

## **ATTACHMENT 1 - Recommended reasons for refusal – Development Application 1227/2019/DA-M**

Development application 1227/2019/DA-M for the demolition of existing structures and construction of a multidwelling housing development consisting of 23 dwellings, basement car parking, stormwater and landscaping works at No. 12 Francis Street, No. 14 Francis, No. 16 Francis Street and No. 121 Minto Road, Minto is refused for the following reasons identified in the assessment of the application in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*:

1. The application was not accompanied by satisfactory information to allow Council to properly consider the matters prescribed by clause 7(2) of SEPP 55. In particular, a NSW Safework authority search and the information from enquires to Council has not been provided.
2. The application fails to demonstrate that the safety, efficiency and ongoing operation of Minto Road as a result of the intersection works required, would not be adversely affected by the development in accordance with clause 101(2) of State Environmental Planning Policy (Infrastructure) 2007.
3. The application was not accompanied by satisfactory information, including plans relating to pedestrian infrastructure, to allow the proper consideration of whether the path of travel between the site and the nominated bus stops can be safely walked by a pedestrian, required by clause 10(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
4. The development is not considered to be compatible with the character of the local area as required by clause 16A of State Environmental Planning Policy (Affordable Rental Housing) 2009.
5. The application does not comply with the first objective of the R2 zone of the Campbelltown Local Environmental Plan 2015. The development presents a built form that is characteristic of a medium density residential development through the density of the built form and does not reflect a low density residential environment.
6. The application does not comply with the controls of the Campbelltown Sustainable City Development Control Plan 2015 including:
  - It has not been demonstrated that the development can include a letter box in a suitable location in accordance with Part 3.4.1.3(a) of SCDCP.
  - It has not been demonstrated that the proposed dwellings do not directly overlook the private open space of another dwelling located within 6 metres of a proposed window in accordance with Part 3.4.3.2(a) of SCDCP.
  - It has not been demonstrated that the nominated parking space for the emergency vehicle complies with the requirements specified in AS2890.6 which is required by Part 3.4.2(k) of SCDCP.
  - The application fails to provide a longitudinal section at the critical location (i.e. maximum level between the gutter invert of Francis Street and the basement entrance) which is required by Part 3.4.2(c) of SCDCP.
  - The minimum length internal dimensions of the enclosed garages do not comply with 6 metres as required by Part 3.4.2(b) of SCDCP.

- The application fails to demonstrate that the dedicated parking space for dwelling 21 complies with the requirements specified in AS2890.6 in accordance with Part 3.4.2 of SCDCP.
- The stormwater concept plan fails to demonstrate that the required freeboard to Unit 23 has been provided from the entrance pathway to the unit and from the front yard of the unit. The architectural plan fails to provide a 150mm freeboard to Units 14 & 15 from the rear yards as specified by Council's Engineering Design for Development and in accordance with Part 2.8.2(d) of SCDCP.
- It has not been demonstrated that the proposed level at the front site boundary (RL 39.9) is at or above the 100 year ARI flood level of Francis Street for protection of basement for inundation in accordance with Council's Engineering Design for Development and Part 2.10.2(a) of SCDCP.
- Invert levels of the grated drains are higher than the invert levels of the upstream pits.
- An accurate waste management plan has not been provided which is consistent with the architectural plans specifically concerning the use of the waste holding areas and the presentation of the bins from the communal storage area to the street frontage.
- The travel distances from the waste storage area to a number of proposed dwellings exceeds the maximum travel distance of 40 metres in accordance with Part 3.6.6.9(h) of SCDCP.
- The distance between the waste storage area and the collection points on Francis Street and Minto Road frontages exceeds the maximum distance of 25 metres which is a maximum distance requirement in accordance with Part 2.15.3(e) of SCDCP.
- The proposed cut and fill for the development footprint has not been adequately demonstrated in accordance with Part 2.8.1(a) of SCDCP. Inconsistent information provided on the cut and fill plan (adjacent to unit 17) and the levels provided on the ground floor plan.
- It has not been demonstrated that the proposed level of cut (740mm) at the front site boundary is safe for road users, pedestrians, adjoining properties and does not impact on any existing services.
- Inconsistent information provided on the ground surface levels on the architectural plans and the levels given on the stormwater plan.
- The drainage concept plan fails to demonstrate that the proposed fencing and retaining walls do not obstruct overland flow paths through the site in accordance with Part 3.5.1(e) of SCDCP.
- Pipe covers for some pipelines (proposed in rear yards of Units 18-23) have not been provided in accordance with the requirements specified in AS 3500 or Section 4.14 of Council's Engineering Design Guide.
- The rising main from the basement is proposed to be connect into the water quality system which is not in accordance with Section 4.13.8 of Council's Engineering Design Guide.
- It has not been demonstrated that the internal paths restrict public access through the site with regard to the principles of Crime Prevention Through Environmental Design in accordance with Part 2.13(c) and 2.13(d) of SCDCP.
- The drainage concept plan fails to demonstrate that the proposed fencing and retaining walls do not obstruct overland flow paths through the site in accordance with Part 3.5.1(e) of SCDCP.
- The landscape plan fails to maximise the use of locally indigenous and other drought tolerant native plants in accordance with Part 2.5(f) of SCDCP.
- It has not been demonstrated that the landscaping design retains and enhances the existing native flora characteristics of the site in accordance with Part 2.5(b) of SCDCP.

- The application fails to demonstrate that the development is sited, designed and managed to avoid any negative impacts on biodiversity where possible as required by Part 11.2.1 of SCDGP.
7. The site is not suitable for the proposed development as the application fails to adequately address the impact of the development on the intersection performance of Burford Street and Minto Road.
  8. The site is not suitable for the proposed development as the application fails to demonstrate that there is no adverse impact as a result of the proposed permanent connection of subsoil drainage into the basement pump storage specified regarding the following matters:
    - Impact on the area in the vicinity of the development due to lowering the moisture content of the soil
    - Compliance with the water quality requirements specified by EPA & POEO Acts for the sub soil drainage prior to discharge it into the Council stormwater system,
    - Impact on the Council drainage system has not been determined due to the quantity of the water being extracted from the subsoil.
  9. The development would have an adverse impact on existing mature trees adjoining the site. The proposal has failed to demonstrate how it has been sited to avoid negative impacts to these trees, which contribute to the character of the area, and to biodiversity.