.4.1 Relationship of the Plan to SEPP 65 Design Quality of Residential Flat Development	a) In addition to satisfying the requirements of the Plan, all residential flat buildings, and mixed use development having a height greater than 12 m or 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) shall satisfy all the standards within State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (Published by the NSW Department of Planning and Environment, July 2015).	SEPP 65 has been repealed however the proposal has assessed against the Housing SEPP 2021 and the Apartment Design Guide has been detailed above in this report with several non-compliances. Not adjacent to any hazardous or offensive industries. Not located within a 150 m radius of a sex restricted premises or sex services premises. The proposal does not present a safety issue for vehicles or pedestrians.	No
5.4.2 Building Form and Character	a) Building design shall consider foremost the qualities (both natural and built) and the desired future character of the areas including the significance of any heritage item on the land.	The proposed building design is compatible with the desired future character of the area. There are no heritage items on the site or within close proximity to the site.	Yes
	b) Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes: i) incorporation of appropriate facade treatments that help the development properly address the respective street frontages, key vistas and to add visual interest to the skyline;	The building design incorporates façade treatments on the street front façade including vertical and horizontal elements.	Yes

	ii) incorporation of articulation in walls, roof lines, variety of roof pitch, individualised architectural features (balconies, columns, porches, colours, materials etc) into the facade of the building; iii) variation in the vertical planes of exterior walls in depth and/or direction; iv) variation in the vertical and horizontal planes of the building so that the building appears to be divided into distinct base, middle and top massing elements; v) articulation of building facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used; vi) utilisation of landscaping and interesting architectural detailing at the ground level; and vii) avoidance of blank walls at ground and lower levels.	Articulation is provided in the roof form by stepping the top floor back from the rest of the building and stepping the building in the façade built form. Variation is provided in the vertical and horizontal planes of the building. Varied external colours and building materials proposed. Landscaping is provided at the ground level. No blank walls at ground level.	
	c) Building design shall demonstrate to Council's satisfaction that the development will: i) facilitate casual surveillance and active interaction with the street; ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building at street level; and iii) maximise cross flow ventilation, therefore minimising the need for air conditioning.	Casual surveillance of the street is provided with windows on the front façade at ground level as well as pedestrian pathways. Landscaping is provided within the front setback area. Cross flow ventilation is provided.	Yes
	d) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised to feature and highlight element only.	No highly reflective or gloss materials or colours is proposed.	Yes
	e) Building materials shall be high quality, durable and low	The building materials proposed will be high	Yes

	maintenance.	quality, durable and low maintenance.	
5.4.3 Site Services	a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	No information has been provided in regard to whether a substation is required and where it will be located if required. All other utility servicing requirements will be provided to the satisfaction of Council.	No
	b) Development shall ensure that adequate provision has been made for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage)	Insufficient information has been submitted demonstrating that adequate stormwater measures are provided.	No
	c) All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.	All roof mounted plant will not be visible from the public street.	Yes
	d) All communication dishes, antennae and the like shall be located or integrated into the built form so as to minimise visual prominence.	No information has been submitted in relation to the location of any communication dishes, antennae and the like.	No
	e) An external lighting plan shall be prepared by a suitably qualified person and submitted with the development.	An external lighting plan was provided.	Yes
	f) All site services areas including any associated equipment and storage structures shall be incorporated into the design of the building and screened from public view.	Service areas are all contained within the building.	Yes
	g) An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	An on-going waste management plan was submitted.	Yes
	h) Any development applications involving new construction work with a value of $30 million or greater shall undertake the following at the developer's expense: i) Any existing above ground power lines which traverse the property's frontage, must be relocated underground; and ii) Installation of any required	Construction value is less than $30 million.	N/A

	electrical substation within the development basement level.		
	i) The developer must allocate/set aside adequate space within the development to install a grease trap and mechanical ventilation, for any proposed food premises, in accordance with the Local Water Authorities recommendations and the following Australian Standards: Mechanical ventilation (for any proposed food premises) must comply with: i) Australian Standard (AS) 1668.2-2012: The use of ventilation and air conditioning in buildings: ii) Part 2: Mechanical ventilation in buildings; and (where applicable); and iii) Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings. All mechanical ventilation must be installed within the building during construction and is not permitted on any external building surfaces. All required grease traps must be located and serviced on private land as no permission will be granted to install such a facility on public or Council land.	No food premises proposed.	N/A
5.4.4 Acoustic Privacy	a) Residential flat buildings, and the residential component of a mixed-use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded: i) in any bedroom in the building—35 dBA , ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dBA.	An Acoustic Report was submitted as part of the application. Council's Environmental Officer reviewed the Acoustic Report and concluded that the recommendations made in the Acoustic Report be implemented.	Yes
	b) Residential flat buildings, and the residential component of a mixed-use development near railway corridors and major roads shall demonstrate to Council's satisfaction compliance with the	The sites are not located near a railway corridor and/or major road.	N/A

	requirements under the Guidelines entitled Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008.		
5.4.5 Vehicular Access	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that existing road networks are capable of providing safe and efficient vehicle access to and from the proposed development.	The existing road network of Palmer Street is capable of providing safe access to and from the development.	Yes
5.4.6 Stormwater Drainage	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that sufficient provisions made for the management of stormwater. All necessary upgrades to existing public and private stormwater infrastructure shall be addressed as part of the proposed development and shall be in accordance with Council's Engineering Design Guide for Development (available from Council's website at www.campbelltown.nsw.gov.au)	Insufficient information has been submitted to demonstrate that stormwater drainage is sufficient for the site.	No
5.4.7 Thermal Comfort	a) Residential flat buildings and mixed-use developments shall be designed to maximise natural thermal comfort for occupants through the use of appropriate building materials. Examples include the use of energy efficient glazing and/or shading devices for windows and the like.	The proposed development provides compliance with Thermal requirements as detailed in the Basix certificate.	Yes
5.4.8.1 Number of Bins	a) All buildings shall be provided with household garbage bins at the following rates: i) one x 240 litre bin per 2.5 dwellings/ week for household garbage; or ii) one x 1100 litre bulk bin per 10 dwellings or part thereof, but only if the bulk bin is stored and located within the property where the waste collection truck is able to enter and exit the property in a forward-in forward-out arrangement with a maximum three point turning path.	Bin numbers proposed for the development is sufficient.	Yes
	b) All buildings shall be designed with provision for recyclable bins at a ratio of one x 240 litre bin per 2.5 dwellings per fortnight.	Recycling bins have been provided at the appropriate rate.	Yes
	c) A caretaker shall be available for	A caretaker will be	Yes

	all sites where bins are shared between occupants, to ensure bins are correctly presented for collection and returned to the designated bin storage area when emptied.	appointed to take the bins to the street and return them to the garbage storage room.	
5.4.8.2 Waste Service Rooms, Garbage Chutes and Provision for Recyclables Bins	a) All buildings with a rise of 4 storeys or more (including the ground floor) shall make provision for a Waste Service Room on each section of each residential floor which is accessible for all residents.	Each level has a waste bin storage room.	Yes
	b) All Waste Service Rooms shall have chutes to enable residents to dispose of garbage. Waste chutes must: i) not be located adjacent to bedrooms or living rooms unless they are outside the sound transmission barrier surrounding each apartment. ii) Not open into any habitable or public space and doors must have an effective self-sealing system; iii) Feed into appropriately sized bins located in the bin storage room. During collection periods, empty bins must be placed under the chute outlet to maintain continuity of access to the chute system for residents; iv) Be completely enclosed in a fire-rated shaft construction of an approved material and be fitted with sprinklers; v) Comply with the BCA; vi) Be accessible to anyone with a disability and comply with AS1428 Design for access and mobility; and vii) Include signage that explains the correct use of the system and which materials are able to be placed in the chute, and which must go in the recycling bin.	No chutes proposed.	No
	c) The outlet area, in which the chute outlets and mechanical collection devices are located, shall be secured to prevent access by unauthorised persons.	No chutes provided.	No

	d) Mechanical devices are permitted in order to assist with waste collection (eg. carousel).	No mechanical devices proposed.	N/A
	e) Compaction is not permitted for either garbage or recyclables.	No compaction proposed.	N/A
	f) Each Waste Service Room shall make provision for a sufficient number of 240-litre mobile recycling bins for residents on each floor to dispose of recyclables. Chute systems for recyclables are not permitted.	Garbage room can accommodate the required number of bins.	Yes
5.4.8.3 Bin Storage Room	a) The development shall make provision for an appropriately sized bin storage room(s) that provides convenient access for all residents, maintenance and waste collection staff. The bin storage room shall: i) be located behind the primary and secondary building alignment; ii) be located to restrict or deter access by non-residents; iii) have a non-slip floor constructed of concrete or other approved impervious material at least 75 mm thick and be provided with a ramp to the doorway (where necessary); iv) be graded and drained to a Sydney Water approved drainage fitting; v) have coving at all wall and floor intersections; vi) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned; vii) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and viii) have a self-closing door openable from within the room with a door width of at least 1.5 m (or 2.5 m if bulk bins are proposed); and ix) allow access and manoeuvrability of the largest bin and any required waste handling equipment.	Insufficient information submitted to demonstrate compliance.	No

	b) Bin storage rooms shall have sufficient capacity to allow for: i) Access, manoeuvring, cleaning and maintaining all bins by providing an extra 30% of the footprint of each waste container to the overall size of the storage area; ii) Spacing of at least 50 cm between all bins allocated for the development; iii) All bins to be arranged side by side within the bin storage room (no stacking); iv) A minimum 1.5 m aisle between rows of bins to minimise potential obstructions; and v) Future modifications of services, bin sizes and/or configurations by minimising the installation of fixed structures within bin storage areas.	Insufficient information submitted to demonstrate compliance.	No
	c) Bin storage rooms shall be ventilated by: i) a mechanical exhaust ventilation system; or ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the Room.	Insufficient information submitted to demonstrate compliance.	No
	d) Exterior doors of bin storage rooms shall be: i) consistent with the overall design of the building; ii) at least 1.5 m wide (or 2.5 m where bulk bins are proposed); iii) located away from the frontage of the building; and iv) fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door (if collection service is to be carried out by Council).	Insufficient information submitted to demonstrate compliance.	No

	e) All bin storage rooms and Waste Service Rooms shall be constructed in such a manner to prevent the entry of vermin.	Insufficient information submitted to demonstrate compliance.	No
	f) All bin storage rooms must be located in an area where bins can be easily moved to the waste collection point.	Insufficient information submitted to demonstrate compliance.	No
	g) Any bin travel path must be free of steps or kerbs and have a maximum gradient of 1V:8H.	Insufficient information submitted to demonstrate compliance.	No
	h) Where waste collection personnel are required to enter the premises to service bins, the collection point shall be no further than 5 m from the collection vehicle.	Insufficient information submitted to demonstrate compliance.	No
	i) Where residents have access to bin storage rooms, signage on the correct use of the waste management system shall be displayed in all bin storage rooms.	Insufficient information submitted to demonstrate compliance.	No
5.4.8.4 Bulky Waste Storage	a) Developments must make provision for the storage of bulky waste (kerbside clean-up) materials, ensuring that: i) a minimum area of 10 m^2 per building is provided; ii) the area is secure and caged for visibility into the enclosure; iii) the area is accessible to all residents and has a minimum doorway width of 1.5 m; and iv) the area is not more than 10 m from the waste collection point.	No bulky waste storage area provided.	No
5.4.8.5 On-site Waste Collection	a) Any development: • containing 20 or more dwellings, and/or • when the number of bins proposed cannot be accommodated within 50% of the development's net frontage width on collection day, shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing.	No on-site collection proposed. private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
	b) Where on-site waste and recycling collection is proposed, the site plan and layout shall consider how waste and recycling vehicles can access and move around the development.	No on-site collection proposed. private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A

	c) The area designated for on-site servicing must meet the following requirements: i) there shall be a minimum unobstructed height clearance of 5.2 m; ii) there shall be provision for a waste collection vehicle to empty bins on the vehicle's left side, allowing for a width of 3.8 m from the right hand side of the vehicle to the collection point; iii) where the waste collection vehicle is required to turn around on site, there must be provision for a heavy rigid vehicle of 10.4 m length (refer to indicative vehicle dimensions at Table 2.15.2) to negotiate a maximum 3-point turn allowing the waste collection truck to enter and leave the property in a forward direction; iv) the maximum grade of any path of travel for collection vehicle shall be 1V:20H for the first 6 m from the street, and 1V:12H thereafter; v) the minimum driveway width for a collection vehicle shall be 3.6 m wide, with sufficient area provided for another vehicle to pass; and vi) access driveway and servicing area to be constructed to withstand the loaded mass of the waste collection vehicle of 24 tonnes. vii) buildings and other structures must not extend over roads or corners where they may be struck by waste collection vehicles.	No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
	d) The distance between any dwelling and the waste disposal point shall be a maximum of 40 m (excluding distance travelled in a lift).	No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
	e) Where on-site waste collection is required, the development must be designed and constructed to accommodate the above requirements, regardless of whether	No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of	N/A

	Council will be engaged to provide waste services or not.	Palmer Street.	
	f) Where on-site collection is required, Council and its collection contractor must be indemnified against any loss or damages that may arise during the course of waste collection services.	No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
5.4.9 Strata Subdivision	a) No more than 50% of the required car parking within a strata title subdivision shall be allocated to individual commercial apartments within the mixed-use development.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	b) All car parking spaces that are allocated to individual apartments shall be proportioned in number to the size of the apartments.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	c) No car parking spaces shall be created as a separate allotment.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	d) No internal or outdoor storage space shall be created as a separate allotment.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
5.4.10 Car Parking	a) Car parking provided for the residential dwellings shall be secured, separated from commercial car parking (where relevant) and have a separate access.	No commercial proposed therefore all car parking spaces are for the residents only.	Yes
	b) The design of car parking spaces shall take into consideration the principles of Crime Prevention Through Environmental Design (CPTED) to minimise opportunities for crime and enhance security.	Car parking considers CPTED principles and is designed accordingly.	Yes
5.4.11 Access for People with Disabilities	a) Residential flat buildings and mixed use development shall comply with the minimum access requirements contained within the BCA , the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility(as amended).	An Access Report was submitted stating that the proposal complies.	Yes
5.4.12 Advertising Material	a) As part of the letter box design for residential flat buildings and mixed use development a special container shall be provided for the placement of advertising and newspaper materials. Such container shall be located behind the building line and designed to be part of the letter box arrangement for the development.	No information provided for letterbox details.	No

	b) The newspaper/advertisement container shall be regularly emptied by the manager/caretaker of the building.	The manager/caretaker will empty the container regularly.	Yes
5.5.1 Site Requirements for Residential Flat Buildings	a) Residential flat buildings shall only be permitted on an allotment having a minimum width of 30 m measured at the front property boundary.	46.33 m	Yes
	b) Sites shall be amalgamated where required, to achieve the minimum site area and width requirement applicable to the proposed development.	Two lots are proposed to be consolidated.	Yes
	c) Development shall not result in an "isolated allotment" adjoining the development site.	Proposal does not result in any isolated lots.	Yes
5.5.2 Building Setbacks for Residential Flat Buildings	a) Residential flat buildings shall be setback a minimum of: i) 5.5 m from any street boundary; and ii) 6 m from any other boundary.	Front setback: 5.5 m Other boundaries: min. 5.5 m (balconies encroach within the setback)	No
5.5.3 General Requirements for Residential Flat Buildings	a) A minimum of 5% of the total number of dwellings within a residential flat building shall be one bedroom flat(s) or a studio(s).	Required: 1.5 apartments Provided: 7 apartments	Yes
	b) A minimum of 10% of the total number of dwellings within a residential flat building shall be adaptable dwelling(s).	Required: 3 apartments Provided: 3 apartments	Yes
	c) The floor space occupied by each dwelling within a residential flat building shall not be less than: i) 35 m^2 in the case of a studio flat; ii) 50 m^2 in case of a one bedroom flat; iii) 70 m^2 in case of a 2 bedroom flat; iv) 90 m^2 in case of a 3 bedroom flat or more.	All apartments comply.	Yes
	d) For the purpose of clause 5.5.3 c), the floor space includes only one bathroom. Additional bathrooms shall increase the minimum floor space of each dwelling by 5 m^2 for each additional bathroom.	Additional floor space has been provided for apartments with more than one bathroom.	Yes
	e) A fourth bedroom and further additional bedrooms shall increase the minimum internal area by 12 m^2 for each additional bedroom.	Required: 107 m^2 Apartment 29 has four bedrooms with an internal area of 108.5 m^2	Yes

	f) Each apartment building shall include a study/nook area that is capable of accommodating a desk for working/studying from home purposes. Such area shall be shown furnished on the proposed plans and shall have a minimum width 1.6 m	Study nook provided in all apartments.	Yes
	g) The main entry to each apartment building shall be designed to include an entrance nook for privacy purposes	Main entry of each apartment provides privacy.	Yes
	h) A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	Less than 8 apartments accessible from lobby area on each level.	Yes
	i) All residential flat buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space. Further, the lift(s) shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace.	Lift provides access from the basement to the top level.	Yes
	j) A maximum of 50 dwellings shall be accessible from a single common lift.	30 apartments access the lift,	Yes
	k) Access to lifts shall be direct and well illuminated.	Lift access is direct and illuminated.	Yes
	l) A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	Required: 425.25 m^2 Provided: 429.97 m^2 or 25% (area with proposed OSD tank excluded)	Yes
	m) Each flat shall be provided with an 'incidentals' storage facility within the apartment and/or the basement, which shall be available for personal use of the occupants of each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of not less than the following: i) 4 m^3 in the case of a studio flat; ii) 6 m^3 in case of a one bedroom flat; iii) 8 m^3 in case of a 2 bedroom flat; and iv) 10 m^3 in case of a 3 bedroom flat or more.	Most apartments have incidental storage within the apartment. All apartments have storage areas within the basement. Apartments 1, 16, 13 and 20 have incidental storage on the balcony and not within the apartments.	No

	j) The incidentals storage facility shall not be created as a separate (strata) allotment to the apartment it services.	No information on strata subdivision proposed.	No
5.5.4 Car Parking and Access	a) All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended), except as otherwise specified in the Plan.	Council's Development Engineer has reviewed the car parking and access and determined that it can comply.	Yes
	b) The minimum dimensions of any parking space shall be 2.5 x 5.5 metres. The minimum width of any car parking space shall be increased by 300 mm for each side that adjoins a vertical edge.	All parking spaces comply.	Yes
	c) Driveways shall be located a minimum distance of 6 m from the splay of any unsignalled intersection (refer to Figure 5.5.4).	Driveway is located more than 6 m from the intersection.	Yes
	d) For development incorporating 20 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	A Traffic and Parking Assessment Report was submitted.	Yes
	e) Where existing, vehicular entry points shall be located at the rear or side streets.	No rear or side street access.	N/A
	f) Development containing 3 or more storeys shall provide all required car parking at basement level.	Two levels of basement car parking provided.	Yes
	g) Parking provided at ground level shall be appropriately screened from public view.	No ground level car parking proposed.	Yes
	h) Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every 4 dwellings (or part thereof); and ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	Required: 41 spaces Provided: 41 spaces	Yes
	i) No required car parking space shall be in a stacked configuration.	No stacked car parking proposed.	Yes
	j) Each development shall make provision for bicycle storage at a rate of one space per 5 dwellings within common property.	Required: 6 spaces Provided: 6 spaces (4 in the basement, 2 at ground level)	Yes
	k) Electric vehicle charging stations must be located behind the building line.	No electric vehicle charging stations proposed.	N/A

5.5.5 Solar Access	a) Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	Building is orientated to the north east.	Yes
	b) A minimum 20 m^2 area of the required private open space on adjoining land, (having a minimum width of 3 m), shall receive 3 hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	20 m^2 of the communal open space area receives 3 hrs of continuous solar access	Yes
	c) Living rooms and private open spaces of at least 70% of dwellings within a residential flat building shall receive a minimum of 2 hours direct sunlight between 9:00 am and 3:00 pm at mid winter.	21 apartments or 70% receive solar access to living rooms and private open space areas.	Yes
	d) Council expects that with innovative and thoughtful design, all dwellings should receive some direct sunlight, however, when it can be shown that providing sunlight to every dwelling is unachievable, Council may allow a design solution that result in up to 15% of the dwelling receiving no direct sunlight between 9:00 am and 3:00 pm at mid winter.	N/A	N/A
5.5.6 Balconies and Ground level Courtyards	a) Dwellings shall be provided with a private courtyard and/or balcony.	Each apartment has a balcony or private courtyard.	Yes
	b) Courtyards/balconies shall be: i) not less than 8 m^2 in area and have a minimum depth of 2 m; ii) clearly defined and screened for private use; iii) oriented to achieve comfortable year round use; and iv) accessible from a main living area of the flat.	All balconies have a minimum of 8 m^2 and 2 m in depth. Balconies are orientated where possible. All balconies are accessed via the main living area.	Yes
5.5.7 Privacy	a) Ground level dwellings incorporating a courtyard shall be provided with a privacy screen.	Courtyards provided for ground level apartment shave privacy screens.	Yes
	b) No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9 m of the proposed window or balcony.	No direct overlooking proposed. Adjoining properties are single storey dwellings.	Yes
	c) Notwithstanding 5.5.7(b) a window of a habitable room may be permitted only where it:	N/A	N/A

	i) is offset by 2 m to limit views between windows, or ii) has a sill height 1.7 m above the floor level; or iii) is splayed to avoid direct views between windows; or iv) has a fixed translucent glazing in any part of the window within 1.7 m of the floor level; or v) is otherwise appropriately screened.		
	d) Notwithstanding 5.5.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	No privacy screens proposed.	Yes
5.5.8 Communal Recreation Facilities	a) Each residential flat building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising: i) a recreation room with a minimum area of a 50 m^2 per 50 dwellings (or part thereof); and ii) a bbq/outdoor dining area with a minimum area of 50 m^2 per 50 dwellings (or part thereof).	Communal room has an area of 50.1 m^2. Outdoor communal open space is greater than 50 m^2.	Yes
	b) Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Located in the rear setback area.	Yes
	c) All communal recreational facilities shall be provided on the same land as the residential flat building.	Located on the same land as the residential apartment building.	Yes
	d) Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	No communal open space on the roof.	Yes
	e) All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential apartments within a staged development.	Can comply.	Yes

The proposal generally complies with the requirements of the SCDCP with exception to stormwater details, waste details, side and rear setbacks, cut and fill, subdivision and incidental storage and are detailed below in Section 3.

3. Planning Assessment

3.1 Section 4.15(1)(a)(iiia) The provisions of any Planning Agreement

The proposed development is not subject to the provisions of a planning agreement pursuant to Section 7.4 of the EP&A Act.

3.2 Section 4.15(1)(a)(iv) The provisions of the Regulations

The proposal does not contravene the Environmental Planning and Assessment Regulation 2021.

3.3 Section 4.15(1)(b) The likely impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- Flooding
- Stormwater
- Side and rear setbacks
- Waste management
- Subdivision
- Incidental storage
- Sunlight access
- Access, transport and traffic
- Noise and vibration
- Safety security and crime prevention
- Built Form

Flooding

The subject site is affected by flooding and is a flood control lot due to overland flow from the local catchment and flow in Redfern Creek traversing along the side and front boundaries of the site. The applicant was advised as a result of the Pre-DA meeting that Council has a zero tolerance to any increase in afflux and that additional works was required to adhere to this advice. The flood report submitted with the information demonstrated that the proposal would result in a flood afflux of 20 mm to the neighbouring properties and as such additional information was requested to address the concern. Amended information was submitted in response to this issue however did not address the flood issue and still demonstrated that there would be an increase to the neighbouring properties.

Stormwater

Several stormwater issues were raised with amended information being requested to address the issues. Amended information was submitted, however did not address the issues. The additional information submitted did not detail the following:

- How the ground floor stormwater complies with Council's engineering requirements given that an amended ground floor plan was not submitted.
- Details of the OSD and bypass OSD for overland flow was not submitted.
- A report detailing the purpose of the OSD and capability of the OSD was not provided.
- No calculations or modelling were provided.
- An assessment of the Palmer Street drainage system was not provided detailing whether the existing infrastructure would accommodate additional flows as a result of the proposal. with the following information still outstanding:

Given that this information has not been submitted, it is considered that the proposal cannot be supported in its current format.

Side and rear setbacks

The proposed development provides twelve balconies for certain apartments in levels 1-5 that encroach within the required side and rear setback by 0.5 m. A variation has been requested for this non-compliance. Notwithstanding, the encroachment of the balconies by 0.5 m into the setback areas has impacts on the required building separation requirements contained within the ADG as well as having impacts on overlooking and privacy impacts given that these balconies will be utilised as open space areas for the occupants of the apartments. In addition, the encroachment of the balconies also presents a non-compliance with Council's setback controls contained within the SCDCP.

As the proposed development is for a new residential apartment building, it is considered that there is no reason as to why the setback controls cannot be complied with.

Waste Management

Council's Waste Management Officer reviewed the proposal and had requested additional information be submitted with regards to the proposal providing a bulky goods waste storage area and demonstrate that the garbage room in the basement level would comply with Council's construction requirements in relation to cleanliness, ventilation and vermin control. The plans were required to be amended detailing the construction methods of the garbage room as well as whether there was any ventilation and what drainage methods were proposed to be able to clean the garbage room. This information was not submitted and is still outstanding and as such does not comply with Council's SCDCP requirements for waste management.

Subdivision

The proposed development includes strata subdivision, however a draft strata subdivision plan was not submitted as part of the proposed development. As a result of no strata plan being submitted, the proposal could not be assessed against Section 5.4.9 of Council's SCDCP in regard to whether any car parking spaces would be allocated as a separate lot. In addition, the lack of a strata subdivision plan does not demonstrate that any internal or outdoor storage area would not be created as part of a separate allotment.

Incidental storage

Most of the apartments are provided with incidental storage both internally and within the basement level. Apartments 1, 13, 16 and 20 all have incidental storage on a balcony which is not

internal to the apartment and does not provide good amenity for the occupants of these apartments to have to be able to access stored items through the outside balcony.

Sunlight access

The proposed development achieves compliance with the ADG with regards to solar access to the proposed development. Due to the orientation of the site the majority of the overshadowing from the proposed development is located over the adjoining property to the south west and Palmer Street. The private open space areas of the adjoining properties will maintain the existing levels of solar access currently provided to each site.

Access, transport and traffic

The site has basement access via Palmer Street. The applicant has submitted a traffic report in support of the proposed development which states that the proposed development would not adversely impact upon traffic and parking within the local road network. Council's Development Engineer reviewed the report and associated plans and did not raise any issues with regard to potential traffic impacts.

Noise and vibration

The applicant has submitted an acoustic report prepared by Rodney Stevens Acoustics dated 13 December 2022. The report addresses the proposed residential development and concludes that the proposed development complies with the Transport and Infrastructure SEPP 2021 noise criteria with recommendations made in the report to be implemented.

Safety security and crime prevention

The proposed development is considered to provide for safety and casual surveillance.

Built Form

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials in the local area. The use of painted render and knotwood cladding provides for a low maintenance durable façade which reflects the desired future character of the local area.

The proposed setbacks and massing to the fifth level are also considered to provide two distinct built forms and reduce the overall appearance of visual bulk of the building within the streetscape.

Overall, it is considered the proposed development is consistent with the desired future character for development in the locality.

Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the residential apartment building would contribute to the provision of housing choice within the Campbelltown locality, to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

3.4 Section 4.15(1)(c) The suitability of the development

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

It is considered that the proposed development fails to demonstrate that there would be no adverse impact on the adjoining properties due to the increase flood level risk for adjoining properties as a result of the development. In addition, insufficient information was submitted in relation to the proposed stormwater drainage of the site as well as there being numerous non-compliances with the Apartment Design Guide and Council's SCDCP. It is therefore considered that the proposal in its current form is not appropriate for the site.

4. Public Participation

The application was notified and publicly exhibited in accordance with the Campbelltown Community Participation Plan from 31 January 2023 to 28 February 2023 with 3 submissions being received during this time.

The issues outlined in the submissions are addressed below:

Issue: Development application is inconsistent with community expectations and wishes

Response: The proposal is permissible within the zone and consistent with the zone objectives and generally complies with the controls relevant to the proposed development.

Issue: Increased traffic and parking demand

Response: The proposed development provides for parking in accordance with the ADG and Council's SCDCP. The application is accompanied by a traffic report that states overall the development would result in 6 additional vehicle trips per hour during the weekday peak hour from Monday to Friday which is considered to be acceptable.

Issue: Location of the site on a cul-de-sac.

Response: The site has a frontage to Palmer Street and whilst Palmer Street is a no through road, the street actually connects through to Norfolk Street, albeit via a paved walkway between Palmer Street and Norfolk Street. The proposed development on the subject site is considered to be acceptable with regard to the proposed location as the only vehicles would be local residents given Palmer Street is no a through road.

Issue: View rights from property

Response: There are no view rights from properties and views from the site to/from neighbouring yards and distant trees are not considered views but are more akin to an outlook.

Issue: Obstruction of light

Response: The submitted shadow diagrams demonstrate that the proposal would still allow solar access for a minimum of 3 hrs to the adjoining properties open space area due to the orientation of the building and is in accordance with the requirements within the ADG and Council's SCDCP.

Issue: Dust

Response: The objector has stated they are allergic to dust and hold Council responsible for their ill health. The proposed development would generate dust associated with construction with regard to the demolition and excavation of the site however with measures implemented including but not limited to, erosion and sediment control fencing, all weather vehicle entry/exit points, and the use of water carts where required, dust can be controlled to an acceptable standard.

Issue: Council responsible for neighbours health issues if approved

Response: The objector has stated that Council is responsible if the objector falls ill. Council has assessed a development application that is permissible within the zone. Dust suppression measures would form part of any construction for any type of development including but not limited to, erosion and sediment control fencing, all weather vehicle entry/exit points, and the use of water carts where required.

Issue: Noise Pollution

Response: The proposed development will result in some increase in noise within the locality particularly during the construction stage as well as from the occupants of the apartments. In regard to the construction stage, there are requirements in place within the Interim Construction Noise Guidelines that the developer would need to adhere to. In regard to the occupation of the apartments, an acoustic report has been provided and includes measures to mitigate acoustic impacts on the surrounding properties in line with Council's SCDCP controls ensuring that the development does not exceed the relevant noise criteria.

Issue: Traffic congestion

Response: The proposed development will result in a net increase in cars within the locality with a traffic report submitted in support of the proposed development. The proposed development provides the required number of car parking spaces required by Council's SCDCP and minimises the number of access points to the development by providing one exit/entry driveway. The proposal also provides a number of bicycle spaces for the occupants. The sites are also located within walking distance to a number of bus stops which enable occupants to utilise public transport as well. Overall, the proposed development is considered to result in an insignificant increase in traffic on local roads and is therefore considered to be acceptable.

Issue: Redevelopment in the locality

Response: The objector has raised that they intended to live at the property for a number of years and object to developers purchasing properties for redevelopment.

Council has no power in where or when developers purchase properties for re-development and assesses development applications in accordance with the relevant planning controls that

apply. The proposed development responds to the objectives of the zone for higher residential density for the site and would contribute to the housing supply and choice within the locality.

Issue: Overdevelopment and overpopulation

Response: The proposed development is permissible in the zone and responds to the relevant planning controls in regard to FSR and apartment mix. The proposal includes a number of one and 2 bedroom apartments as well as larger apartments, which in turn controls the number of occupants within each apartment and the building as a whole. The proposal is not considered to be an overdevelopment of the site and is consistent with the strategic directions for the locality.

Conclusion

The subject development application (151/2023/DA-RA) for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision has been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979.*

Having regard to the issues discussed in this report, it is considered that the application is not consistent with the relevant planning controls in regard to the impact of flooding on adjoining properties, non-compliance with the ADG and Council's Sustainable City Development Control Plan, stormwater management and a lack of information to demonstrate compliance with a number of LEP controls including salinity and subdivision. It is therefore considered that the proposal cannot be supported in its current form.

Attachments

4.1.1 Reasons for Refusal (contained within this report)
4.1.2 Architectural Plans (contained within this report)
4.1.3 Landscape Plan (contained within this report)
4.1.4 Clause 4.6 Variation (contained within this report)
4.1.5 Basement and Floor Plans(due to confidentiality)(distributed under separate cover)

Reporting Officer

Manager Development Assessment

REASONS FOR REFUSAL

You are advised that the subject application has been refused pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The proposed development is inconsistent with State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide (in accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979) with respect to:

   - The proposal does not provide a height that is achievable within the building height set in the LEP.
   - The depth of the building exceeds the 12m-18m range.
   - The proposal has twelve balconies that encroach within the required building separation distances
   - The proposal does not comply with the visual privacy requirements as there are twelve balconies that encroach within the required separation distances from the side and rear boundaries.
   - The proposal includes 4 apartments that have storage on balconies which are not integrated into the design of the balcony.
   - The proposal does not comply with the acoustic privacy requirements as there are twelve balconies that encroach within the building separation.
   - The proposal does not provide a temporary storage area for bulky items.
   - The proposal does not provide an awning over the front main entry.
   - The proposal does not propose any apartment signage incorporated into the design of the building.

2. The proposed development is inconsistent with Campbelltown Local Environmental Plan 2015 (in accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979) with respect to the following:

   - The proposed development does not demonstrate that there would be no adverse impacts on the environment in accordance with Clause 7.1 Earthworks.
   - The proposed development does not demonstrate that there would be no adverse impacts on salinity given the site has moderate potential for saline soils in accordance with Clause 7.4.
   - The proposed development does not demonstrate there would be sufficient stormwater drainage in accordance with Clause 7.10 Essential Services.
   - The proposed development does not demonstrate that the site is suitable for the development in accordance with Clause 7.13(d)(i) in regard to stormwater drainage and flooding.

3. The proposed development is inconsistent with Council's (Sustainable City) Development Control Plan 2015 (in accordance with Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979) with respect to the following:

   - A cut and fill plan was not submitted.
   - A dilapidation report was not submitted demonstrating that adequate measures would be implemented to protect the integrity of any structure within the zone of influence.
   - A Hazardous materials report was not submitted and no details of whether the site contains any asbestos was provided.
   - Waste Management is insufficient as no chutes are provided in the garbage rooms on each level and no bulky goods storage area was provided.

- The waste bin storage room on the basement level does not demonstrate compliance with the construction requirements in accordance with section 5.4.8.3.
- Insufficient information was submitted that details the proposal complying with Council's controls in regard to stormwater design and stormwater management.
- No information has been submitted in regard to whether a substation is required and where it would be located if required in accordance with Section 5.4.3.
- No information has been submitted in regard to the location of communication dishes, antennae and the like in accordance with Section 5.4.3.
- A draft strata plan was not submitted demonstrating compliance with section 5.4.9.
- The incidental storage provided on the balconies for units 1, 13, 16 and 20 is not acceptable.

4. The proposed development fails to demonstrate that the proposed development would not increase the flood impact on the adjoining properties (in accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

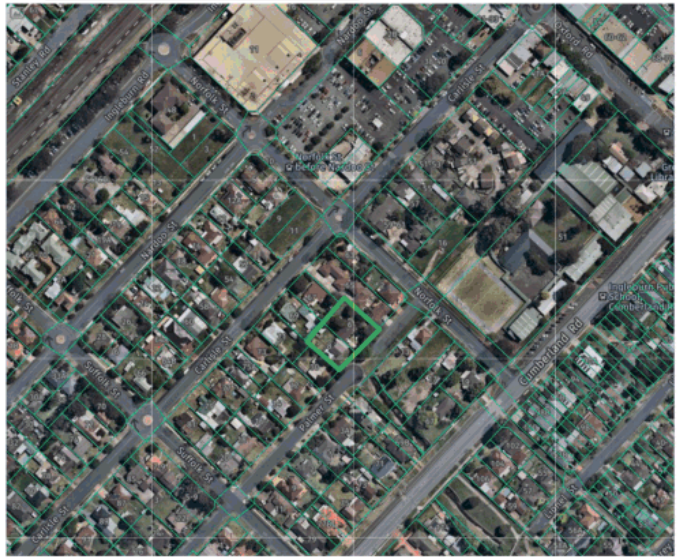
5. The proposed development fails to demonstrate the acceptable disposal of stormwater from the subject property given that insufficient information was submitted (in accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

6. It is considered that in the circumstances of the case, insufficient information was submitted to determine whether the proposal would be in the public interest having regard to flood impacts, stormwater management and amenity for the adjoining properties (in accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

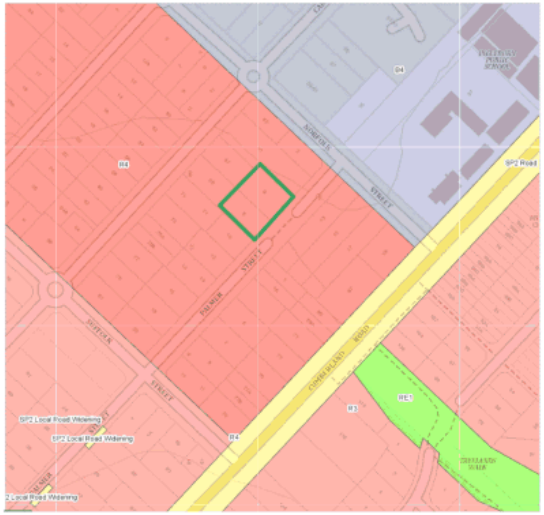
END OF CONDITIONS

Regulated Design Record				
Project Address: 6 & 8 Palmer St, Ingleburn				
Project Title: Proposed Residential Flat Building				
Consent No:		Body Corporate Reg No:		
Drawing Title: Site Context / Streetscape		Drawing No: 999287- 0.1		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
	09.12.22	For DA Submission	Noura Yammine	DEP0000123
A	August 2023	Response to RFI Letter		

AERIAL MAP (Source Near Maps 2022)



ZONE MAP - R4 High Density Residential (Source NSW Planning Portal)



HEIGHT OF BUILDING MAP (Source LEP Maps)
Maximum Building Height (m) O 15m

PROPOSED DEVELOPMENT 14- 16 PALMER STREET

PROPOSED DEVELOPMENT 10-12 PALMER STREET

SUBJECT SITE
PROPOSED DEVELOPMENT
6 - 8 PALMER STREET

4 PALMER STREET
5&6/65 CARLISLE STREET

1 PROPOSED STREETSCAPE ELEVATION - South - East (Facade)
1 : 250

Site Context / Streetscape

Advanced Architecture & Construction Pty/Ltd

Proposed Residential Flat Building

6 & 8 Palmer St, Ingleburn

For Auseey Constructions Pty Ltd

Nominated Architect: Noura Yammine	NSWARB Reg. No.: 6139
Email: n.yammine@advancedarchitecture.com.au	Mob: 0413 533 125
Scale: 1 : 250 @ A1	Drawn by: M.M
Date: 09.12.22	Rev: A (August 2023)
Figured dimensions to be taken in preference to scaled. Verify all dimensions.	Drawing No: 999287- 0.1

Regulated Design Record				
Project Address: 6 & 8 Palmer St, Ingleburn				
Project Title: Proposed Residential Flat Building				
Consent No:		Body Corporate Reg No:		
Drawing Title: Proposed Section through Carlisle St. and Palmer St.		Drawing No: 999287- 0.2		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
	09.12.22	For DA Submission	Noura Yammine	DEP0000123
A	August 2023	Response to RFI Letter		

EXISTING MAP OF PALMER STREET

No. 20 | No. 18 | No. 16 | No. 14 | No. 12 | No. 10 | No. 8 SUBJECT SITE | No. 6 SUBJECT SITE

EXISTING STREETSCAPE OF PALMER STREET
(ALONGSIDE SUBJECT SITE)

No. 1 and 1A | No. 3 | No. 5 | No. 7 | No. 9 | No. 11

EXISTING STREETSCAPE OF PALMER STREET
(OPPOSITE SIDE OF SUBJECT SITE)

1 Section through 69 Carlisle St, 8 Palmer St and Lot 6 Drainage
1 : 200

Existing Streetscape of Palmer Street and
Proposed Section through Carlisle St. and Palmer St.

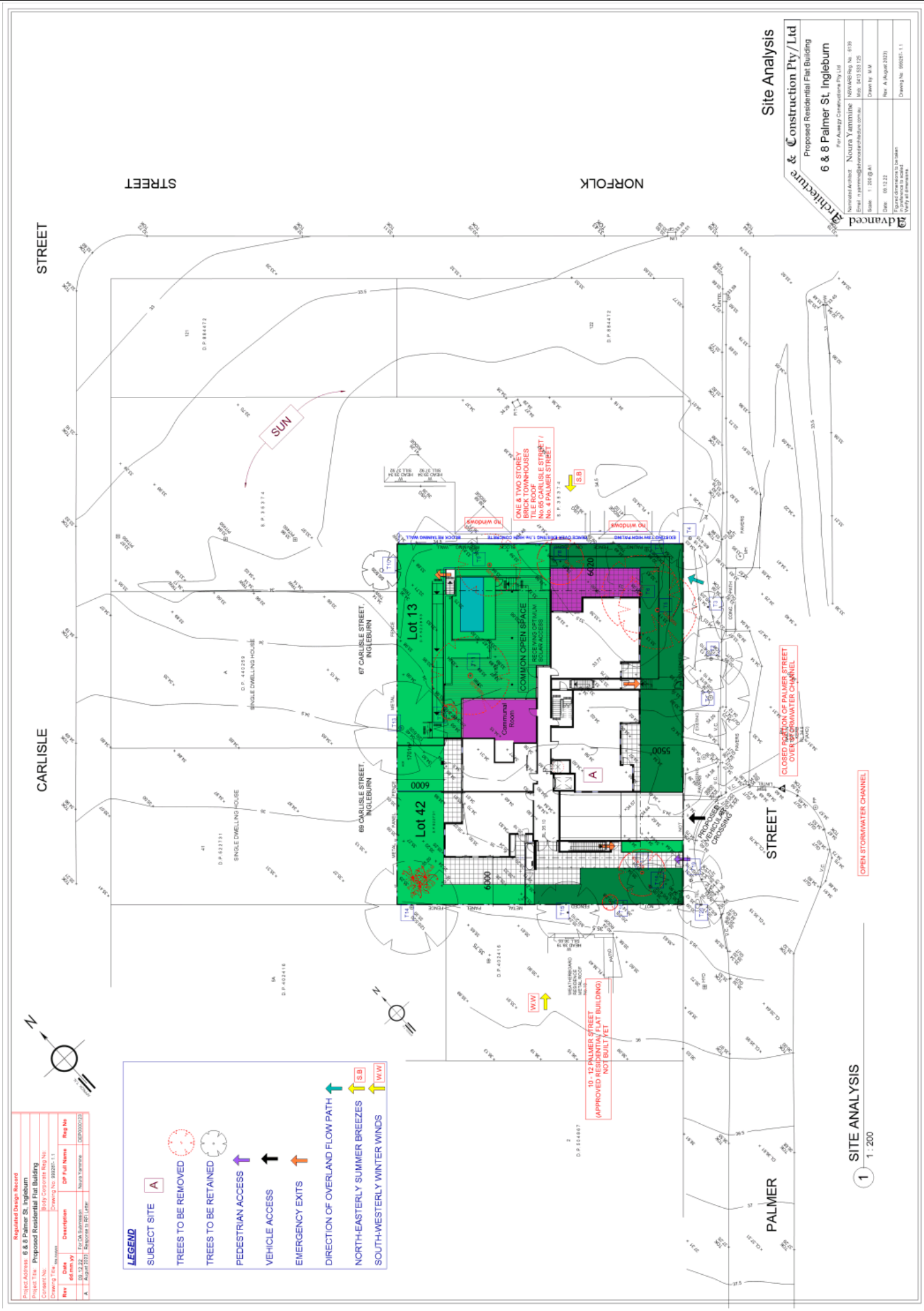
Advanced Architecture & Construction Pty/Ltd

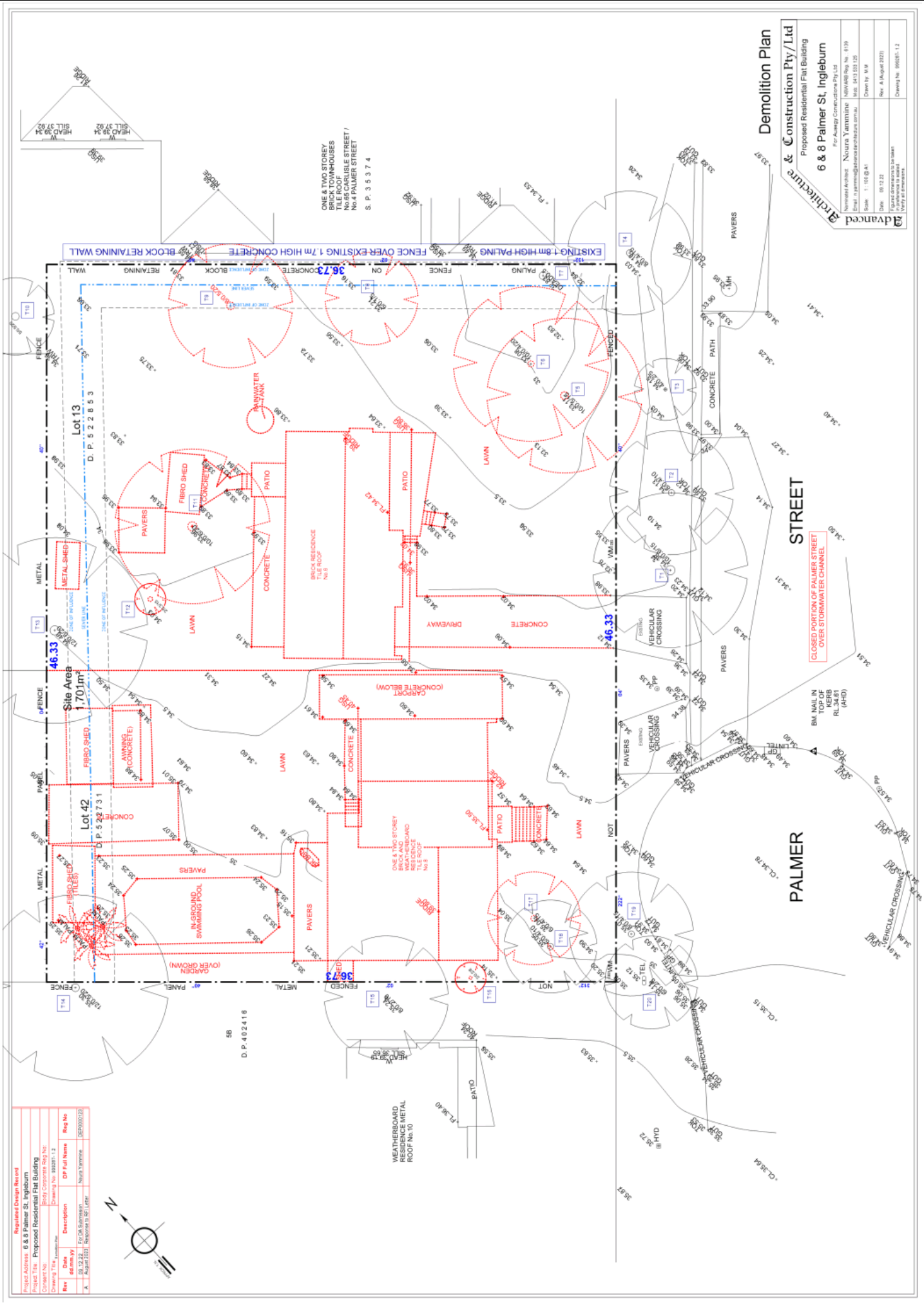
Proposed Residential Flat Building

6 & 8 Palmer St, Ingleburn

For Ausegy Constructions Pty Ltd

Nominated Architect: Noura Yammine	NSWARB Reg. No.: 8139
Email: n.yammine@advancedarchitecture.com.au	Mob: 0413 533 125
Scale: 1 : 200 @ A1	Drawn by: M.M
Date: 09.12.22	Rev: A (August 2023)
Figured dimensions to be taken in preference to scaled. Verify all dimensions.	Drawing No: 999287- 0.2

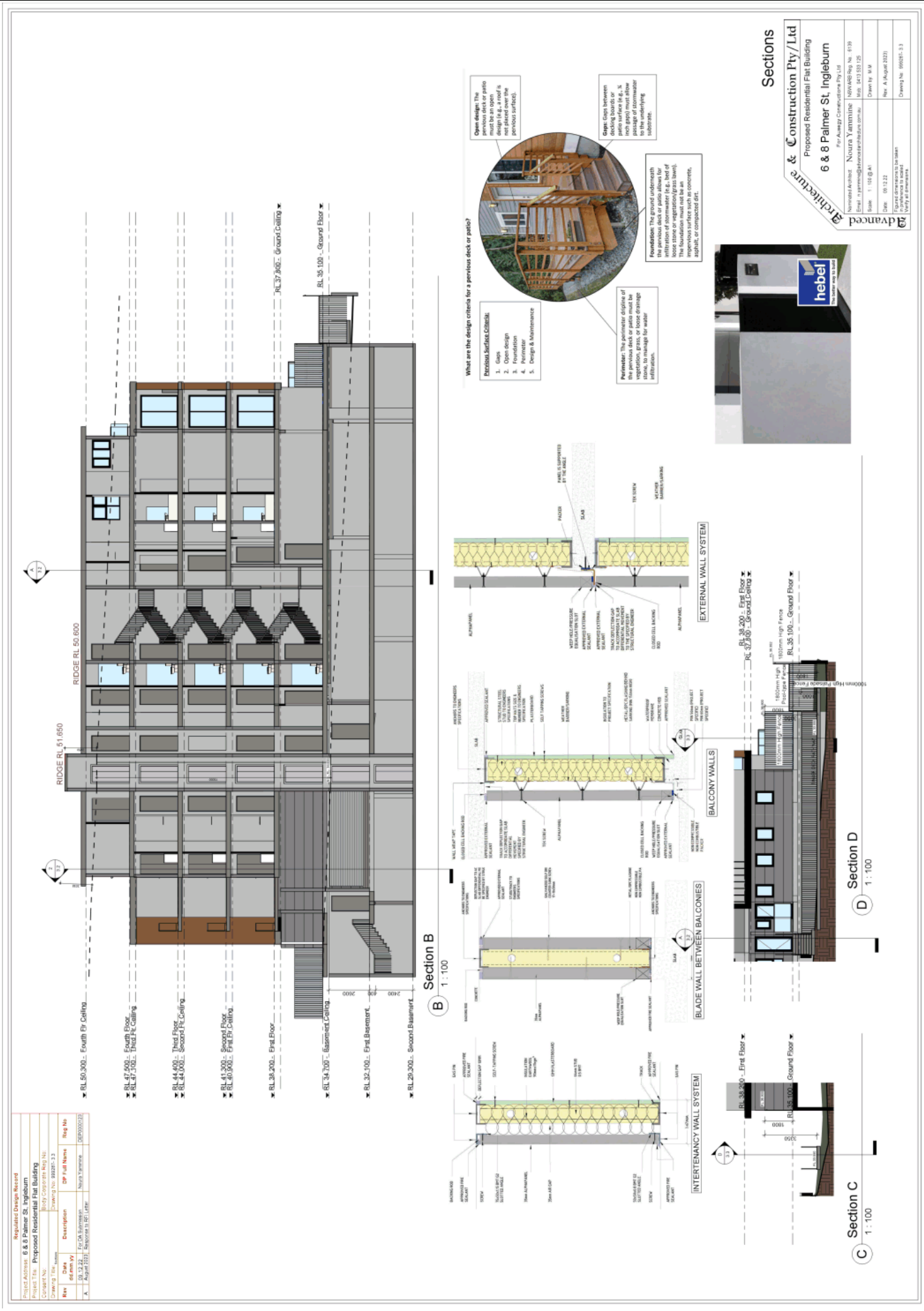

Site Analysis
Advanced Architecture & Construction Pty Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
For Aweep Constructions Pty Ltd
Nominated Architect Noura Yammine NSW ARB Reg No. 6199
Email n.yammine@advancedarchitecture.com.au Mob. 0413 553 125
Scale 1 : 200 @ A1 Drawn by N.M
Date 05.12.22 Rev A (August 2023)
Figured dimensions to be taken in preference to scaled. Verify all dimensions
Drawing No 190501 - 1.1
Regulated Design Record
Project Address 6 & 8 Palmer St, Ingleburn
Project Title Proposed Residential Flat Building
Contract No Body Corporate Reg No
Drawing Title Drawing No 190501 - 1.1
Rev Date dd.mm.yy Description DP Full Name Reg No
A 09.12.22 For DA Submission Noura Yammine DEP0000122
August 2023 Response to RFI Letter
LEGEND
SUBJECT SITE A
TREES TO BE REMOVED
TREES TO BE RETAINED
PEDESTRIAN ACCESS
VEHICLE ACCESS
EMERGENCY EXITS
DIRECTION OF OVERLAND FLOW PATH
NORTH-EASTERLY SUMMER BREEZES S.B
SOUTH-WESTERLY WINTER WINDS W.W
SUN
CARLISLE STREET
NORFOLK STREET
PALMER STREET
67 CARLISLE STREET, INGLEBURN
69 CARLISLE STREET, INGLEBURN
Lot 13
Lot 42
COMMON OPEN SPACE
RECEIVING OPTIMUM SOLAR ACCESS
Communal Room
ONE & TWO STOREY BRICK TOWNHOUSES TILE ROOF No.65 CARLISLE STREET / No. 4 PALMER STREET
10 - 12 PALMER STREET (APPROVED RESIDENTIAL FLAT BUILDING) NOT BUILT YET
CLOSED PORTION OF PALMER STREET OVER STORMWATER CHANNEL
OPEN STORMWATER CHANNEL
PROPOSED VEHICULAR CROSSING
SINGLE DWELLING HOUSE
1 SITE ANALYSIS 1 : 200

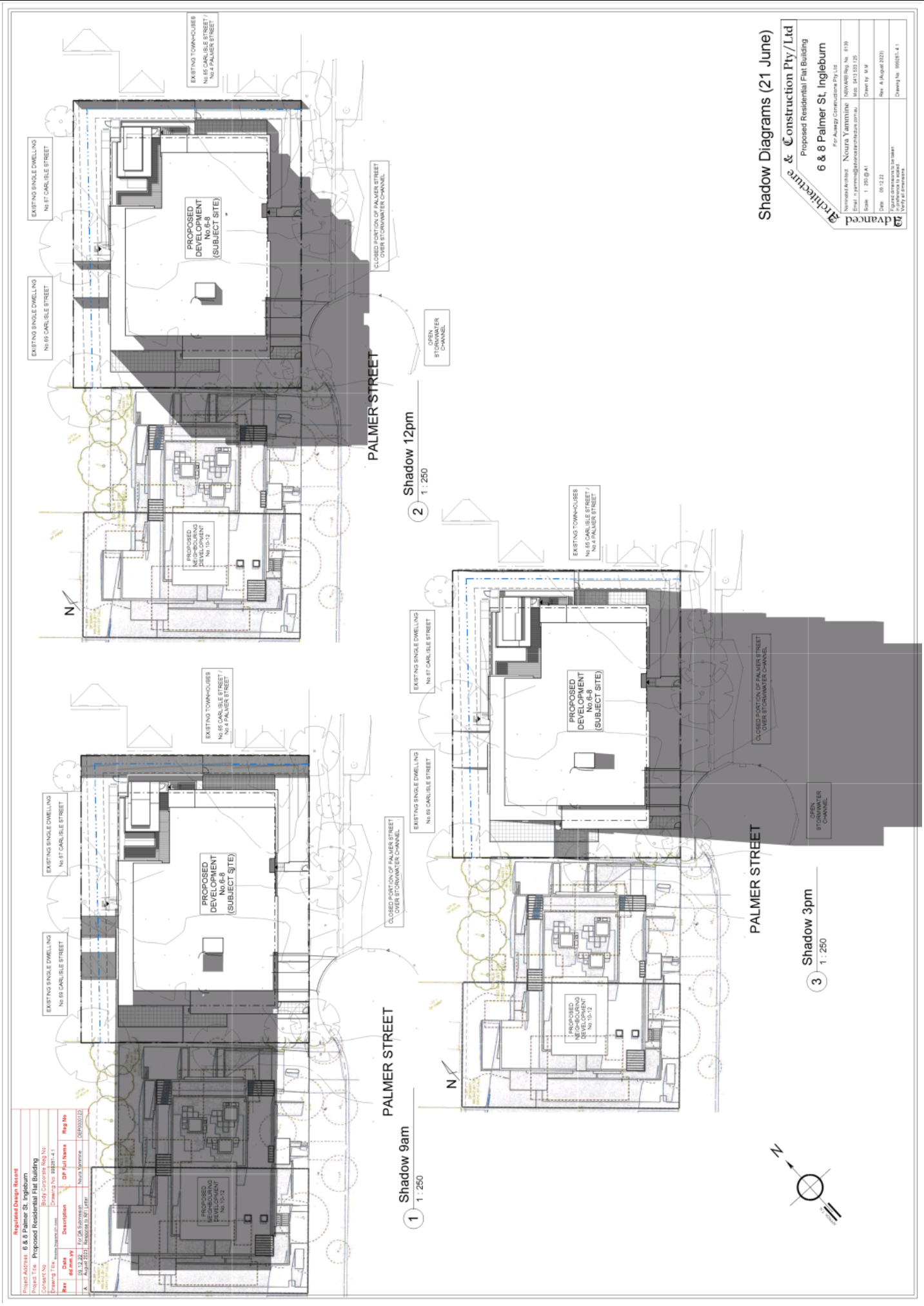

Demolition Plan
Advanced Architecture & Construction Pty/Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
Site Area 1,701m²
Lot 13 D.P. 522853
Lot 42 D.P. 522731
PALMER STREET
EXISTING 1.8m HIGH PALING
FENCE OVER EXISTING 1.7m HIGH CONCRETE
BLOCK RETAINING WALL
ONE & TWO STOREY BRICK TOWNHOUSES TILE ROOF No.65 CARLISLE STREET / No.4 PALMER STREET
S. P. 35374
BRICK RESIDENCE TILE ROOF No.8
WEATHERBOARD RESIDENCE METAL ROOF No.10
RAINWATER TANK
FIBRO SHED
METAL SHED
IN-GROUND SWIMMING POOL
CARPORT (CONCRETE BELOW)
AWNING (CONCRETE)
GARDEN (OVER DROWN)
CLOSED PORTION OF PALMER STREET OVER STORMWATER CHANNEL
VEHICULAR CROSSING
BM NAIL IN TOP OF KERB RL 34.61 (AHD)
D.P. 402416
Regulated Design Record

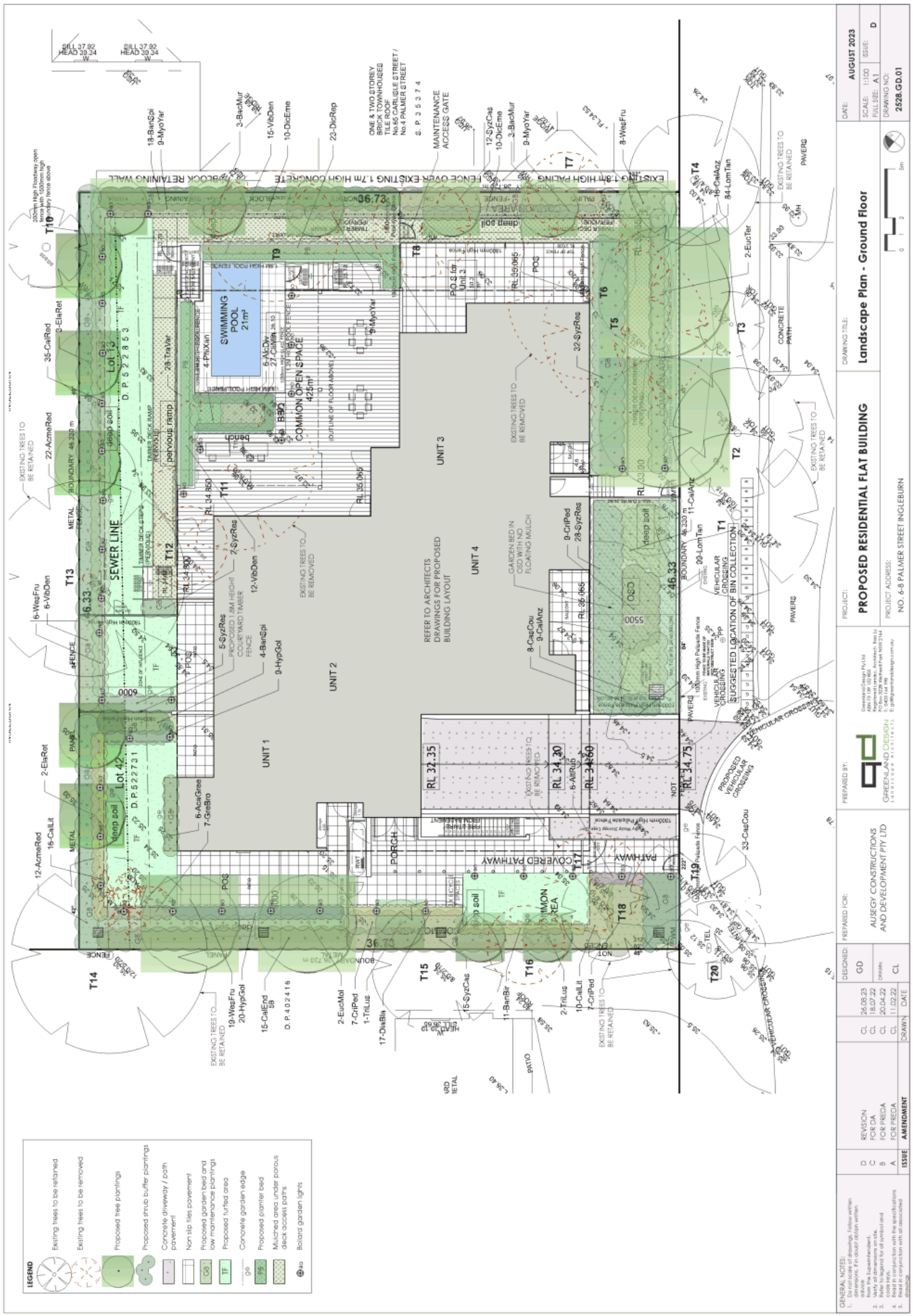

Site Plan/Roof Plan
Advanced Architecture & Construction Pty Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
Site Area 1,701m²
Lot 13 D.P. 522853
Lot 42 D.P. 522731
PALMER STREET
RIDGE RL 50.600
RIDGE RL 51.650
RL 47.465
RL 35.065
RL 36.100
RL 34.978
RL 34.915
RL 34.75
EXISTING 1.8m HIGH PALING FENCE OVER EXISTING 1.7m HIGH CONCRETE BLOCK RETAINING WALL
ONE & TWO STOREY BRICK TOWNHOUSES TILE ROOF No.66 CARLISLE STREET / No.4 PALMER STREET
S. P. 35374
CLOSED PORTION OF PALMER STREET OVER STORMWATER CHANNEL
PROPOSED VEHICULAR CROSSING
EXISTING VEHICULAR CROSSING
PAVERS
CONCRETE PATH
WEATHERBOARD RESIDENCE METAL ROOF No.10
D. P. 402416
Regulated Design Record

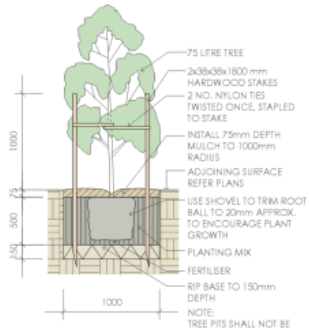

Elevations
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
Advanced Architecture & Construction Pty Ltd
South - East (Facade)
1 : 100
South - West (Left)
2 : 100
North - East (Right)
3 : 100
CONCRETE ROOF
PAINTED ALPHAPANELS
GLASS BALUSTRADE
KNOTWOOD CLADDING
ALUMINUM FRAMED WINDOWS AND DOORS
LOUVRED WINDOWS
RIDGE RL 50.600
RIDGE RL 51.650
15m height limit
RL 50.300 - Fourth Flr Ceiling
RL 47.500 - Fourth Floor
RL 44.400 - Third Floor
RL 41.300 - Second Floor
RL 38.200 - First Floor
RL 35.100 - Ground Floor
RL 32.100 - First Basement
RL 29.300 - Second Basement


Elevation & Section
Advanced Architecture & Construction Pty/Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
CONCRETE ROOF
PAINTED ALPHAPANELS
GLASS BALUSTRADE
ALUMINIUM FRAMED WINDOWS AND DOORS
CURTAIN WALL GLAZING
CONCRETE FLOOR AS PER ENGINEER'S DETAILS
15m height limit
RIDGE RL 51.650
RIDGE RL 50.600
RL 50.300 - Fourth Flr Ceiling
RL 47.500 - Fourth Floor
RL 44.400 - Third Floor
RL 41.300 - Second Floor
RL 38.200 - First Floor
RL 35.100 - Ground Floor
RL 32.100 - First Basement
RL 29.300 - Second Basement
2800
3100
3000
North - West (Rear)
1 : 100
Section A
A
1 : 100
Section and Driveway Cross-section
2
1 : 100

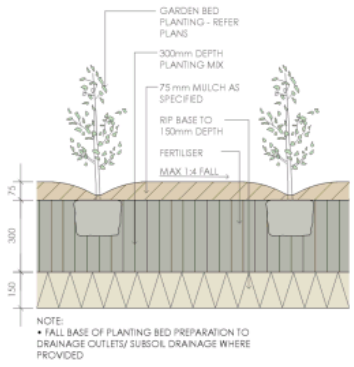

Sections
Advanced Architecture & Construction Pty Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
For Aweqy Constructions Pty Ltd
Nominated Architect Noura Yammine NSW ARB Reg No. 6139
Email n.yammine@advancedarchitecture.com.au Mob. 0413 555 125
Scale 1 : 100 @ A1 Drawn by M.M
Date 05.12.22 Rev A (August 2023)
Figured dimensions to be taken in preference to scaled. Verify all dimensions
Drawing No 1960501- S 3
Regulated Design Record
Project Address 6 & 8 Palmer St, Ingleburn
Project Title Proposed Residential Flat Building
Consent No Body Corporate Reg No
Drawing Title Drawing No 1960501- S 3
Rev Date dd.mm.yy Description DP Full Name Reg No
A 05.12.22 August 2023 For DA Submission Response to RFI Letter Nora Yammine DEP0000122
Section B 1 : 100
Section C 1 : 100
Section D 1 : 100
RIDGE RL 51.650
RIDGE RL 50.600
RL 50.300 – Fourth Flr Ceiling
RL 47.500 – Fourth Floor
RL 47.100 – Third Flr Ceiling
RL 44.400 – Third Floor
RL 44.000 – Second Flr Ceiling
RL 41.300 – Second Floor
RL 41.000 – First Flr Ceiling
RL 38.200 – First Floor
RL 34.700 – Basement Ceiling
RL 32.100 – First Basement
RL 29.300 – Second Basement
RL 37.900 – Ground Ceiling
RL 35.100 – Ground Floor
What are the design criteria for a pervious deck or patio?
Pervious Surface Criteria:
1. Gaps
2. Open design
3. Foundation
4. Perimeter
5. Design & Maintenance
Open design: The pervious deck or patio must be an open design (e.g., a roof is not placed over the pervious surface).
Gaps: Gaps between decking boards or patio surface (e.g., ¼ inch gaps) must allow passage of stormwater to the underlying substrate.
Foundation: The ground underneath the pervious deck or patio allows for infiltration of stormwater (e.g., bed of loose stone or compacted sand). The foundation must not be an impervious surface such as concrete, asphalt, or compacted dirt.
Perimeter: The perimeter dripline of the pervious deck or patio must be vegetated, have a garden edge or stone, to manage for water infiltration.
hebel
EXTERNAL WALL SYSTEM
BALCONY WALLS
BLADE WALL BETWEEN BALCONIES
INTERTENANCY WALL SYSTEM
1800mm High Fence
1800mm High Paling Fence
1800mm High Pallisade Fence
RL 38.200 – First Floor
RL 37.900 – Ground Ceiling
RL 35.100 – Ground Floor


Shadow Diagrams (21 June)
Advanced Architecture & Construction Pty Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
PROPOSED DEVELOPMENT No.6-8 (SUBJECT SITE)
PROPOSED NEIGHBOURING DEVELOPMENT No.10-12
EXISTING SINGLE DWELLING No.67 CARLISLE STREET
EXISTING SINGLE DWELLING No.69 CARLISLE STREET
EXISTING TOWNHOUSES No.65 CARLISLE STREET / No.4 PALMER STREET
CLOSED PORTION OF PALMER STREET OVER STORMWATER CHANNEL
OPEN STORMWATER CHANNEL
PALMER STREET
N
1 Shadow 9am 1 : 250
2 Shadow 12pm 1 : 250
3 Shadow 3pm 1 : 250

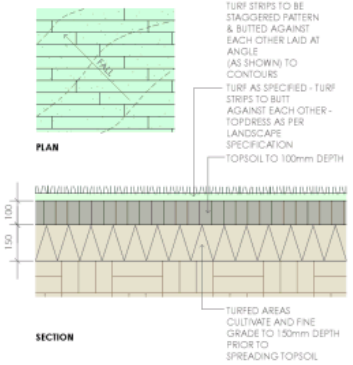

PROPOSED RESIDENTIAL FLAT BUILDING
Landscape Plan - Ground Floor
PROJECT ADDRESS: NO. 6-8 PALMER STREET INGLEBURN
PREPARED FOR: AUSEGY CONSTRUCTIONS AND DEVELOPMENT PTY LTD
PREPARED BY: GREENLAND DESIGN
DRAWING NO: 2528.GD.01
DATE: AUGUST 2023
SCALE: 1:100
FULL SIZE: A1
ISSUE: D
UNIT 1
UNIT 2
UNIT 3
UNIT 4
COMMON OPEN SPACE 425m²
SWIMMING POOL 21m²
REFER TO ARCHITECTS DRAWINGS FOR PROPOSED BUILDING LAYOUT
SEWER LINE
COVERED PATHWAY
PATHWAY
PORCH
SUGGESTED LOCATION OF BIN COLLECTION
PROPOSED VEHICULAR CROSSING
EXISTING TREES TO BE REMOVED
EXISTING TREES TO BE RETAINED
LEGEND
Existing trees to be retained
Existing trees to be removed
Proposed tree plantings
Proposed shrub buffer plantings
Concrete driveway / path pavement
Non slip tiles pavement
Proposed garden bed and low maintenance plantings
Proposed turfed area
Concrete garden edge
Proposed planter bed
Mulched area under porous deck access path
Bollard garden lights
GENERAL NOTES:
REVISION
AMENDMENT
DESIGNED: GD
DRAWN: CL
CHECKED: CL



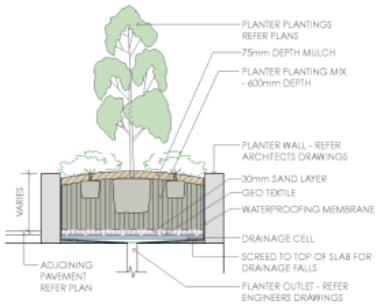
1 75 Litre Tree Planting
scale 1:25



2 Planting Bed Detail
scale 1:10



3 Turfing
scale as shown



4 Planter Bed On Slab
scale 1:25

Indicative Plant Schedule

ID	Common Name	Botanical Name	Size	Mature Height	Mature Spread	Native (N)
Trees						
BacMyr	Grey Myrtle	Backhousia myrtifolia	75Litre	5 - 10m	3.5 - 6m	N
ElaRet	Blueberry Ash	Elaeocarpus reticulatus	75Litre	8 - 10m	3 - 4m	N
EucMol	Grey Box	Eucalyptus moluccana	75Litre	15 - 20m	6 - 10m	N
EucTer	Forest Red Gum	Eucalyptus tereticornis	75Litre	over 30m	6 - 10m	N
TriLus	Water Gum	Tristaniopsis laurina 'Luscious'	75Litre	6 - 8m	3.5 - 6m	N
Shrubs						
AcaGree	Green Mist	Acacia cognata 'Green Mist'	200mm	1.0 - 1.5m	0.8 - 1.0m	N
AcmRed	Red Head Lilly Pilly	Acmena smithii 'Red Head'	200mm	5 - 6m	3.0 - 4.0m	N
AlcDiv	Divine Plum Grant Bromeliad	Alcantarea imperialis 'Divine Plum'	200mm	0.8-1.0m	0.8-1.0m	
BanSpi	Hairpin Banksia	Banksia spinulosa	200mm	2.0 - 3.0m	1.5 - 2.0m	N
CalAnz	White Bottle Brush	Callistemon citrinus 'White Anzac'	200mm	0.9 - 1.1m	2.0 - 3.0m	N
CalEnd	Scarlet Bottlebrush	Callistemon citrinus 'Endevour'	200mm	3 - 5m	2.0 - 3.5m	N
CalLit	Little John	Callistemon 'Little John'	200mm	0.9 - 1.5m	0.9 - 1.2m	N
CalRed	Red Alert Bottle Brush	Callistemon 'Red Alert'	200mm	1.0 - 1.5m	2.0 - 3.0m	N
CriPed	Swamp Lily	Crinum pedunculatum	200mm	1.5 - 2m	1.2 - 2.0m	N
DorExc	Gymea Lily	Doryanthes excelsa	200mm	1.5 - 2m	1.2 - 2.0m	N
GreHon	Honey Gem Grevillea	Grevillea 'Honey Gem'	200mm	3.0 - 4.0m	2.0 - 3.0m	N
GreSup	Superb Grevillea	Grevillea x 'Superb'	200mm	1.5 - 3m	1.2 - 2.0m	N
PhiXan	Philodendron	Philodendron xanadu	200mm	0.8 - 1.0m	0.8 - 1.0m	
SyrCas	Cascade Lilly Pilly	Syzygium 'Cascade'	200mm	2 - 3m	1.5 - 2.0m	N
SyzRes	Resilience Lilly Pilly	Syzygium 'Resilience'	200mm	2 - 3m	1.2 - 2.0m	N
VibDen	Dense Fence Viburnum	Viburnum odoratissmum 'Dense Fence'	200mm	2 - 3m	1.5 - 2.0m	
WesFru	Jervis Gem	Westringia fruticosa 'Jervis Gem'	200mm	0.8 - 1.2m	0.8 - 1.2m	N
Ground Covers						
CliMin	Bush Lily	Clivia miniata	150mm	0.4 - 0.5m	0.4 - 0.5m	
DicRep	Dichondra 'Silver Falls'	Dichondra repens 'Silver Falls'	150mm	0.2 - 0.5m	0.6 - 0.8m	
TraVar	Variegated Star Jasmine	Trachelospermum 'Variegatum'	150mm	0.3 - 0.4m	3.0 - 4.0m	
CasCou	Cousin It	Casuarina 'Cousin It'	150mm	0.10 - 0.15m	0.8 - 1.0m	N
AltRub	Lite Ruby	Alternanthera 'Little Ruby'	150mm	0.3 - 0.4m	0.6 - 0.9m	
DiaSla	Flax Lily	Dianella tasmanica 'Blaze'	150mm	0.4 - 0.5m	0.4 - 0.6m	N
HypGol	Gold Nugget	Hymenosporum flavum 'Gold Nugget'	150mm	0.10 - 0.15m	0.8 - 1.0m	N
GreBro	Bronze Rambler Grevillea	Grevillea 'Bronze Rambler'	150mm	0 - 0.2m	2.0 - 3.0m	N
MyoYar	Carpet Spreading Myoporum	Myoporum parvifolium 'Fareena'	150mm	0.05 - 0.1m	0.8 - 1.0m	N
DicEme	Emerald Falls Dichondra	Dichondra 'Emerald Falls'	150mm	0.0 - 0.3m	0.9 - 1.2m	N
LomTan	Spiny-headed mat rush	Lomandra longifolia 'Tanika'	150mm	0.45 - 0.6m	0.6 - 0.9m	N
AniGol	Kangaroo Paw 'Gold Velvet'	Anigozanthos 'Gold Velvet'	150mm	0.5 - 0.6m	0.3 - 0.5m	N
CarGla	Pigface	Carpobrotus glaucescens	150mm	0.2 - 0.3m	1.5 - 2.0m	N
DiaTas	Flax Lily	Dianella tasmanica 'Tasred'	150mm	0.4 - 0.5m	0.4 - 0.5m	N
GrePoo	Royal Mantle Grevillea	Grevillea 'Poorinda Royal Mantle'	150mm	0 - 0.2m	2.0 - 3.0m	N
HarMee	Meema	Hardenbergia violacea 'Meema'	150mm	0.4 - 0.6m	1.5 - 2.0m	N
LomKat	Spiny-headed Mat-Rush	Lomandra longifolia 'Katrinus'	150mm	0.75 - 0.9m	0.9 - 1.2m	N
PenRub	Purple Fountain Grass	Pennisetum 'Rubrum'	150mm	1 - 1.5m	0.5 - 0.9m	N
SenTri	Trident Blue	Senecio Trident Blue	150mm	0.2 - 0.3m	0.5 - 1.0m	N
WesMun	Mundi	Westringia fruticosa 'Mundi'	150mm	0.45 - 0.6m	0.9 - 1.2m	N
BanBir	Birthday Candle	Banksia spinulosa 'Birthday Candle'	150mm	0.45 - 0.6m	0.9 - 1.2m	N

SPECIFICATION NOTES

PLANTING MATERIALS

Planting Mix:
Planting mix for tree pit backfill shall be "Organic Garden Mix" consisting of
- 50% Black Soil
- 20% Coarse Sand
- 30% Organic Material

as available from Australian Native Landscapes, Phone: (02) 9450 1444, or approved equivalent. Samples shall be provided to the Superintendent prior to ordering or delivery to site. Any material delivered to site, that is rejected by the Superintendent, shall be removed by the contractor at his own expense. Minimum depths of mix to all planting bed areas is as specified on details.

Light Weight Planter Mix:
Planter mix shall be the Hills Lightweight planter mix as supplied by The Hills Bark Blower Pty Ltd (ph (02) 9654 2288 or approved equivalent. Install as per manufactures recommendations.

Planter Drainage Cell:
Planter drainage cell shall be VersiCell as supplied by Emtech Australia Pty Ltd (ph (02) 9648 2073 or approved equivalent.

Mulch:
Mulch to garden beds
Mulch shall mean hardwood mulch (25mm grade), free from material derived from Privet, Willow, Poplar, Coral trees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded hardwood mulch to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 1444, or approved equivalent.
Mulch to planter beds:
Mulch to planter beds shall be Pine bark mini nuggets mulch (25mm grade), free from fines and as available from Australian Native Landscapes Pty Ltd Phone (02) 9450 1444, or approved equivalent.
Spread mulch so that after settling, it is:
- smooth and evenly graded between design surface levels;
- flush with adjacent finished levels;
- of the required depths (75mm); and
- sloped towards the base of plant stems in plantation beds, but not in contact with the stem (not closer than 50mm in the case of gravel mulches).

Place after the preparation of the planting bed, planting and all other work.

Plant Material:
All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not root bound.
Plants are available from **Andreasens Green** wholesale nursery, contact Darren (02) 8777 4713, email darren@andreasensgreen.com.au or approved equivalent.

Turfed areas:
All new turfed areas are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly butted with staggered joins, flush with adjacent surfaces and have even running falls to all drainage points.
All new turfed area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to turfing.

PREPARATION AND HARDWORKS

Excavating for Spot Planting
To planting areas, excavate a hole for each plant large enough to provide not less than twice the depth and twice the diameter than the root ball of species to be planted.

Staking
Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground a minimum one third of their length, avoiding damage to the root system.
- 75 Litre trees in 2 x 38x38x1800mm Hardwood Stake with double Nylon tie

TIES: Provide a 50mm wide Nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and the other as necessary to stabilise the plant.

Concrete Edge
MATERIALS: Concrete to be off white colour.
INSTALLATION: Supply and install 150 x 100mm (width) reinforced flush concrete kerb to locations as approved on site by the Superintendent. Provide flexible joints at maximum 3 metre intervals in colour to match concrete. Lightly expose aggregate through rinsing / sponging. Tool finish exposed edges with 10mm pencil round to prevent chipping.

MAINTENANCE / PLANT ESTABLISHMENT
Maintenance shall apply to all hard and soft landscape materials installed prior to the "handover" and acceptance by Principles Representative and the Site Superintendent. The maintenance period shall convenience at the granting of practical completion and shall extend for 12 months.

Maintenance shall consist of the following works:
- Follow a daily watering programme to be approved by Superintendent. Water all plants individually, twice per week or when necessary to ensure constant plant growth. Water all turf and native grassed areas, twice per week.
- Apply appropriate weed control sprays and hand weed as required to maintain planting areas, native grassing bed areas, turfed areas, paved areas, and tree pits in turf free of weed or rogue grass growth.
- Regularly tidy and top up mulch and trim edges to prevent spill over onto paved / grassed areas.
- Spray to control pests and diseases.
- Replace plants, which fail with plants of a similar size and quality as originally specified to approval of Superintendent. Costs of replacement shall be the responsibility of the Contractor. Replacement planting will be undertaken within 2 weeks of identification of dead material or instruction be the Superintendent.
- Report any incidence of plants stolen or destroyed by vandalism.
- Adjust stakes and ties to plants as necessary. Ensure that strangulation of plants does not occur.
- Prune and shape plants as directed or where necessary.
- Make good any defects or faults arising out of defective workmanship or materials.
- Fertilise lawn areas to maintain healthy growth.
- Make good any erosion or soil subsidence, which may occur including soft areas in pathways.
- Mow lawn to maintain neat healthy growth.
- A final inspection shall be made by the Superintendent before handover. Any items requiring rectification shall be repaired before the works are finally approved, and retention moneys released.

NOTE:
- All finished levels are to be verified by Contractor on site.
- All landscape works be in strict accordance with Council's landscape code and guidelines
- This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable.

GENERAL NOTES:
1. Do not scale of drawings. Follow written dimensions. If in doubt obtain written advice from the Superintendent.
2. Verify all dimensions on site.
3. Refer to legend for all symbol and code keys.
4. Read in conjunction with the specifications
5. Read in conjunction with all associated drawings

ISSUE	AMENDMENT	DRAWN	DATE
D	REVISION	CL	26.08.23
C	FOR DA	CL	18.07.22
B	FOR PREDA	CL	20.04.22
A	FOR PREDA	CL	11.02.22

DESIGNED: GD
DRAWN: CL

PREPARED FOR: *AUSEGY CONSTRUCTIONS AND DEVELOPMENT PTY LTD*

PREPARED BY:
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PROJECT: **PROPOSED RESIDENTIAL FLAT BUILDING**

PROJECT ADDRESS: NO. 6-8 PALMER STREET INGLEBURN

DRAWING TITLE: **Landscape Details & Specification**

DATE: **AUGUST 2023**
SCALE: varies FULL SIZE: A1
ISSUE: D
DRAWING NO: **2528.GD.02**

Clause 4.6 Variation Request
Building Height

6 -8 PALMER STREET, INGLEBURN

QUALITY ASSURANCE	
PROJECT:	Clause 4.6 – Height
ADDRESS:	6 – 8 Palmer Street, Ingleburn
COUNCIL:	Campbelltown Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
7 December 2022	Co-ordination	Draft	BD	BD
22 December 2022	Lodgement Issue	Final	BD	BD
25 August 2023	Revised Plans	Update	BD	BD

CONTENTS

CLAUSE 4.6 DEPARTURE – HEIGHT

BACKGROUND

This revised Clause 4.6 departure has been prepared in support of a development application that seeks approval for the construction of a 5 storey residential flat building containing 30 apartments over basement carparking, at 6 – 8 Palmer Street, Ingleburn.

The proposal comprises a total of 30 units over two levels of basement parking accommodating 41 vehicles. The proposal incorporates the following dwelling mix:

- 7 x 1 bedroom units;
- 16 x 2 bedroom units;
- 6 x 3 bedroom units; and
- 1 x 4 bedroom unit.

The site is identified by Campbelltown Local Environmental Plan 2015 as having a mapped height of 15m with the development seeking to vary this control with portion of the upper level and lift overrun exceeding the 15m height limit.

Given that the 15m height control is a development standard a clause 4.6 departure is required to seek to vary this standard.

Site

The subject site is legally known as Lot 42 in DP522731 and Lot 13 in DP522853, though more commonly known as 6 – 8 Palmer Street Ingleburn. Cumberland Road, Ingleburn.

Located on the northern western side of Palmer Street, approximately 120m from the intersection of Palmer Street and Suffolk Street. The subject site is located within a 700m walking distance of the Ingleburn Train Station and shopping centre.

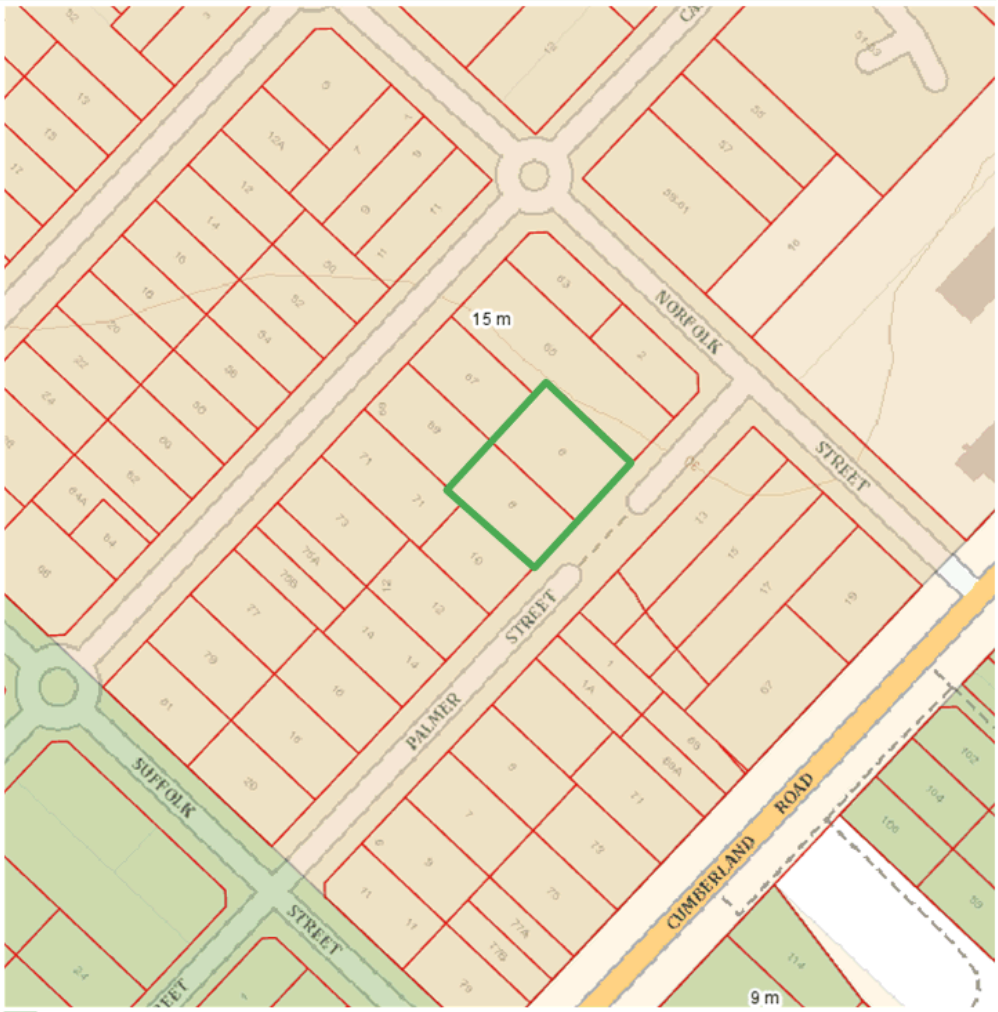
The subject site is predominantly a regular shaped land parcel with 46.33m frontage to Palmer Street and once consolidated will have a total site area of 1,701m^2. The allotments contains two dwellings which are to be demolished as part of the development. An aerial extract of the locality is provided overleaf to give context to the development site.

Figure 1: Aerial Map Extract of the Subject Site (Source: near Maps 2022)

The development standard to be varied

As illustrated below, the site is identified by the maps associated with Campbelltown LEP 2015 as having a mapped height of 15m.

Figure 2: Campbelltown Height Map extract (Source NSW Planning Portal)

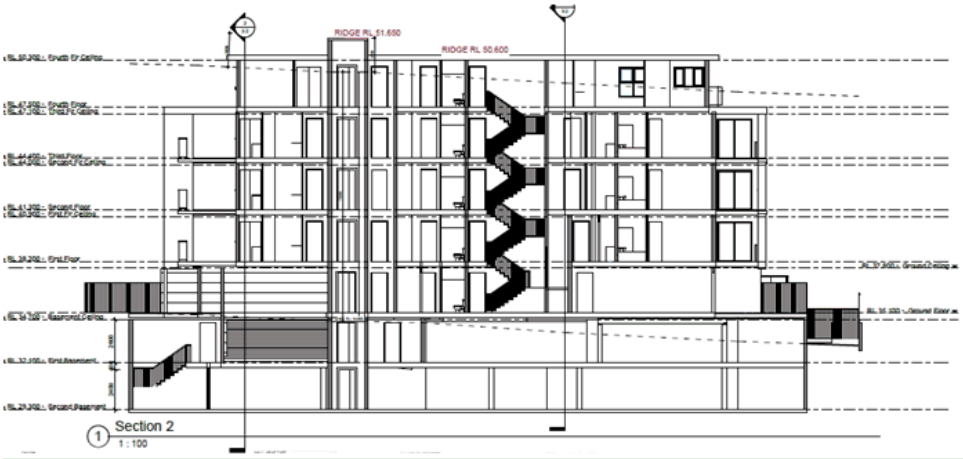


A detailed discussion against the relevant provisions of Clause 4.6 is provided below with further discussion against the relevant case law 'tests' set down by the Land and Environment Court.

Section drawings are provided overleaf to demonstrate the revised nature of the departure and the portion of the buildings that still exceed the height control.

Figure 3: Elevation (Source: Advanced Architecture)

Figure 4: Section (Source: Advanced Architects)



The table below outlines the as lodged variation to the 15m height control and the remaining height departure following the refinement of the design.

Building Element	Maximum Height	% Exceedance
Ceiling of uppermost level	17.52m	15.49%
Lift Overrun	17.05m	12.79%

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 more recent developments in the law in ***RebelMH Neutral Bay Pty Limited v North Canterbury 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 departure 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 maximum building height standard;
- Demonstrating consistency with existing streetscape;
- Demonstrating compliance with objectives of the R4 zone; and
- Satisfying the relevant provisions of Clause 4.6.

This Clause 4.6 Variation request deals with the maximum building height matters in turn overleaf.

CONSIDERATION OF CLAUSE 4.6

Clause 4.6 within Campbelltown LEP 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 Secretary has been obtained.*
>
> *(5) 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.

Each of these provisions are addressed in turn.

Clause 4.6(3)

In *Wehbe v Pittwater* [2007] NSWLEC 827 (**'Wehbe'**), Preston CJ identified a variety of ways in which it could be established demonstrated that compliance with a development standard is unreasonable or unnecessary in the case. This list is not exhaustive. It states, inter alia:

"An objective under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish the compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

While *Wehbe* relates to objection made to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the reasoning can be similarly applied to variations made under Clause 4.6 of the standard instrument.

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objectives is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are at least 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 and 2 for the purposes of this Clause 4.6 variation [our underline]):

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

- *The underlying objectives or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- *- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

It is sufficient to demonstrate **only one** of these ways to satisfy clause 4.6(3)(a) (*Wehbe v Pittwater Council [2007]* NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118 at* [22], *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [28]) and SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31].*

The objectives of the standard are to be achieved notwithstanding non-compliance with the standard

This Clause 4.6 variation statement establishes that compliance with the maximum building height development standard is considered unreasonable or unnecessary in the circumstances of the proposed development because the underlying objectives of the standard are achieved despite the non-compliance with the numerical standard

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the maximum height development standard are stated as:

> *1) The objectives of this clause are as follows:*
> *(a) to minimise the visual impact, loss of privacy and loss of solar access to surrounding development and the adjoining public domain from buildings,*
> *(b) to ensure that buildings are compatible with the height, bulk and scale of the surrounding residential localities and commercial centres within the City of Campbelltown,*
> *(c) to define focal points for denser development in locations that are well serviced by public transport, retail and commercial activities,*
> *(d) to ensure that sufficient space is available for development for retail, commercial and residential uses,*
> *(e) to establish an appropriate interface between centres, adjoining lower density residential zones and public spaces*

The development proposal is consistent with the above objectives based on the following:

- The proposal is in proximity to the Ingleburn Town Centre and the extent of non-compliance represents an appropriate higher density development on the site noting substantive compliance with required building setbacks;
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;
- The proposal has no impact on heritage or other views; and
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.
- The site is adjoined by an approved development application on the adjoining site at 10 -12 Palmer Street Ingleburn that is an approved 5 storey RFB with a similar height departure.
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties;
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors;
- The site is subject to flooding constraints and raising the building is an appropriate response to this constraint;
- The proposal will provide for a number of distinct public benefits:
    - Delivery of additional housing within close proximity to the Ingleburn Town centre;
    - Creation of jobs during the construction stage;
    - Activation of the street level;
    - Amenity impacts to adjoining properties are mitigated and the distribution of floor space across the site will not be discernibly different to a built form that is compliant with the height control.
    - The scale and intensity of the development is consistent with other approved residential flat buildings in the wider precinct, which

demonstrates an appropriate development outcome.

- The proposal has no impact on heritage or other views; and
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.

As outlined above the proposal remains consistent with the underlying objectives of the controls 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.

Clause 4.6(4)

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 Height control and of the zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in close proximity to centres and public transport hubs.*
- *To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.*
- *To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.*
- *To minimise overshadowing and ensure a desired level of solar access to all properties.*

The proposal provides for the housing needs of the community and the resultant dwelling is compatible with the existing and likely future character of this high density residential area.

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:

a) The contravention of the Height limit does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and unique site attributes associated with the subject site; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality particularly when considering the proposal is consistent with the bulk and scale and building heights of nearby and approved dwellings.

CONCLUSION

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.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

Strict compliance with the prescriptive maximum 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 objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development including the departure to the maximum height control.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future characterised envisioned for the subject area. The proposal promotes the economic use and development of the land consistent with its zone and

purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

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