

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019WCI031
DA Number	1227/2019/DA-M
LGA	Campbelltown
Proposed Development	Demolition of existing structures and construction of a multi dwelling development consisting of 23 dwellings, basement car parking and stormwater and landscaping works
Street Address	Nos 12, 14 and 16 Francis Street and No. 121 Minto Road, Minto
Applicant/Owner	Urban Link Architects Pty Ltd
Date of DA lodgement	4 April 2019
Total number of Submissions Number of Unique Objections	<p>First notification: Total number of submissions – 83 Total number of unique submissions – 43 Total number of identical submissions – 40</p> <p>Second notification: Total number of submissions – 35 Total number of unique submissions – 12 Total number of identical submissions – 23</p>
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Affordable housing development that has a capital investment value of more than \$5 million (\$7,995,408.30) (Clause 5(b) of Schedule 7
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP)
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1 – Recommended Reasons for Refusal Attachment 2 – Architectural Plans Attachment 3 – Bus Stop Locations Attachment 4 – Development Control Plan Compliance Table Attachment 5 – Seniors Living Policy: Urban Design Guidelines for Infill Development Compliance Table Attachment 6 – Request for Additional Information letter</p>

	<p>Attachment 7 – Roads and Maritime Services Response</p> <p>Attachment 8 – Photomontages</p> <p>Attachment 9 – Preliminary Site Investigation Report</p> <p>Attachment 10 – Contamination Response Letter</p> <p>Attachment 11 – Survey Plan</p> <p>Attachment 12 – Landscape Plan</p> <p>Attachment 13 – Stormwater Plan</p> <p>Attachment 14 – Crime Prevention Through Environmental Design Report</p> <p>Attachment 15 – Access Report</p> <p>Attachment 16 – Arborist Report</p> <p>Attachment 17 – Applicant's Response to Submissions – first notification</p> <p>Attachment 18 – Waste Management Plan</p> <p>Attachment 19 – Bus Timetable</p> <p>Attachment 20 – Applicant's Response to Traffic Matters</p> <p>Attachment 21 – Council Comments on Pedestrian Infrastructure</p> <p>Attachment 22 – Landscape Design Statement</p> <p>Attachment 23 – Response to Additional Information Request – 12 November 2020</p> <p>Attachment 24 – Response to Additional Information Request – 4 November 2019</p> <p>Attachment 25 – BASIX Certificate</p> <p>Attachment 26 – LEP Amendment 17</p>
Clause 4.6 requests	N/A – Clause 4.6 request not required
Summary of key submissions	<ul style="list-style-type: none"> • Preliminary site investigation and supporting contamination information does not satisfy clause 7(2) of State Environmental Planning Policy No. 55 – Remediation of Land. • Application fails to provide details of pedestrian infrastructure to ensure that a pedestrian can safely walk from the site to the nominated bus stops as required by the definition of "assessable area" in accordance with clause 10(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009. • Details of pedestrian infrastructure not provided • Development is not consistent with the character of the low density residential area and does not satisfy clause 16A of State Environmental Planning Policy (Affordable Rental Housing) 2009. • Waste management plan is not comprehensive. • Crime Prevention Through Environmental Design concerns in relation to the use of the internal access ways as a public pedestrian thoroughfare. • Insufficient drainage concept plan. • Application fail to provide a longitudinal section at the critical location of the driveway. • Adverse impact on existing mature trees adjoining the site. • Insufficient information to address the impact of the development on the intersection performance of Burford Street and Minto Road.
Report prepared by	Emma Page (Senior Development Planner)
Report date	1/12/2020

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in

the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	N/A
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

Executive Summary

The proposal has been referred to the Sydney Western City Planning Panel pursuant to Clause 5 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the development application is for affordable housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 and has a capital investment value of more than \$5 million (\$7,995,405).

This application proposes the demolition of existing structures and construction of a multi dwelling housing development consisting of 23 dwellings, basement car parking, stormwater and landscaping works at Nos. 12-16 Francis Street and No. 121 Minto Road, Minto.

Vehicle access is proposed from Francis Street to a basement level car park containing 48 car parking spaces, including 10 visitor spaces. The basement car park also includes allocated storage areas for individual dwellings and a communal waste storage area.

The site is zoned R2 Low Density Residential and a portion of the site fronting Minto Road is zoned SP2 Infrastructure (Classified Road) under the provisions of Campbelltown Local Environmental Plan 2015.

The proposed development is defined as 'multi dwelling housing' and is permissible with development consent under the provisions of clause 1.8A(2) of Campbelltown Local Environmental Plan 2015.

The proposal was notified to nearby and adjoining residents on two occasions. The initial public notification occurred between 29 April 2019 and 13 May 2019. Due to extensive public interest in the development application, Council extended the location of the notification area and the notification timeframe to 25 June 2019. The application was also placed on public exhibition. Eighty-three (83) submissions were received and included 43 unique submissions. The amended application was also notified and exhibited for 21 days from 22 January 2020 in accordance with Council's Community Participation Plan. Thirty-five (35) submissions were received including 12 unique submissions.

The main issues identified during the assessment of the development are summarised below:

- The preliminary site investigation and supporting information is not satisfactory. A NSW Safework authority search and the information from enquires to Council has not been provided. Consequently, the consent authority cannot be satisfied under clauses 7(2) of SEPP 55.
- In accordance with clause 10(2) all or part of the development is to be within an accessible area. The application has failed to provide plans for the pedestrian facilities and associated road widening works to ensure the path of travel between the site and the nominated bus stops on Minto Road can be safely walked by a pedestrian. Consequently, the application fails to satisfy clause 10(2) of SEPP (Affordable Rental Housing).
- In accordance with clause 16A of State Environmental Planning (Affordable Rental Housing) 2009 the design of the development is not compatible with the low density residential character of the local area.
- The travel distance between the waste storage area in the basement and the dwellings exceeds a maximum 40 metres (Part 3.6.6.9 (h) of SCDCP) for four (4) of the proposed dwellings. The storage area is also located more than the maximum of 25 metres (Part 3.6.6.9 (b) (ii) of SCDCP) from the Francis Street frontage (approximately 65 metres). The waste management plan fails to provide sufficient details of the waste holding areas and the presentation of the bins to the street.
- The proposed development includes encroachments to trees on adjoining properties which is not supported.
- The application fails to adequately consider the principles of Crime Prevention Through Environmental Design. The proposed fencing plan is not consistent with the ground floor plan and the splayed pathways corner. Further, the development does not consider the safety and security issues associated with the through nature of the site.
- Longitudinal section of driveway not provided.
- The application does not demonstrate 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.
- The required freeboard to dwelling 23 has not 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 dwellings 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.

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Having regard to these provisions, the application is recommended for refusal. The recommended reasons for refusal are listed in attachment 1.

1. Application Overview

1.1 The Site and Locality

The subject site is within the suburb of Minto. The immediate locality is characterised by low density detached residential development.

Both Francis Street and the area north of Minto Road are generally characterised by detached single and two storey dwellings with outbuildings in the rear of each dwelling.



Figure 1: Locality Plan.

The development site consists of the following four allotments which each contain a detached dwelling housing and rear outbuildings:

- 121 Minto Road, Minto (Lot 22 SEC 12 DP 1186), measuring 1057.8sqm;
- 12 Francis Street, Minto (Lot 8 SEC 12 DP 1186), measuring 1059.5sqm;
- 14 Francis Street, Minto (Lot 7 SEC 12 DP 1186), measuring 1059.5sqm; and
- 16 Francis Street, Minto (Lot 6 SEC 12 DP 1186), measuring 1059.5sqm.

The total development site area is 4,236.3sqm (including 115sqm reserved for road widening, which is incorrectly shown as 88sqm on the plans) with a frontage of 60.34 metres to Francis Street and 20.1 metres to Minto Road. No. 121 Minto Road has direct frontage and existing vehicular access from the northern side of Minto Road and is adjoined to the east by No. 123 Minto Road and to the west by No. 119 Minto Road.

The existing allotments at Nos. 12-16 Francis Street have direct frontage and vehicular access from Francis Street.



Figure 2: Proposed development site consisting of four allotments (16 Francis Street, 14 Francis Street, 12 Francis Street and 121 Minto Road).

1.2 Proposal

This application proposes the demolition of existing structures and construction of a multi dwelling housing development consisting of 23 dwellings, basement car parking and stormwater and landscaping works at Nos 12-16 Francis Street and No. 121 Minto Road, Minto. Nine (9) dwellings would be used for the purposes of affordable rental housing.

Specifically, the following works are proposed:

- Demolition of all existing structures;
- Tree removal and landscaping works;
- Construction of basement level car parking with 48 car parking spaces (including 10 visitor spaces and a nominated emergency vehicle space), communal waste storage area and stairs and lift access to ground level;
- Consolidation of the four allotments into one lot;
- Stormwater works;
- Additional storage is provided in the basement for each proposed dwelling.

The following table summarises the proposed dwelling details:

Dwelling	Gross Floor Area (sqm)	Private Open Space (sqm)	No. of Bedrooms	Parking Space	Internal Storage (m ³)
1	66 + 70 = 136	60	5	2	11
2	66 + 70 = 136	60	5	2	11
3	66 + 70 = 136	60	5	2	11
4	66 + 70 = 136	60	5	2	11
5	66 + 70 = 136	60	5	2	11
6 (single storey)	79	125	2	2	8.5
7	66 + 70 = 136	60	5	2	10
8	66 + 70 = 136	60	5	2	11
9	66 + 70 = 136	60	5	2	11
10	66 + 70 = 136	60	5	2	11
11	66 + 70 = 136	60	5	1	11
12 (single storey)	79	56	2	1	8.5
*13	71 + 76 = 147	58	5	1	10
*14	84 + 92 = 176	76	5	1	10
*15	65 + 69 = 134	60	4	1	10
*16	65 + 69 = 134	60	4	2	10
17 (single storey)	79	85	2	2	8.5
*18	64 + 67 = 131	59	5	2	11
*19	64 + 67 = 131	58	5	2	11
*20 (accessible)	66 + 70 = 136	59	5	1 (accessible)	10
*21 (accessible)	66 + 70 = 136	59	5	1 (accessible)	10
*22 (accessible)	66 + 70 = 136	56	5	1 (accessible)	10
23	64 + 65 = 129	55	5	1	10
Total	2987/4121.3sqm =0.73:1			37 residential 10 visitor 1 emergency services space	

Note: * indicates dwellings proposed to be used for the purposes for affordable housing.

1.3 Application History

The following is a brief history of the development application:

- Development Application lodged 4 April 2019.
- Application was notified for 14 days from 29 April 2019.
- Due to extensive public interest in the development application, Council extended the location of the notification area and the notification timeframe until 25 June 2019. The application was also placed on public exhibition.

- The Application was briefed to the Sydney Western City Planning Panel on 13 August 2019. The Panel requested that the following matters be addressed in the Council Assessment Report:
 - Clarity is required that all of the units are proposed to be let through a registered community housing provider for a minimum of 10 years
 - The Panel was pleased with the unit mix, architectural presentation to the street fronts and the window treatments to the side elevations for the purposes of clause 16A, but would be assisted by an assessment statement on that subject.
 - Information would assist in relation to:
 - Where bins will be stored and how they are to be managed.
 - Whether the location of the accessible units is optimum given that there is no footpath on Francis Street, and the occupants will presumably use the footpath on Minto Road to access the nearby bus stop. The side path is narrow.
 - Whether the bus route includes accessible buses.
 - Noting that the SEPP requires consideration of Seniors Living Policy: Urban Design Guidelines for Infill Development (see clause 15) information as to compliance with those guidelines is essential with attention to the width of the paths and provision for passing and rest spots. Widening the paths would seem to aid increasing visibility from the street within the external common areas.
 - A canopy tree in the nature strip on Francis Street may be desirable.
- A 'Request for Additional Information' letter was issued by Council on 27 August 2019, which included the matters raised by the Panel above.
- Amended information was provided to Council on 4 November 2019.
- The amended application was notified and exhibited for 21 days from 22 January 2020 in accordance with Council's Community Participation Plan.
- A 'Request for Additional Information' letter was issued by Council on 9 June 2020 (attachment 6).
- A request from the Applicant was received on 9 June 2020 requesting a two week extension to provide the additional information in response to Council's letter dated 9 June 2020.
- A response to the request for an extension of time was provided on 9 July 2020.
- Amended information was provided to Council on 12 November 2020 in response to the Council's letter issued on 9 July 2020.

Report

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

2. Section 4.15(1)(a)(i) Any Environmental Planning Instruments

2.1 State Environmental Planning Policy No. 55 – Remediation of Land

This Policy provides a state-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) stipulates that a consent authority must not consent to the carrying out of any development on land unless:

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

Clause 7(2) of SEPP 55 states that before determining an application for consent to carry out development that would involve a change of use, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Accordingly, a Preliminary Site Investigation was provided (attachment 9), dated 23 October 2019, prepared by EIA Australia (Report No. E24391.E01).

Council's Senior Environmental Officer reviewed the report and advised the following:

- A revised preliminary contaminated site assessment is to be provided addressing the following information gaps in the EI Australia report (No. E24391.E01) dated 23/10/19:
 - A NSW SafeWork authority search
 - The Title History of the subject lots
 - The information from the enquiries to Council
 - Local knowledge from the current and readily available previous owners (if any).

A response was provided to Council on 12 November 2020, prepared by EI Australia, dated 15 July 2020 (attachment 10). The response was provided to Council's Senior Environmental Officer for review and comment. The following response was provided:

- The applicant has failed to provide all of the information required to satisfy Clause 7(2) of SEPP 55. This clause requires a preliminary contaminated site assessment prepared in accordance with the contaminated land planning guidelines. The EPA Guideline for Consultants Reporting on Contaminated Sites provides the site history information that must be provided for a preliminary assessment and not all of these have been included in their report.

- The applicant was provided with an opportunity to address this deficiency and has elected not to do so.
- Recommend the applicant be refused as compliance with Clause 7(2) of SEPP 55 has not been achieved and this a mandatory precondition to the grant of consent.

Overall, it is considered that the preliminary site investigation is not satisfactory. Consequently, the consent authority cannot be satisfied under clauses 7(2) of SEPP 55.

2.2 State Environmental Planning Policy (Affordable Renting Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Rental Housing) applies to the state. If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Clause 3 Aims of Policy

The aims of the Affordable Rental Housing 2009 are:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

The proposed development would provide an additional nine (9) dwellings for the purposes of affordable rental housing

Clause 10 Development to which Division applies

Clause 10(1) of SEPP (Affordable Rental Housing) applies to development for the purpose of multi dwelling housing if the following applies:

- (a) the development concerned is permitted with consent under another environmental planning instrument, and

- (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the *Heritage Act 1977*.

The proposed multi dwelling development was permitted with consent in the R2 Low Density Residential zone under the provisions Campbelltown Local Environmental Plan 2015 at the time of lodgement of the development application.

Further, the land concerned does not contain a heritage item or an interim heritage order or on the State Heritage Register.

In accordance with Clause 10(2) all or part of the development is to be within an accessible area. Clause 4(1) of SEPP (Affordable Rental Housing) provides the definition of an accessible area:

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

In accordance with (c) above, the site is within 400m of two bus stops (Stop ID: 2566145 and Stop ID: 256641) on Minto Road. These bus stops have at least one bus per hour servicing the bus stop (bus service 870, 871 and 872) between 6.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 8.00 and 18.00 on each Saturday and Sunday. The Applicant has provided a bus time table (attachment 19) which relies upon two bus stops on Minto Road. A map detailing the distance of the bus stops from the site is provided in attachment 3.

However, 'accessible area' also includes the term 'walking distance'.

Pursuant to clause 4 of SEPP (Affordable Rental Housing), 'walking distance' is defined as follows:

walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

Pedestrians using the nominated bus stops are required to cross Burford Road, Minto Road and Ohlfsen Road. The applicant has not provided satisfactory plans demonstrating that the walking route between the site and the bus stops can be safely walked by a pedestrian. See section 6.2 of the report for further details. Consequently, the application fails to satisfy clause 10(2) of SEPP (Affordable Rental Housing).

Clause 13 Floor space ratios

Clause 13(1) applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent. The application details that nine (9) of the 23 dwellings are to be used for the purposes of affordable rental housing, which is greater than 20% (42%).

The maximum floor space ratio for the site is 0.97:1 as calculated in the table below. The proposed floor space ratio is 0.73:1 which satisfies clause 13 of SEPP (Affordable Rental Housing).

Clause 13 Floor space ratios	
(2)The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: (a) if the existing maximum floor space ratio is 2.5:1 or less:	In accordance with Clause 4.4(2) of Campbelltown Local Environmental Plan 2015, the existing maximum floor space ratio for any form of residential accommodation 0.55:1 for dwelling houses in the R2 zone, plus: See (ii) below.
(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or	N/A < 50per cent (9 of 23 units (42%)).
(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent,	AH is the percentage of the gross floor area of the development this is used for affordable housing. $Y = AH / 100.$ The revised information provided with the application indicates that 9 dwellings would be specifically nominated as affordable rental housing being the following: <ul style="list-style-type: none">• Units 13-16; and• Units 18-22. $1261\text{sqm (affordable rental housing)}/2987\text{sqm (total floor area)} = 42\%$ $Y = 0.42:1$
Total Maximum Floor Space Ratio	$0.55:1 + 0.42:1 = 0.97:1.$ The Applicant has calculated the total maximum floor space of the development to be 0.86:1. In any case, the proposed floor space ratio of 0.73:1 complies.

Clause 14 Standards that cannot be used to refuse consent

Clause	Requirement	Proposed	Compliance
(1) Site and solar access requirements			
A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:			
(a) Repealed			
(b) Site area	if the site area on which it is proposed to carry out the development is at least 450 square metres,	The development involves the consolidation of four allotments totalling 4,236.3sqm (including 115sqm reserved for road widening)	Satisfactory
(c) landscaped area	if: (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or	N/A – application is not made by a social housing provider.	N/A – application is not made by a social housing provider.
(c) landscaped area	(ii) in any other case—at least 30 per cent of the site area is to be landscaped,	<i>The standard instrument defines 'landscaped area' as:</i> <i>landscaped area</i> means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. The architectural plans are not consistent with the landscaped plans. If using the architectural plans, the site includes 30% landscaped area (1266sqm/4121.3sqm).	Satisfactory
(d) deep soil zones	if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:	See assessment below this table.	See assessment below.
(d) deep soil zones	(i) there is soil of a sufficient depth to support the growth of	1065sqm/4121.3sqm =25% of the site is available for deep soil	Satisfactory

	trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	planting.	
(d) deep soil zones	(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	Each area included in the deep soil zone calculation has a minimum dimension of 3 metres.	Satisfactory
(d) deep soil zones	(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	The development includes two street frontages and consequently, the configuration of the site, and the development, does not allow the deep soil zone to be located at the rear of the site.	Considered satisfactory.
(e) solar access	if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	All dwellings receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.	Satisfactory
(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:			
(a) Parking	If:		
	(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	N/A – The development application is not made by a social housing provider.	N/A
	(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is	Three dwellings with 2 bedrooms = $3 \times 1 = 3$ 20 dwellings with 3 or more bedrooms = $20 \times 1.5 = 30$	Satisfactory

	provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	Total required car parking spaces = 33 spaces required The SEPP does not require separate visitor car parking spaces. 48 parking spaces are proposed, including 10 visitor spaces and a nominated emergency vehicle space.	
(b) Dwelling size	If each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or	N/A	N/A
	(ii) 50 square metres in the case of a dwelling having 1 bedroom, or	N/A	N/A
	(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or	Minimum 79sqm.	Satisfactory
	(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	Minimum 129 sqm.	Satisfactory
(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).			

Clause 15 Design Requirements

Clause 15(1) provides that a consent authority must not consent to development unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.

The following matters were requested by the Panel to address in the Council Assessment Report following a briefing on 13 August 2019:

- Noting that the SEPP requires consideration of Seniors Living Policy: Urban Design Guidelines for Infill Development (see clause 15) information as to compliance with those guidelines is essential with attention to the width of the paths and provision for passing and rest spots. Widening the paths would seem to aid increasing visibility from the street within the external common areas.

The Council assessment of the development against the relevant provision of the Seniors Living Policy is contained in attachment 5.

It is advised that there is nothing specific with the Seniors Living Policy in relation to the width of the paths and the provision for passing and rest spots. The following matters provided in the Seniors Living Policy have not been adequately taken into consideration in the design of the development:

- The proposed development does not incorporate a roof pitch sympathetic to that of existing buildings in the street. The proposed roof form as viewed from the street is considered relatively flat.
- The development proposes a major encroachment to an existing street tree located at the front of No. 16 Francis Street which is not supported. The tree is required to be retained and the development re-designed to not impact the tree.
- The development does not retain trees and planting in the rear of the lot to minimise the impact of new development on neighbours and does not maintain the pattern of mid-block deep soil planting.

Clause 16 Continued application of SEPP 65

Clause 16 provides that nothing in SEPP (Affordable Rental Housing) affects the application of SEPP No 65 – Design Quality of Residential Flat Development. Clause 4 of SEPP No 65 does not apply to the subject development.

Clause 16A Character of local area

The following matter was requested by the Panel to address in the Council Assessment Report following a briefing on 13 August 2019:

- The Panel was pleased with the unit mix, architectural presentation to the street fronts and the window treatments to the side elevations for the purposes of clause 16A, but would be assisted by an assessment statement on that subject.

Clause 16A of SEPP (Affordable Rental Housing) 2009 stipulates that a consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The applicant provides the following statement in addressing clause 16A:

The proposed development has been designed with regard to clause 16A of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) to ensure the development is compatible with the character of the local area.

The development has been oriented and designed to be compatible with and complement the existing low-density character of the area. Due to the site's shape and depth the development has been designed to present to the Francis Street and Minto Road frontages as two storey single dwellings that are reflective of the desired low-density residential nature of the area and do not adversely impact adjoining properties.

The development has been sited and designed to provide a consistent built form within a landscaped setting that integrated the development into the surrounding locality. The development allows for large landscaped setbacks and private open space areas that afford the development and surrounding properties with a high level of residential amenity.

In addition, car parking has been provided in a basement level to reduce the scale and intensity of the development and avoid large expanses of impervious surfaces or garage dominance on the street frontage.

Streetscape perspectives that include the adjoining properties have been provided as a streetscape analysis to demonstrate how the proposed development is compatible with the low-density residential character of the area. The streetscape perspectives are provided in the amended architectural plans provided as an attachment to this letter.

It is considered that the above clause 16A assessment is not a comprehensive assessment which specifically considers whether the design of the development is compatible with the character of the area. In addition, the following issues were raised in a 'Request for Additional Information' dated 9 June 2020. A response from the Applicant is provided under each issue raised.

Issue Raised
The surrounding development is characterised by detached dwellings, most single storey, with pitched roofs and a large amount of private open space located in the rear of the dwellings. The proposed development includes four large buildings, for the full length of the individual blocks, with no open space in the rear of the allotments. The proposed development does not appear to be in harmony with the adjoining low density residential development or character of the surrounding area.
Applicant's Response
<p><i>The proposed development has been designed with regard to Clause 16A of the ARH SEPP ensure the development is compatible with the character of the local area.</i></p> <p><i>The development has been orientated and designed to be compatible with and complement the existing low-density residential character of the area. Due to the site's shape and depth the development has been designed to present to the Francis Street and Minto Road frontages as two storey single dwellings that are reflective of the desired low-density residential nature of the area and do not adversely impact adjoining properties. The proposed development has been designed to sit well within the maximum building height and the apparent bulk of the development is not readily apparent from the streetscape and has been appropriately setback and landscaped to ensure it does not impact the adjoining residential properties.</i></p> <p><i>The development has been sited and designed to provide a consistent built form within a landscaped setting that integrates the development into the surrounding locality. The development allows for large landscaped setbacks and private open space areas that afford the development and surrounding properties with a high level of residential amenity and ensure appropriate softening and screening of the bulk of the development from adjoining properties.</i></p> <p><i>In addition, car parking has been provided in a basement level to reduce the scale and intensity of the development and avoid large expanses of impervious surfaces or garage dominance on the street frontage.</i></p> <p><i>Streetscape Perspectives that include the adjoining properties are currently being prepared to provide a detailed streetscape analysis that demonstrates how the proposed development is compatible with the low-density residential character of the area. The Streetscape Perspectives will be provided under separate cover.</i></p>
Issue Raised
The response provided to Clause 16A does not include an assessment of the existing streetscape character and elements that contribute to this character.

<p>Applicant's Response</p> <p><i>The existing streetscape character of both Francis Street and Minto Road comprises single and double storey detached dwellings with large landscaped front setbacks. The dwellings are characterised by a range of roof forms with windows and dwelling entrances addressing the streetscape.</i></p> <p><i>The development has been orientated and designed to be compatible with and complement the existing low-density residential character of the area. Due to the site's shape and depth the development has been designed to present to the Francis Street and Minto Road frontages as two storey single dwellings that are reflective of the desired low-density residential nature of the area and do not adversely impact adjoining properties. The proposed development provides windows and entrances fronting the street consistent with the existing streetscape.</i></p> <p><i>The development has been sited and designed to provide a consistent built form within a landscaped setting that integrates the development into the surrounding locality. The development allows for large landscaped setbacks and private open space areas that afford the development and surrounding properties with a high level of residential amenity and ensure appropriate softening and screening of the bulk of the development from adjoining properties.</i></p> <p><i>Streetscape Perspectives that include the adjoining properties are currently being prepared to provide a detailed streetscape analysis that demonstrates how the proposed development is compatible with the low-density residential character of the area. The Streetscape Perspectives will be provided under separate cover.</i></p>
<p>Issue Raised</p> <p>The photomontages provided with the application do not include a view of how the development is viewed within the streetscape. The photomontages include only a small portion of existing residential sites either side of the proposed development. The photomontage images do not include the basement car park entrance or the area between each row of units along Francis Street. The views provided do not demonstrate the relationship of the proposed development with the streetscape in Minto Road or Francis Street or between the proposed buildings as viewed from a pedestrian in the street.</p> <p>Photomontages are required to be provided at different points along both Francis Street and Minto Road which include the development within the existing streetscape.</p>
<p>Applicant's Response</p> <p><i>Streetscape Perspectives that include the adjoining properties are currently being prepared to provide a detailed streetscape analysis that demonstrates how the proposed development is compatible with the low-density residential character of the area. The Streetscape Perspectives will be provided under separate cover.</i></p>

Overall, the proposed development is not considered to be compatible with the existing or future character of the local area. See Part 6.4 of this report for a discussion.

Clause 17 Must be used for affordable housing for 10 years

Clause 17 provides that a consent authority must not consent to development unless conditions are imposed by the consent authority to the effect that –

- (a) for 10 years from the date of the issue of the occupation certificate—
- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
- (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

The above requirements could be provided as conditions of development consent if the application was approved. It is recommended that the application be refused.

2.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 Development with frontage to classified road

Minto Road is a classified state road. Pursuant to clause 101(2) of SEPP Infrastructure, the consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that –

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - i. the design of the vehicular access to the land, or
 - ii. the emission of smoke or dust from the development, or
 - iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The following is provided in response:

- The proposed development does not propose vehicular access to Minto Road.
- The application fails to provide specific details of the required pedestrian infrastructure. Accordingly, the application fails to demonstrate that the intersection works required to facilitate a safe walking path to the bus stops would not adversely impact the safety, efficient and ongoing operation of Minto Road.

Clause 101(2) of SEPP Infrastructure is not satisfied.

Further, the application was referred to Roads and Maritime Services for comment and the following response was provided (attachment 7):

- Roads and Maritime has reviewed the submitted application and raises no objection to the Application. Roads and Maritime provides the following comments for Council's consideration in the determination of the application:
 1. The subject property is affected by a Country Road Reservation as shown by broken green boundary line on the attached Aerial – "X". Any new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land required for road (unlimited in height or depth).

2. No vehicular access to the site from Minto Road is allowed. The existing access on Minto Road is to be removed.
3. A Road Occupancy License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Minto Road during construction activities.
4. A construction zone will not be permitted on Minto Road.

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

In accordance with clause 5 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the policy applies to all land in a growth centres. The site is within the Greater Macarthur Growth Area.

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

Clause 16(1) of the SEPP provides:

- (1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—*
- (a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,*
 - (b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,*
 - (c) whether the proposed development will result in further fragmentation of land holdings,*
 - (d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,*
 - (e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,*
 - (f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,*
 - (g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.*

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

- The proposed development will not result in fragmentation of the land.
- The site is not located within the Glenfield to Macarthur Urban Renewal Precinct (Minto).

The proposed development is considered to be satisfactory with regard to clause 16 of the SEPP (Sydney Region Growth Centres).

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

In accordance with Schedule 1 of the Regulations and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, a BASIX Certificate (No. 1001784M) has been submitted in support of the application demonstrating that the proposal achieves the BASIX targets (attachment 25).

2.6 Campbelltown Local Environmental Plan 2015

Zoning

The subject site is zoned R2 Low Density Residential and SP2 Infrastructure under the provision of Campbelltown Local Environmental Plan 2015. The proposed development is defined as multi-dwelling housing.

R2 Low Density Residential Zone

At the time of lodgement of the development application, multi dwelling housing was a permissible land use in the R2 Low Density Residential zone. During the assessment of the application, Council prepared and publicly exhibited a planning proposal that proposed to amend Campbelltown Local Environmental Plan 2015 by prohibiting multi dwelling housing within the R2 Low Density Residential Zone. The amendment came into effect on 22 November 2019.

Clause 1.8A(2) of Campbelltown Local Environmental Plan 2015 provides the following:

(2) If a development application has been made before the commencement of *Campbelltown Local Environmental Plan 2015 (Amendment No 17)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

The above savings provision provides that any development applications for multi dwelling housing in the R2 zone lodged prior to the amendment coming into effect (22 November 2019), must be determined as if that Plan has not commenced. The development application was lodged on 4 April 2019 and accordingly is able to be assessed on its merits.

Multi dwelling is defined as follows:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

In response to the above objectives, the proposed development provides for the housing needs of the community, however the development is not considered to reflect a low density residential environment, particularly due to the built form of the four large buildings not providing an open space area in the rear, consistent with adjoining low density residential development.

Zone SP2 Infrastructure

An irregular section of the front portion of the site (measuring 115sqm) fronting Minto Road is zoned SP2 Infrastructure. The plans submitted for the application show the SP2 Infrastructure zone as measuring 88sqm, which is inconsistent with Council's GIS mapping data. The shortfall of 27sqm would move the SP2 zone slightly towards proposed dwelling 23 which is not considered detrimental to the application. The movement of the zone boundary would result in a slight encroachment of the front building setback to Minto Road.

The multi dwelling housing development is shown as being setback 5.5m from the SP2 zoned land along the Minto Road frontage. This setback would be slightly reduced when considering the shortfall of 27sqm.

A pedestrian access path is proposed on the SP2 zoned land which is considered ancillary to the road infrastructure and is permissible with consent.

The objectives of the SP2 Infrastructure are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To encourage activities involving research and development.
- To optimise value-adding development opportunities, particularly those associated with research.
- To provide for the retention and creation of view corridors.
- To preserve bushland, wildlife corridors and natural habitat.
- To maintain the visual amenity of prominent ridgelines.

The proposed pedestrian access provides for access which is related to the classified road use. In addition, Roads and Maritime confirmed the following in email correspondence dated 20 April 2020:

- *Landscaping and pedestrian paths are permitted in the land required for road.*

The works in the SP2 zoned land are permitted with consent and satisfy the objectives of the zone.

Clause 2.7 Demolition requires consent

Clause 2.7 provides that demolition of a building or work may be carried out only with development consent. Consent is sought for demolition works as part of the development application. A demolition plan is provided as part of the architectural plans.

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

Clause 4.1C(2) of CLEP 2015 states that development consent for the purposes of multi dwelling housing in the R2 Low Density Residential zone may be granted if the area of the lot

is equal to or greater than 1,000sqm. Each of the subject lots individually meets this requirement and in total the subject site measures approximately 4,236.3sqm (including 115sqm reserved for road widening). The total developable site area measures 4121.3sqm which satisfies clause 4.1C(2) of CLEP 2015.

Clause 4.3 Height of buildings

Clause 4.3(2) of CLEP 2015 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Height of Buildings Map identifies a maximum building height of 8.5m. The proposed development proposes a maximum height of 7.4m which satisfies clause 4.3(2) of CLEP 2015.

Clause 4.3A Height restrictions for certain residential accommodation

Clause 4.3A(2) states that a dwelling that forms part of a multi-dwelling housing development must not be higher than 2 storeys. Storey is defined as follows:

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

Basement is defined as follows:

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

No part of the ground floor is more than 1 metre above ground level (existing). The proposed development is 2 storeys, which satisfies Clause 4.3A of CLEP 2015.

Clause 4.4 Floor Space Ratio

Clause 4.4(2A) states that the floor space ratio for a building used for multi dwelling housing in the R2 Low Density Residential zone is 0.45:1. However, the floor space ratio for the development is determined in accordance with clause 13 of SEPP (Affordable Rental Housing). The maximum floor space ratio has been calculated as 1:1. The proposed floor space ratio of 0.73:1 complies with clause 13 of SEPP (Affordable Rental Housing).

5.1A Development on land intended to be acquired for public purposes

Clause 5.1A(3) provides that development consent must not be granted to any development on the portion of the site zoned SP2 Infrastructure (Classified Road) other than development for the purpose of roads. The proposed development does not encroach the SP2 zoned land and is therefore considered satisfactory.

7.1 Earthworks

Clause 7.1(3) requires the consent authority to consider the following matters in deciding whether to grant development consent for earthworks:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In response to the above, if recommended for approval, a condition of development consent could be recommended requiring an engineering design from a qualified structural/geotechnical engineer for the proposed structures including the basement.

Clause 7.10 Essential Services

Clause 7.10 requires the consent authority to ensure development consent must not be granted to development unless the essential services listed in this clause are available or that adequate arrangements have been made to make them available when required for the development. The site is located within an established residential area with essential services readily available to service the site. Evidence from the relevant authorities could be provided as a condition of development consent if approval is given.

3. Section 4.15(1)(a)(ii) Any Proposed Instrument

At the time of lodgment of the development application, Council had prepared and publicly exhibited a planning proposal to remove multi dwelling housing within the R2 Low Density Residential Zone. The proposed amendment has been adopted and the application relies upon clause 1.8A of CLEP 2015.

4. Section 4.15(1)(a)(iii) Any Development Control Plan

4.1 Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP)

An assessment of the relevant sections of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) is provided in attachment 4. The non-compliances are discussed below.

Part 2.8 Cut, Fill and Floor Levels

- Part 2.8.1(a) of SCDCP requires that a cut and fill management plan be submitted with a development application where the development incorporates cut/fill. The cut and fill plan provided is not satisfactory.
- In addition, the level of cut (740mm) is proposed on the front site boundary is significant and not acceptable. The impact of the proposed cut and the associated impact on existing services within the verge area, the safety of the road users (especially pedestrians in Francis Street) and the impact on adjoining properties has not been demonstrated.
- Part 2.8.2(d) requires for any development on land not affected by an overland flow path, the minimum height of the slab above finished ground level shall be 150mm.

There is a minor overland flow of depth less than 50mm traversing through the site. Accordingly, a minimum of 150 freeboard is required to be provided to the finished floor level of each unit from the finished ground level to protect the dwellings from surface flows. This requirement has not been satisfied.

Part 2.10 Waste Cycle Management

- Part 2.10.2(a) requires that all stormwater systems shall be sized to accommodate the 100 year ARI event. Drainage calculations have not been submitted to prove that the proposed level (RL 39.9) at the front site boundary is at or above the 100 year flood level of Francis Street. The maximum water surface level in Francis Street during the 100 year ARI storm events is required to be determined. A crest on the proposed driveway should be provided at or above the determined 100 year ARI water level to protect the basement from inundation as required by the Council Engineering Design for Development.
- Part 2.10.3(a) provides that a stormwater drainage concept plan shall be prepared by a suitably qualified person demonstrating how the stormwater will be collected and discharged from the site. A retaining wall has been proposed between Units 12 & 18 obstructing the overland flow paths proposed through the rear yards. With the details given on the Fencing Plan, it appears that the overland flow paths will be obstructed due to the fence type (Fence Type 3, without a gap underneath the fence) proposed between the units. The drainage concept plan fails to demonstrate that proposed fencing and retaining walls do not obstruct overland flow paths through the site.

Part 2.13 Security

- Part 2.13(d) requires a CPTED assessment be provided. In order to satisfy the principles of CPTED, the revised architectural plans include a splay corner to the internal access paths to reduce concealment opportunities. However, the fencing plan has not been revised to be consistent with the proposed changes on the ground floor plan. Additionally, concern is raised regarding the use of the internal access ways as public pedestrian access ways due to the through nature of the site. The application does not have regard to Part 2.13(c) of SCSCP.

Part 2.15 Waste Management

- Part 2.15.1(a) of SCDCP requires a detailed WMP to be provided. The WMP provided does not reflect the plan amendments. See section 6.3 of this report for further discussion.

Part 3.4.1.1 Streetscape

- Part 3.4.1.1(a) provides that building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping are to complement the scale of development, and the desired future character of the residential neighbourhoods. The scale and proposed roof design of the development is not consistent with the adjoining development. See section 6.5 of this report for a comprehensive assessment regarding streetscape character.

Part 3.4.1.3 Advertising Material

- Part 3.4.1.3(a) of SCDCP requires a special container to be provided for the placement of advertising and newspaper materials. The application fails to demonstrate the location and design of the letter box facility.

Part 3.4.2 Car Parking and Access

- Part 3.4.2(b) of SCDPC requires the minimum internal dimensions of an enclosed garage to be a minimum of 3m x 6m. The proposed internal garage length is 5.5m which is non-compliant.
- Part 3.4.2(c) requires transitional grades to comply with AS2890.1. 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).
- Part 3.4.2(k) requires swept paths to be provided which comply with AS2890.1 (as amended). A space for an emergency vehicle has been provided in the basement, however the application fails to provide swept paths for an emergency vehicle.

Part 3.4.3.2 Visual Privacy

- Part 3.4.3.2(a) provides that no window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened. The first floor dwelling windows of dwellings 13-16 directly overlook the rear private open space area of No. 18 Francis Street and dwelling 18 directly overlooks the rear private open space of No. 119 Minto Road. A condition of consent could require fixed screening to be provided to the first floor windows in question if the application is to be supported. It is recommended that the application be refused.

Part 3.5.1 Fencing

- Part 3.5.1(e) provides that fencing shall not obstruct drainage systems (including overland flow paths). Council's engineer determined that the overland flow paths would be obstructed due to Fence Type 3 proposed between the units. The drainage concept plan fails to demonstrate that proposed fencing and retaining walls do not obstruct overland flow paths through the site.
- Part 3.5.1(f) provides that fencing details are required to be submitted with a development application. A specific fencing plan has been provided with the application, however is not consistent with the ground floor plan.

3.6.6.4 Rear Access for Multi Dwelling Housing – Zone R2

- Part 3.6.6.4(a) of SCDPC requires each attached dwelling to be provided with a separate direct access from the backyard to the front yard that does not pass through any habitable area of the dwelling.

In considering the non-compliance with SCDPC, the relevant objectives of Part 3.6.6 of SCDPC are provided:

Ensure that multi dwelling housing offer a high standard of amenity for its occupants and maintains the amenity of other residents in the locality.

In response to the above objective, the proposed non-compliance is not considered to detrimentally impact the amenity of the occupants for dwellings 2-5 and dwellings 19-

22. The lack of separate rear access to individual dwelling would not impact upon the amenity of the residents in the locality and is considered satisfactory.

Part 3.6.6.6 Private and Communal Open Space

- Part 3.6.6.6(a)(iii) provides that each multi dwelling unit shall be provided with an area or areas of private open spaces that have a minimum area of 60sqm. Eight (8) of the proposed 23 dwellings provide slightly less than the minimum 60sqm. This non-compliance is considered minor.

Part 3.6.6.7 Presentation to Public Streets

- Part 3.6.6.7(b)(i) provides that the multi dwelling housing shall satisfy the following architectural requirements:
 - i) Distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development.

The roof pitch is not considered to harmonise with the surrounding development and is not considered satisfactory.

Part 3.6.6.9 Multi Dwelling Housing and Waste Management

- Part 3.6.6.9(b)(i) of SCDGP specifies that the maximum travel distance between any storage area/point and the collection point for all bins is not to exceed 25m. The application proposes 65m between the communal waste storage area and the presentation point on Francis Street. WMP provides that the distance issue would be resolved by mechanical means with the use of a mobile bin towing devices. Specific details are not provided and this remains unsatisfactory. See Part 6 of the report for further details.
- Part 3.6.6.9(h) provides that the distance between a dwelling and the waste disposal point shall be a maximum of 40m. The distance between the waste disposal point and the dwelling is exceeded for four (4) dwellings. See section 6.3 of this report for further discussion.

4.2 Campbelltown Local Infrastructure Contributions Plan 2018

It is advised that contributions (under Section 7.11 of the Environmental Planning and Assessment Act 1979) apply to the development in accordance with the Campbelltown Local Infrastructure Plan 2018. A condition of development consent can be applied if the application is supported. It is recommended that the application be refused.

5. **Section 4.15(1)(a)(iia) Any Planning Agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F**

N/A

6. **Section 4.15(1)(b) The likely impacts of development**

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the developments potential impacts on the natural and built environment.

The key matters for consideration when considering the developments potential impact on the natural and built environment are as follows:

- Contamination
- Accessible Area and Intersection Performance
- Waste servicing
- Streetscape and character
- Stormwater
- Driveway Gradients and Manoeuvring
- Landscaping Matters
- Arboricultural Impacts
- Crime Prevention Through Environmental Design
- Rear access for maintenance purposes
- Internal access path widths
- Construction Impacts

6.1 Contamination

A Preliminary Site Investigation was provided, dated 23 October 2019, prepared by EI Australia (Report No. E24391.E01) and supporting information dated 15 July 2020, prepared by EI Australia.

Council's Senior Environmental Officer advised the following:

The information was provided to Council's Environmental section for review and comment. The following response was provided:

- The applicant has failed to provide all of the information required to satisfy Clause 7(2) of SEPP 55. This clause requires a preliminary contaminated site assessment prepared in accordance with the contaminated land planning guidelines. The EPA Guideline for Consultants Reporting on Contaminated Sites provides the site history information that must be provided for a preliminary assessment and not all of these have been included in their report. Specifically, a NSW Safework authority search and the information from enquires to Council has not been provided.
- The applicant was provided with an opportunity to address this deficiency and has elected not to do so.
- Recommend the application be refused as compliance with Clause 7(2) of SEPP 55 has not been achieved and this a mandatory precondition to the grant of consent.

Overall, it is considered that the preliminary site investigation and supporting information is not satisfactory. Consequently, the consent authority cannot be satisfied under clauses 7(2) of SEPP 55.

6.2 Accessible Area and Intersection Performance

In accordance with Clause 10(2) all or part of the development is to be within an accessible area. The definition of accessible area also includes the term walking distance which is defined under SEPP (Affordable Rental Housing) as follows:

walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

The application fails to demonstrate that the path of travel between the site and the nominated bus stop on Minto Road can be safely walked by a pedestrian, particularly as the pedestrian is required to cross Burford Road.

Council requested the applicant to demonstrate the following:

- In order to demonstrate that pedestrians can safely walk to the nominated bus stops, a road safety engineer must review the existing pedestrian facilities on route to and from the nominated bus stops with the view of improving crossing points and further pedestrian infrastructure. This will require the assessment of existing footpath and crossing points of Minto Road, Burford Street and Ohlfsen Road and must include the following:
 - The needs of senior residents and pedestrians with vision impairment and other mobility issues.
 - Take into account pedestrian/vehicle conflicts and traffic turning movements at the intersections of Burford Street and Minto Road and Ohlfsen Road and Minto Road.
 - Intersection performance analysis is required with the view of determining whether the intersections can be upgraded to traffic signals. Notwithstanding, the applicant is to explore the option of pedestrian crossing signals at a suitable location.
- The levels of the proposed pedestrian infrastructure (i.e. footpaths) are to be provided.
- Any traffic facilities proposed on Minto Road would require RMS approval and would be referred to the RMS for review.

A response to the above information was provided by Varga Traffic Planning Pty Ltd, dated 13 July 2020 (attachment 20) and includes a proposed footpath plan showing footpath construction on Burford Road. The response is provided below:

- An analysis of the pedestrian route between the subject site and the subject bus stops in accordance with the locality sketch provided at paragraph 17 of Council's letter indicates that new or additional pedestrian footpaths should be provided as indicated in blue on Council's locality sketch to enable pedestrians to safely walk to the nominated bus stops.
- An analysis has also been undertaken of the nearby Minto Road intersections with Burford Street and with Ohlfsen Road. It is acknowledged that Council has requested an intersection performance analysis be undertaken at those intersections to determine whether the intersections can be upgraded to traffic signals. As Council would appreciate, such analysis would require peak hour traffic counts to be undertaken however it is doubtful that any reliable results could be obtained from such traffic counts due to the current Covid-19 situation.
- However, it is unlikely that the level of traffic activity at those intersections would meet the RMS warrants for traffic signals in any event, and it is therefore proposed that pedestrian refuge islands be provided in both Burford Street and in Ohlfsen Road to assist pedestrians when crossing the road.

- The provision of pedestrian refuge islands in both side streets would enable pedestrians to safely cross both roads, with only a single traffic lane to be crossed at a time, without the need to wait for a gap in traffic flows in both directions.

Council's Engineers reviewed the above response and provided the below response:

- The response from The Planning Hub, dated 12 November 2020, provides the following:
 - It is understood that Minto Road is identified for road widening and upgrades in the future. The road widening and upgrades will include upgrades to the existing pedestrian infrastructure and bus stops along Minto Road and will improve accessibility to and from the subject site.
 - The current condition of the pedestrian infrastructure along Minto Road will require upgrades between Burford Street and the identified bus stops to achieve the required accessibility as detailed in the amended architectural plans and traffic response provided as attachments to this letter. The applicant is happy to provide temporary upgrades to the pedestrian infrastructure to support the proposal until such time Minto Road is widened. This is considered to be reasonable and can be suitably conditioned.
- Council is not aware of any road widening proposal from TfNSW at this time. The applicant mentions that they are happy to provide temporary upgrades to pedestrian infrastructure. Pedestrian facilities need to be provided for this development and not at a later stage of Minto Road upgrade. There should be no temporary measures.
- The pedestrian refuge in Burford Road is required to be provided as follows:
 - Located at an offset from the intersection holding line. This will require the widening of Burford Street by approximately 1.4m in order to comply with TfNSW Technical Direction guidelines on pedestrian refuge design. A detailed design plan of the refuge will be required to be submitted to Council and TfNSW for its approval prior to issuing a Construction Certificate.
- Council has had historical concerns from residents in the northern precinct of Burford Street regarding exit onto Minto Road. The exit is limited to a single lane and moderate queuing occurs at peak hours. Any additional generated traffic for this intersection will add to the queuing. Council requested that an intersection performance analysis be undertaken to determine whether the intersection can be upgraded to traffic signals. An intersection analysis for Minto Road/Burford Road was not provided with the development application. The applicant's traffic consultant has advised that a performance analysis of the intersection was undertaken, however, there are no details provided to Council on this matter.
- A concrete footpath design for the link between Burford Street pedestrian refuge to the eastbound bus stop on Minto Road was not provided with the application.
- In relation to providing a pedestrian refuge in Burford Street, it is advised that the pedestrian treatment would likely impact the intersection of Burford Street and Minto Road and would be required to be designed to cater for the turning swept paths of a 12.5m vehicle. It is anticipated that the widening of Burford Road would be likely due to the pedestrian refuge.

- A pedestrian refuge is also required for Ohlfsen Road at its intersection with Minto Road for crossing safety towards the westbound bus stop. This refuge will require the widening of the existing pedestrian crossing point. The refuge will require some widening of Ohlfsen Road on the western side to accommodate the outward left turn and right turn vehicle movements.
- In addition, the applicant is also to provide a footpath link on the southern side of Minto Road, linking the pedestrian refuge at Ohlfsen Road (westbound bus stop) and the crossing point across Minto Road.
- In regards to design submissions the applicant is required to provide a plan showing the pedestrian infrastructure and required road widening works on a plan to be included in the notification/exhibition process to facilitate public consultation prior to the determination of the development application.

In addition, any works interfering with Minto Road, which is a classified road, would require the concurrence of the RMS under the provisions of Section 138 of the *Roads Act 1993*. In this case, the application would also be treated as integrated development under the provisions of section 4.46 of the *Environmental Planning and Assessment Act 1979*.

The application has failed to provide plans for the pedestrian facilities and associated road widening works. Consequently, the application fails to satisfy clause 10(2) of SEPP (Affordable Rental Housing).

6.3 Waste Servicing

In response to Council's information request on 9 June 2020, an amended waste management plan, prepared by Dickens Solutions Pty Ltd, dated 14 July 2020 (attachment 18) was submitted.

Despite the recommendation made in the previous assessment to reconfigure dwellings to support individual bin storage arrangements, the amended application made it clear that this recommendation would not be considered and that communal bin storage would continue to be sought. In addition, it is proposed that all bins will be presented for collection to the Francis Street kerbside.

Council's Domestic Waste Service Coordinator confirmed the following:

- Bin Storage Area

It is advised that the basement waste storage area is sufficient in size to accommodate the number of bins required for the development. The required bins for the proposed number of units are:

- General waste: 10 x 240L bins (1 x 240L bin per 2.5 units), weekly collection
- Recycling: 10 x 240L bins (1 x 240L bin per 2.5 units), fortnightly collection
- Garden organics: 10 x 240L bins (1 x 240L bin per 2.5 units), fortnightly collection

- Bin Street Presentation Frontage

Part 3.6.6.9(g) of SCDGP provides that any development containing 20 or more dwellings, and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, on-site servicing must be accommodated on the site. A shared bin arrangement is proposed which can be accommodated within the Francis Street frontage as provided below:

Street Frontage	No. of Dwellings	Number of Bins	Available Frontage
Francis Street	23 dwellings	10 x 240L bins (10 x general waste + 10 x recycling/organics) 12.1m required for presentation 585mm width x 20 = 11.7m 5.7m = required gap between bins Total = 17.4	60.3m frontage (less 6.1m for driveway) = 54.2m net available frontage. 17.4m/54.3m = 32% of the net frontage required for presentation.

The number of bins required for a shared bin arrangement can be accommodated within 50% of the Francis Street frontage.

- Distance from dwelling to waste storage area

In accordance with Part 3.6.6.9(h) of SCDGP, the maximum travel distance between a dwelling and the bin storage area is 40m.

It is noted that two additional temporary bin storage areas are provided on the ground floor plans, which reduce the travel distance required for residents. However, these bin storage areas are not mentioned in the amended Waste Management Report, so it is unclear how these would be managed. It is assumed that the temporary waste storage areas would be managed by a site caretaker, and this arrangement would be required to ensure the sufficient rotation of bins to manage bin capacity and prevent bin overflow.

The following dwellings exceed the maximum distance from a waste storage area:

- Dwelling 1 – 48m
- Dwelling 7 – 46m
- Dwelling 13 – 70m
- Dwelling 23 – 44m

The maximum distance from a dwelling (dwelling 13) to a ground floor waste holding area is approximately 70m. The WMP does not detail the use of the ground floor waste holding rooms.

- Distance between waste storage area (basement) and waste collection point

Part 3.6.6.9(b)(i) of SCDGP specifies that the maximum travel distance between any storage area/point and the collection point for all bins is not to exceed 25m. The amended WMP does not dispute the required travel distance of 65m between the waste storage area and Francis Street, but indicates that this issue would be overcome with the assistance of a mobile bin towing device and associated trailer, to transport bins and manoeuvre waste bins through the site. No details in relation to the dimensions and operation of the trailer and manoeuvrability throughout the site are provided in the WMP. It is unclear whether this provides a workable solution to this issue. It is unclear how the bins would be presented to the street.

- Internal Waste Manoeuvring

Concerns are raised in relation to the width of the footpaths provided, as they will need to accommodate foot traffic from residents entering and exiting the development, as well as the

caretaker presenting and retrieving bins each week whilst operating a proposed trailer for transporting bins. The lack of setback between the footpaths and building frontages within the development provides little room for manoeuvring and passing of pedestrians while bins are being transported through the development from the waste holding areas to the communal storage area in the basement.

A summary of the issues is provided below:

- WMP fails to detail the presentation mechanism to the street;
- Distance of waste presentation area from the communal waste storage area is approximately 65m which significantly exceeds the maximum distance of 25m;
- Four (4) dwellings exceed the maximum distance from a dwelling to a waste holding area; and
- WMP fails to detail the use of the ground floor waste holding rooms.

6.4 Streetscape and Character

Clause 16A of SEPP (Affordable Rental Housing) 2009 stipulates that a consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

It is well established (*Planning Principle: compatibility in the urban environment*) that the most apposite meaning of compatible in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

The above planning principle also notes that there are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. It is also noted that local area includes both sides of the street and the visual catchment is the minimum area to be considered in determining compatibility.

Multi dwelling housing is no longer permitted with consent in the R2 Low Density Residential zone. Consequently, the future character of the area would not envisage the multi dwelling housing typology, on either side on Francis Street or Minto Road.

Further, the planning principle establishes that the most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks, landscaping and architectural style.

The following response is provided in relation to the most important contributors to urban character:

- **Building Height**

The maximum proposed building height of 7.4m is less than the maximum height of 8.5m permitted in the R2 Low Density Residential zone under the provisions of Campbelltown Local Environmental Plan 2015. The building height is not considered inconsistent with two storey residential development in the immediate area.

- Side Setbacks

The side property setbacks and the internal side setbacks between the three buildings presenting to Francis Street are not considered to be inconsistent with setbacks of existing residential development in the street. However, a suitable photomontage has not been provided to demonstrate the compatibility of the development with the existing streetscape.

- Front Setbacks

The proposed front setback is less than the majority of setbacks within Francis Street. A setback analysis has not been provided with the application. However, the proposed 5.5m setback from the front property boundary to the proposed dwellings in Francis Street complies with the minimum setback requirements in SCDGP Plan and would be consistent with any new in-fill dwelling development. The proposed front setback is considered satisfactory.

- Rear setbacks

The rear setbacks of the existing low density residential development provides visual relief within the streetscape. Established vegetation can also be viewed from the street. The bulk of the development extends the full length of each existing individual allotment with limited vegetation proposed in the traditional 'rear' of the dwelling blocks. This is not consistent with the low density residential built form of the existing streetscape.

- Landscaping

The landscaping within the front setback is considered satisfactory. However, encroachments are proposed on four trees adjoining the site which is not supported.

- Architectural Style

The surrounding development is characterised by detached dwellings, most single storey, with pitched roofs. The proposed development presents as a relatively flat roof form, and when viewed from the side elevations, the development appears as one large building block that extends to the rear of each existing block. The rows of the dwellings are not separated to provide visual relief and reduced bulk. The roof design is not consistent with the design guidance provided in the Seniors Living Guide.

- Photomontages

The photomontages of the development that have been provided in support of the application do not include a view of how the development is viewed within the streetscape in the same way that a member of the public would view the development. The photomontages include only a small portion of existing residential sites either side of the proposed development. The photomontages do not include the basement car park entrance or the area between each row of units along Francis Street. The views provided do not demonstrate the relationship of the proposed development with the streetscape in Minto Road or Francis Street or between the proposed buildings as viewed from a pedestrian in the street.

The photomontages provided do not provide the ability to assess whether the development's setbacks, landscaping, architectural style, building height and length is compatible with the character of the street.

In addition to the photomontages, the revised information includes a character analysis of both Francis Street and Minto Road in the plan set (attachment 2). Four visual perspectives

are provided, two perspectives on Minto Road and two perspectives on Francis Street. It is unclear where each viewpoint is taken and whether a pedestrian could actually stand in these locations and view the development as provided in the revised plans.

The visual perspectives of the development, particularly from Francis Street, show one continuous building and do not provide visual relief between the three buildings. For a pedestrian walking past the site, specifically on Francis Street, if the pedestrian were to stop and observe the development in the context of the street, it would appear dominant and inconsistent with the character of the local street.

It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. In the circumstances of this case, the depth of the building form and the roof design does not achieve harmony with the local area.

The development application is not compatible with the character of the local area. Consequently, the application fails to satisfy clause 16A of SEPP Affordable Rental Housing.

6.5 Stormwater

Council's Senior Development Engineer provided the following response in relation to the proposed stormwater for the site:

- The site stormwater is proposed to be connected into the existing drainage system in Francis Street.
- The property is not a Flood Control Lot with respect to 1% Annual Exceedance Probability (AEP) flood.
- There is minor overland flow of depth less than 50mm traversing through the site. Accordingly, a minimum of 150 freeboard is required to be provided to the finished floor level of each unit from the finished ground level to protect the dwellings from surface flows. This requirement has not been satisfied.
- The stormwater plan prepared by SGC Engineering (Revision D), proposes an overland flow path through the property. The application fails to demonstrate that the overland flow paths proposed in the stormwater plan would not impact on the adjacent units within the development in accordance with Council's Engineering Design Guide for Development.
- A retaining wall has been proposed between Units 12 & 18 obstructing the overland flow paths proposed through the rear yards.
- With the details given on the Fencing Plan, it appears that the overland flow paths will be obstructed due to the fence type (Fence Type 3, without a gap underneath the fence) proposed between the units. The drainage concept plan fails to demonstrate that proposed fencing and retaining walls do not obstruct overland flow paths through the site.
- Insufficient information has been provided with regard to the following matters to demonstrate that there is no adverse impact as a result of the proposed permanent connection of subsoil drainage into the basement pump storage:
 - i. Impact on the area in the vicinity of the development due to lowering the moisture content of the soil has not been determined

- ii. 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, has not been provided
 - iii. Impact on the Council drainage system has not been determined due to the quantity of the water extracting from the subsoil.
- The proposed level of the pathway to Unit 23 is at same level with the finished floor level of Unit 23. 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 CI 4.5 of Council's Engineering Design for Development.
- Ground surface levels given on the architectural plan (rear yards of Units 2, 5, 13, 18, 20, 22 etc.) and that given on the stormwater plan are inconsistent.
- Invert levels of some of the grated drains are higher than the invert level of the upstream pits.
- Pipe cover for some pipelines (proposed in rear yards of Units 18-23) has not been provided in accordance with the requirements specified in AS 3500 as required by Section 4.14 of Council's Engineering Design Guide.
- The rising main from the basement has been proposed to connect into the water quality system which is not acceptable under Section 4.13.8 of Council's Engineering Design Guide.

6.6 Driveway Gradients and Manoeuvring

Part 3.4.2(c) of SCDGP states the following:

- Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.

Council's Senior Development Engineer provides the following response in relation to proposed driveway gradients:

- Council previously requested a driveway longitudinal section between the gutter invert in Francis Street and the basement entrance at the critical driveway location to be provided in accordance with the Council and AS 2890.1 requirements. This has not been provided. 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).
- According to the given levels along the centre of the driveway, 740mm cut has been proposed at the front site boundary. The proposed cutting within the road verge is significant and is not acceptable. The impact of the proposed cut and the associated impact on existing services within the verge area, the safety of the road users (especially pedestrians in Francis Street) and the impact on adjoining properties has not been demonstrated.
- Drainage calculations have not been submitted to prove that the proposed level (RL 39.9) at the front site boundary is at or above the 100 year flood level of Francis Street. The maximum water surface level in Francis Street during the 100 year ARI storm

events needs to be determined. A crest on the proposed driveway should be provided at or above the determined 100 year ARI water level to protect the basement from inundation as required by Council's Engineering Design Guide for Development.

Additionally, Council's Senior Development Engineer provides the following in response to the basement parking space and nominated emergency vehicle parking space:

- Even though the parking space of Unit 21 has been dedicated for people with disability, no shared area has been provided. As such the parking space has not been designed in accordance with the requirements specified in AS 2890.6.
- The length of the proposed garages varies from 5.4m to 5.5m which is less than the minimum requirement of 6m as provided by Part 3.4.2(b) of SCDCP.
- The application fails to provide swept paths for the emergency vehicle nominated parking space within the basement as required as Part 3.4.2(k) of SCDCP.

6.7 Landscaping Matters

Part 2.5(f) of SCDCP provides the following:

- Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.

Native plantings proposed in the planting schedule are specified to include English Ivy and Pistachio Trees, which are exotic species. The landscape plan fails to provide locally indigenous and other drought tolerant native plants.

Concern was raised in relation to the viability of the landscaped areas which contain plant species that prefer full sun that are proposed in complete shadow in mid-winter.

The application is supported by a Landscape Design Statement, prepared by ATC Landscape Architects and Swimming Pool Diagrams, dated 03 September 2020, which confirms the following:

- As a qualified Landscape Architect, I hereby state that in my opinion the proposed plant species *Elaeocarpus reticulatus*, *Dianella caerulea*, *Viola hederacea*, *Cordyline stricta*, *Parthenocissus tricuspidata* and *Syzygium australe* 'Resilience' are all capable of thriving and surviving within shaded areas of the garden, during winter plant species go into a dormancy-like state where they conserve resources to prepare for the next seasons growth.

The above statement is considered satisfactory and is provided in attachment 22.

6.8 Arboricultural Impacts

The development application has assessed the impact to a total of 21 trees associated with the proposed development, including eleven (11) trees on the subject site, seven trees located on neighbouring properties and three street trees.

The proposed development recommends the removal of a total of five trees within the subject site. However, due to the scale of the proposed development, the associated construction impacts would likely result in additional impacts and/or the loss of further trees above and beyond those that have been identified.

The applicant was advised that the development would likely result in substantial encroachments to the structural root zone (SRZ) of two Forest Red Gums (*Eucalyptus tereticornis*) located on adjacent properties, that are identified as having 'High' significance ratings - including a street tree in the Council road reserve fronting Francis Street (T1), and another tree located close to the boundary of a neighbouring property (T10) – located at 123 Minto Road, Minto.

In response to the above, a revised Arboricultural Impact Assessment and Tree Management Plan (dated 7 October 2019, prepared by Redgum Horticultural) was provided. The revised Arborist Report provided root mapping which confirmed that the proposed development would have a major encroachment on Trees 1, 10 and 12; and a minor encroachment on Trees 8, and 9.

A summary of the tree details concerning Trees 1, 10 and 12 and Trees 8 and 9 provided in the revised Arboricultural Impact Assessment and Tree Management Plan is provided below:

Tree No. and Species	Location	Inspection Details	Development Impacts
Major Encroachment			
Tree 1 – <i>Eucalyptus tereticornis</i> (Forest Red Gum)	Road reserve in front of No. 16 Francis Street.	This street specimen was found in good health and vigour at time of assessment.	AS4970 (2009) section 3 requires a TPZ setback of 7.2 metres from centre of trunk (COT), the setback for the proposed pathway to the south-west adjacent to this specimen is estimated at 3.0m which is outside the SRZ which is 2.8m radial from COT and is an encroachment by the proposed development.
Tree 10 – <i>Eucalyptus tereticornis</i> (Forest Red Gum)	Rear allotment of No. 123 Minto Road, Minto	This neighbouring specimen was found in good health and vigour at time of assessment.	AS4970 (2009) section 3 requires a TPZ setback of 10.8m from COT, the setback for the proposed basement adjacent to this specimen is estimated at 6.0m with the pathway to the west estimated at 5.0m from COT, which is an encroachment by the development.
Tree 12 – <i>Cupressus macrocarpa</i> 'Leightons Green' (Leightons Green Pine)	Contained within the frontage of No. 121 Minto Road, Minto.	These specimens were found in good health and vigour at time of assessment.	AS4970 (2009) section 3 requires a TPZ setback 4.8m from COT, the setback for the proposed from unit 23 is to be outside the SRZ which is 2.3m radial from COT, which is an encroachment by the proposed development.
Minor Encroachment			
Trees 8 and 9 – <i>Erythrina</i> sp. (Coral Tree)	Rear allotment of No. 123 Minto Road, Minto	These neighbouring specimens were found in fair health and good vigour at time of assessment.	AS4970 (2009) section 3 requires a TPZ setback of 9.6m from COT, the setback for the proposed development adjacent to these specimens is estimated at 5.8m and 6.2m respectively from COT, which is an encroachment by the proposed development.

The proposal is not considered to give adequate consideration to the objectives of SCDCP, including:

- Identify the constraints and opportunities for the development of the site (Part 2.2, Site Analysis).

In particular, the proposal fails to consider the provisions of Councils SCDCP 2015 which requires that:

- The development shall be sited, designed and managed to avoid any negative impacts on biodiversity where possible (Part 11.2.1), and
- Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible (Part 2.5 (b))

Furthermore, the encroachments proposed by the development would require consent from the neighbouring landowners as the impact proposed by the development affects assets located on the neighbouring lots, and could cause damage to their property if the resulting development was to compromise the structural viability of these trees as a result.

However, the application fails to provide consent from the adjoining landowners for Tree 8, 9 and 10 (being No. 123 Minto Road), or T1 (street tree). Council does not consent to the level of impacts proposed to Tree 1 (or subsequent removal of this individual to facilitate the proposed development).

Additionally, Councils Tree Inspection Officer undertook a follow-up inspection on 26 November 2020 in light of the submission of additional information. The officer confirmed that no works are permissible in the TPZ of any of the neighbouring trees (T1, T10, T8 and T9). The Officer also confirmed that trees T11(3) and 12(3) were dead.

Consequently, it is considered that the proposal has failed to demonstrate how it has been sited to avoid negative impacts to biodiversity, and cannot be supported as it would result in encroachments to a number of high significance trees which constitutes an unreasonable level of impact.

6.9 Crime Prevention Through Environmental Design

Part 2.13(d) of SCDCP requires a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design (CPTED).

A CPTED Assessment was provided with the application, prepared by The Planning Hub, dated 4 November 2019 and supplemented by a further response from The Planning Hub dated 12 November 2020.

The amended plans provide a splayed corner which aids in reducing corners and concealment opportunities. However, the fencing plan (drawing No. 6003) is not consistent with the ground floor plan (drawing no. 2002).

A revised CPTED assessment has not been provided for the revised plans. Further, the CPTED assessment fails to consider the use of the internal access ways as facilitating public pedestrian access through the site.

6.10 Rear Access for Maintenance Purposes

Part 3.6.6.4 (a) of SCDCP requires each attached dwelling to be provided with a separate direct access from the backyard to the front yard that does not pass through any habitable area of the dwelling.

In response to this control, the Applicant provided the following response:

- Due to the proposed configuration and landscaped areas provided the dwellings have not been provided with a separate and direct access from the backyard to the front of the dwelling. Minimal lawn maintenance will be required for the rear courtyards of the dwellings and to maintain a consistent and safe built form the rear access ways have therefore not been provided.

A number of dwellings include a significant area of vegetation that would require regular maintenance. The current layout does not facilitate lawn maintenance without moving equipment (e.g. lawn mowers and lawn clippings) through the dwelling which is not considered appropriate.

Accordingly, the applicant was advised that separate access was required to be provided for dwellings that include a large area of lawn/soft landscaping including dwellings 1 to 6, 12, 13, 17 and 18 to 23.

The applicant provided the following response:

- Rear access has been provided for units 1, 6, 12, 13, 17, 18 and 23. Due to the proposed configuration and landscaped areas provided the remaining units have not been provided with a separate and direct access from the backyard to the front of the dwelling. Minimal lawn maintenance will be required for the rear courtyards of the dwellings and to maintain a consistent and safe built form the rear access ways have therefore not been provided.

It is accepted that, from time to time, vegetation from garden maintenance would be transported through dwellings and that this outcome is not detrimental to the amenity of the residents.

If recommended for approval, a condition of consent could be recommended for the inclusion of a rear compost bin for garden waste for dwellings that do not include separate rear access. It is however for other reasons recommended that the application be refused.

6.11 Internal Access Path Widths

Concern is raised regarding the width of the internal pedestrian access pathways.

Council's Senior Building Surveyor reviewed the Access Report prepared by Accessible Building Solutions, dated 21 March 2019. The following is advised:

- New development is required to comply with the Disability (Access to Premises - Buildings) Standards 2010 commonly known as the Premises Standard. The Premises Standard Part D3 runs in parallel with the National Construction Code - Building Code of Australia - Volume 1 Part D3. The two documents also identify the relevant Australian Standards that apply to buildings in terms of providing access to buildings for people with a disability. Development that complies with the Premises Standard is deemed to satisfy the intent of the Disability Discrimination Act 1992.

- Specifically in terms of pathway widths, it is advised that pathways are to be provided with a continuous accessible path of travel with a minimum clear unobstructed space of 1m wide x 2m high in accordance with AS1428.1 cl.6.3. Closer evaluation of the pathways (external accessways) for the proposed development providing access from the street and carpark to individual units revealed that the proposal does not satisfy requirements under AS1428.1 in terms of passing space along pathways (cl.6.4 requires 1.8m wide x 2m deep passing bay every 20 metres) and circulation space at pathway intersections (cl.6.5 60-90 degree turns require 1.5m x1.5m circulation in the direction of travel) as shown clouded red below.
- In terms of compliance with the Building Code of Australia the proponent of the proposed development could address this by either complying with the prescriptive deemed-to-satisfy requirements, the performance requirements or a combination of both. This issue however, would be addressed at a more advanced stage when the construction documents are being prepared for consideration with a Construction Certificate.

In accordance with the above response, pathway widths would be addressed at construction certificate stage.

6.12 Construction Impacts

Noise and vibration impacts during demolition, excavation and construction are unavoidable and have the potential to impact on the amenity of the locality. To minimise impacts during demolition and construction, conditions of consent could be applied if the application is approved relating to the provision of a construction management plan, limitation of hours of construction work, erosion and sedimentation controls, dust mitigation, waste management, and truck movements.

7. Section 4.15(1)(c) The Suitability of the Site for the Development

Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 requires the consent authority to assess the suitability of the site for the proposed development.

The application has failed to demonstrate that the development would not have adverse impacts on the immediate or surrounding locality, particularly in relation to responding to the existing streetscape character, safety of pedestrian access to the nominated bus stops, unresolved contamination, waste issues, arboricultural impact issues on adjoining trees, crime prevention, unresolved stormwater impacts and driveway gradients.

The site is not suitable for the proposed development.

8. Section 4.15(1)(d) Any Submissions Made in Accordance with This Act or the Regulations

The development application was initially notified for 14 days from 29 April 2019. Due to extensive public interest in the development application, Council extended the location of the notification area and extended the notification timeframe to 25 June 2019. The application was also publicly exhibited. Eighty four (83) submissions were received consisting of the following:

- 1 submission of support;
- 5 identical submissions;
- 32 identical submissions;
- 3 identical submissions.

The amended application was subsequently notified and exhibited for 21 days from 22 January 2020 in accordance with Council's Community Participation Plan. Thirty five (35) submissions were received consisting of the following:

- 12 unique submissions;
- 7 identical submissions; and
- 16 identical submissions.

The content of the submissions is addressed in the below table:

Theme	Issues	Response
Not within an 'accessible area' as specified by State Environmental Planning Policy (Affordable Rental Housing) 2009.	<p>Bus stop ID 2566145 is inaccessible. Concern that there is no footpath in Burford Street, Francis Street and between Burford Street and the bus stop on Minto Road.</p> <p>Bus stop ID 256641 is 850 metres from 121 Minto Road. Pedestrian access to this bus stop is unsafe.</p> <p>Concerns in relation the terrain is steep, uneven and unsuitable for wheelchairs, prams, children and frail and unsteady walkers.</p> <p>Site is greater than 800 metres from Minto railway station.</p>	The site is within 400m of a bus stop, however the application fails to demonstrate that the path of travel between the site and the nominated bus stops on Minto Road can be safely walked by a pedestrian.
Not land owned by the Land and Housing Corporation.	In reference to clause 6(2) of SEPP Affordable Rental Housing, the residential development is not on land owned by the Land and Housing Corporation therefore under this definition it cannot be for the purposes of affordable housing.	<p>It is an accurate statement that the land is not owned by Land and Housing Corporation.</p> <p>The proposed development does not rely on clause 6(2) for permissibility.</p> <p>Clause 6(2) provides that any residential development on land owned by the Land and Housing Corporation is automatically affordable housing.</p> <p>Clause 6(2) of SEPP Affordable Rental Housing is irrelevant.</p>
Incompatible with existing character	Concerns regarding the non-compliance of the development with clause 16A of SEPP (Affordable Rental Housing) 2009 in terms of density, architectural design, roof pitch, continuous building with no rear private open space as is consistent with the existing residential development.	Clause 16A of SEPP (Affordable Rental Housing) is not satisfied.
Photomontages	Photomontages are presented without context in relation to the entirety of Francis Street and Minto Road.	Photomontages provided are not acceptable.

Theme	Issues	Response
Setbacks from Francis Street	Concerns in relation to the proposed setbacks not consistent with the existing 7.5m setbacks in Francis Street.	The proposed setback from Francis Street is 5.5m from the front property boundary. This setback complies with Council's minimum setback requirements (Part 3.6.6.2 (a)(i) of SCDCP.
Permissibility	<p>Concerns relating to the development typology not being envisaged for the R2 Low Density Residential Inglepark Estate.</p> <p>Multi dwelling housing development is prohibited in the R2 Low Density Residential zone in Campbelltown LEP 2015 which is required to be considered when assessing the overdevelopment under clause 16A of SEPP Affordable Rental Housing.</p>	<p>The proposed multi dwelling housing development is permissible with consent due to the saving provision as specified by clause 1.8A(2) of Campbelltown Local Environmental Plan 2015.</p> <p>However, the development application fails to satisfy clause 16A of SEPP Affordable Rental Housing.</p>
Affordable housing dwelling allocation	Lack of information regarding which dwellings would be allocated as affordable housing.	The revised application provides that nine (9) dwellings would be used for affordable housing purposes.
Density	<p>Concerns raised regarding the density of the development is not in keeping with the character and density of the surrounding residences and are not aligned with Campbelltown LEP 2015 which prohibits multi dwelling housing in R2 zoned land.</p> <p>Under SCDCP the maximum dwelling is 13, not 23.</p>	<p>The proposed multi dwelling housing development is permissible with consent due to the saving provision as specified by clause 1.8A(2) of Campbelltown Local Environmental Plan 2015.</p> <p>The applicable site area for this type of development is specified in the SCDCP is overridden by clause 14(2) of SEPP (Affordable Rental Housing).</p>
Unsafe internal pedestrian paths	Concerns raised that the internal narrow pedestrian laneways within the development site are potentially frightening and unsafe.	<p>Splayed corners have been provided which is considered to assist in removing the element of concealment from the development.</p> <p>Concern is raised regarding the use of the internal access ways as public pedestrian access ways due to the through nature of the site.</p>
Internal services insufficient	Concerns raised regarding the long distance from the garbage disposal area; the long distance from car parking; the single door access to the basement parking	Inadequate WMP provided. Insufficient details regarding bin holding areas and the movement of the bins from the communal waste storage area to the street via mechanical means.
Overshadowing of internal access pathways	<p>Concerns raised regarding overshadowing of internal pedestrian access paths.</p> <p>Concerns regarding overshadowing impacts and the issue of mould to adjoining properties.</p>	<p>Overshadowing of internal pathways is not a concern.</p> <p>Shadow diagrams provided with the application are satisfactory. No overshadowing concerns are raised.</p>
Separate direct rear access not provided	No external access between the dwellings front and back areas. This must have emergency and waste	The development provides a nominated emergency vehicle space in the basement. However, the application

Theme	Issues	Response
	management implications.	fails to provide swept paths for an emergency vehicle which is not considered satisfactory.
Typical of public housing	The proposed development is akin to public housing.	Considered a statement. Not a relevant consideration pursuant to clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Traffic Issues	Proposed development would increase an additional 100 plus residents to Francis Street which would cause traffic issues.	The development would generate approximately 15 vehicles per hour in the peak hour. Council requested that an intersection performance analysis be undertaken to determine whether the intersection should be upgraded to traffic signals. An intersection analysis for Minto Road/Burford Road was not provided with the development application.
Impact property values	This type of development is likely to bring undesirable elements to the area and impact property values.	There is no evidence to support this statement. It is not a relevant planning consideration pursuant to clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Waste management is unacceptable	Waste bins should be stored individually as each dwelling would be provided with their own bins and each resident would be responsible and accountable for their own waste management.	Insufficient WMP provided with the development application.
On-street waste collection	Concerns regarding number of bins presented to Francis Street.	Bin presentation to Francis Street is considered satisfactory.
Emergency vehicle parking	Concerns regarding the lack of emergency vehicle parking.	The revised basement plan includes an emergency vehicle parking space. However, swept paths are not provided to ensure an emergency vehicle can enter and exit the basement.
Insufficient car parking	48 car parking spaces is insufficient.	Car parking provision exceeds the minimum amount of car parking required in accordance with clause 14(2) of SEPP (Affordable Rental Housing).
Traffic Congestion on Francis Street	<ul style="list-style-type: none"> • Parking overflow plus visitors and residents tradie vehicles will park on Francis Street. • Existing problem with cars parked permanently on the street. • Street parking will interfere with traffic flow and garbage collection. • Traffic congestion will be dangerous and intolerable. • Parking in Francis Street would become congested and trying to drive through Francis Street with cars parked either side would be 	Car parking provision exceeds the minimum amount of car parking required in accordance with clause 14(2) of SEPP (Affordable Rental Housing).

Theme	Issues	Response
	<p>a nightmare especially for emergency vehicles and residents in the street.</p> <ul style="list-style-type: none"> Increased vehicles parking on the street would create an unsafe environment for residents using the street for bike riding etc. 	
Traffic generation on Francis Street and Minto Road is unacceptable	Concerns regarding traffic generation from the development.	Council requested that an intersection performance analysis be undertaken to determine whether the intersection should be upgraded to traffic signals. An intersection analysis for Minto Road/Burford Road was not provided with the development application.
Construction Impacts	<ul style="list-style-type: none"> Francis Street is a light weight vehicle road and will not cope with the heavy vehicles associated with the demolition, recycling, excavation and construction of this development. Construction impacts and the consequential environmental impact would be unacceptable to the residents and the local wildlife. Demolition and excavation period would cause dust and dirt problems and be disruptive and noisy. Should development proceed, provision must be made for all demolition/construction vehicles access and egress to occur via Minto Road. Cause health risks. Asbestos concerns. Concern raised regarding damage to foundations of adjoining dwellings/sites 	<p>Construction management plan was not provided with the development application.</p> <p>The provision of a construction management plan could be provided as a condition of development consent.</p>
Burford Street and Minto Road intersection is dangerous for pedestrians	<p>Concerns regarding the Burford Street and Minto Road intersection performance.</p> <p>Current issues with driving in and out of the Burford Street due to vehicles parked on the side of Burford Road, being exacerbated by the development.</p>	Council requested that an intersection performance analysis be undertaken to determine whether the intersection should be upgraded to traffic signals. An intersection analysis for Minto Road/Burford Road was not provided with the development application.
Emergency Evacuation impacts	<p>Concerns regarding the performance of the Burford Street and Minto Road intersection with increased traffic resulting from the development.</p> <p>Concern is also raised in relation to exiting Burford Road, with increased traffic, in the case of an emergency situation (i.e. bushfire).</p>	Intersection analysis was not provided with the application.

Theme	Issues	Response
Internal emergency vehicle access	Concerns regarding delivery vans etc. servicing the site.	Swept paths have not been provided to demonstrate that emergency vehicles can access the parking space provided. Insufficient information has been provided in regards to delivery vans however it is noted that there are no specific requirements for delivery vehicle access.
Existing infrastructure upgrades	Upgrade existing amenities (i.e. small park on Salter Avenue) to cater for the additional residents in the area.	Section 7.11 Development Contributions apply to this development. The contributions go towards the local infrastructure items listed in the Plan. Salter Avenue is listed in Appendix A (Infrastructure Schedule and Location Maps) for works to the playground (Ref: OSR6).
Theft and Vandalism	Concerns regarding theft and vandalism due to a transient population.	No evidence provided to support this claim.
Nowhere for children to play	The development does not include any area for children to play.	Each dwelling is provided with a private open space area adjoining the main living area. A designated children's play area is not required to be provided.
Indoor Living Area Size	Concerns that the development does not comply with the size of indoor living areas (Part 3.6.6.3 of Council's (Sustainable City) Development Control Plan 2015).	Indoor living area complies with Part 3.6.6.3 (a) of SCDCP as follows: ii) 2 or 3 bedrooms propose a minimum indoor living area of 3.5x4sqm. iii) 4 or more bedroom dwellings propose an indoor living area of 4x5sqm. Measurements are shown on the proposed floor plans.
Privacy concerns	Overlooking concerns into adjoining residential backyard from the development.	Overlooking has not been considered.
Stormwater concerns	Possible stormwater concerns in Francis Street.	While details of this concern have not been elaborated, Council's engineers have raised concerns with stormwater management as proposed in the application.
Sewer concerns	Sewer concerns.	Specific sewer concerns not detailed. If approved, a condition of consent would require Sydney Water approval prior to the issue of a construction certificate.
Noise impacts	23 dwelling would generate noise impacts.	The development is residential in nature. No specific noise concerns identified. Neighbourhood noise is regulated via the Protection of the

Theme	Issues	Response
		Environment Operations Regulation.
Notification	Concerns raised regarding insufficient notification of the development application.	<p>The initial public notification area and notification timeframe was extended from 13 May 2019 to 25 June 2019. The application was also placed on public exhibition.</p> <p>Notification is considered satisfactory.</p>

9. Section 4.15(1)(e) The Public Interest

The public interest is a comprehensive requirement that requires consent authorities to consider the long-term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of desired environmental and built form outcomes adequately responding to and respecting the desired future outcomes expressed in environmental planning policies and development control plans.

In this instance, the proposed development is not appropriate with consideration to the impacts to established native vegetation adjoining the sites, incompatibility of the development with the streetscape character and insufficient details to demonstrate the Burford Street/Minto Road intersection performance and pedestrian facilities. Further, the proposed development is not in the public interest as it fails to satisfy prerequisites to development consent set in State Policy, most particularly Clause 7 of SEPP 55 and Clause 16A of the SEPP Affordable Rental Housing.

Consequently, approval of the proposed development is not considered to be in the public interest.

10. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed multi dwelling housing development is permissible with consent in the R2 Low Density Residential Zone due to the saving provision as specified by clause 1.8A(2) of Campbelltown Local Environmental Plan 2015.

The application has failed to demonstrate that the proposal is compatible with the relevant environmental planning instruments including SEPP 55 and the SEPP Affordable Rental Housing, the existing character of the low density residential area and that the path of travel from the site to the bus stop servicing the site is a safe path of travel for a pedestrian. The proposal does not demonstrate compliant driveway gradients or compliant free board levels. Encroachments on adjoining established vegetation will be detrimental to that vegetation which is currently healthy and provides a significant contribution to the character of the locality and therefore is also not supported. The application has not been accompanied by a satisfactory waste management plan. The application has not been accompanied by sufficient information in regards to stormwater management nor plans that demonstrate the stormwater will be effectively managed.

Further, the issues and concerns raised in the submissions have not been adequately addressed, particularly in relation to concerns raised in relation to whether the development responds to the streetscape character and the performance of the Minto Road/Burford Street intersection.

Overall, having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant matters discussed within this report, it is considered appropriate that the development be refused, subject to the recommended reasons for refusal in attachment 1.

11. Recommendation

It is recommended that development application 1227/2019/DA-M for the demolition of existing structures and construction of a multi dwelling 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, be refused subject to the reasons for refusal in attachment 1.