

9 June 2020

Urbanlink Architects Pty Ltd
L10, 11-15 Deane St
BURWOOD NSW 2134

REQUEST FOR ADDITIONAL INFORMATION
Environmental Planning and Assessment Regulation 2000 - Clause 54

Development Application No: 1227/2019/DA-M

Property: 12 Francis Street, Minto, 14 Francis Street, Minto, 16 Francis Street, Minto, 121 Minto Road, Minto

Development: Demolition of existing dwellings and construction of a multi dwelling housing development consisting of 23 dwellings and basement car parking under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009

I advise that an assessment of the additional information provided to Council has been assessed. As a result, the following information is considered necessary to be submitted to allow the further consideration of your application:

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.

1. Previously it was advised that all proposed units would be used for the purposes of affordable rental housing. The revised information now indicates that only 5 of the 23 units would be used by a registered community housing provider for a minimum of 10 years.
2. The specific units to be used for affordable housing are to be nominated on the plans and within the revised Statement of Environmental Effects. The floor area of the units determines the FSR for the development. In the revised submission, ensure a statement regarding clause 13 of SEPP (Affordable Rental Housing) is provided.
3. The 'bonus' FSR is incorrectly calculated on Drawing No. 6001. The cover letter provided indicates that 5 units are to be affordable housing, not all units as previously indicated. Provide an amended plan to reflect the correct bonus calculation, as less than 50 per cent of the gross floor area of the development is to be used for affordable housing.

Clause 16A State Environmental Planning Policy (Affordable Rental Housing)

4. The Clause 16A assessment provided does not include a comprehensive assessment which specifically considers whether the design of the development is compatible with the character of the area.

5. 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.
6. The response provided to Clause 16A does not include an assessment of the existing streetscape character and elements that contribute to this character.
7. 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 Minto Road or Francis Street or between the proposed buildings as viewed from a pedestrian in the street.
8. Photomontages are required to be provided at different points along both Francis Street and Minto Road which include the development within the existing streetscape.

Clause 10(2) of State Environmental Planning Policy (Affordable Rental Housing)

9. The Applicants response details that the subject site is located in close proximity to the following two bus stops located on Minto Road:
 - 294m to Minto Road opposite Ohlfsen Road (Stop ID: 2566145); and
 - 304m to Minto Road before Ohlfsen Road (Stop ID: 256641).
10. Further, the Applicants response details that the subject site is considered to be located in an “accessible area” in that it is located within 400m walking distance of bus stops that provide accessible bus services at least every hour between 6am and 9pm Monday to Friday and 8am and 6pm Saturday and Sunday.
11. In response to the above, “accessible area” means land this is within –

(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.

Provide a timetables as an appendix demonstrating that the services are at least every hour in accordance with Clause 10(2) of SEPP (Affordable Rental Housing). Ensure it is noted how many buses provide an accessible service.
12. Further, under the definition of accessible area, “walking distance” means –

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.
13. It is important to note that the term “safety walked” is within the definition of “walking distance” in order for a pedestrian to walk from the subject site to the two bus stops that are being relied upon to comply with the “accessible area” definition.

14. 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.
15. The levels of the proposed pedestrian infrastructure (i.e. footpaths) are to be provided.
16. Any traffic facilities proposed on Minto Road would require RMS approval and would be referred to the RMS for review.
17. A locality sketch plan is attached along with which refers to the area to be reviewed:

LOCALITY PLAN
DA 1227 / 2019
PEDESTRIAN ASSESSMENT



Emergency Evacuation Situation

18. The subject site is contained within a suburban area that contains one combined ingress/egress from Burford Street onto Minto Road. The wider residential area is mapped as bushfire prone lands. Provide an assessment on whether the egress of the neighbourhood is compromised in relation to emergency evacuation situations.

Emergency Vehicles

19. Detail emergency services access for the proposed development.

Clause 15 – Seniors Living Policy: Urban Design Guidelines for Infill Development

20. The amended information did not include an assessment of the development against the Seniors Living Guidelines. As requested by the Planning Panel, provide an assessment of the development against Senior Living Policy: Urban Design Guidelines for Infill Development as required by clause 15 of State Environmental Planning Policy (Affordable Rental Housing).
21. The response provided details that under Clause 15(1) the “consent authority is required to consider the relevant provisions of the policy. The proposed development has been designed with consideration of the policy where the provisions are consistent with the ARH SEPP”.

It is unclear how the proposed development has been designed with consideration of the Seniors Living: Urban Design Guidelines for Infill Development.

For example, the built form design principles for Part 3: Impacts on the Streetscape states the following:

- Reduce the visual bulk of a development by:
 - Using a roof pitch sympathetic to that of existing buildings in the street.

State Environmental Planning Policy 55 – Remediation of Land

22. 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. A NSW SafeWork authority search
 - b. The Title History of the subject lots
 - c. The information from the enquiries to Council
 - d. Local Knowledge from the current and readily available previous owners (if any)

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

23. The subject site is identified within the Greater Macarthur Growth Area. Accordingly, address the relevant causes in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Waste Management

24. The recommendation made in Council’s previous request required the development to be reconfigured to support individual bin storage arrangements. However, the amended application has continued to seek communal bin storage. The following is advised:

- ***Travel Distances***

25. Despite the relocation of the bin storage area, there is an excessive travel distance between the bin storage area and a number of proposed units. In some cases, this distance is approximately 90m (in the case of unit 13). Eleven units in total exceed the maximum travel distance of 40m, as specified in Part 3.6.6.9 (h) of Council’s (Sustainable City) Development Control Plan 2015. This excessive non-compliance is not supported.

26. Additionally, the bin storage area is located further than the maximum distance of 25m from the collection point. The caretaker responsible for the presentation of the bins to the street would be required to wheel the bins (individually given the width of the access path) from the basement storage area up through the bin lift and then travel approximately 65 metres to Francis Street and approximately 63 metres to Minto Road. This distance is excessive and exceeds the maximum distance of 25m as stipulated in Council's (Sustainable City) Development Control Plan 2015.
27. The proposed travel distances (between units and the bin storage area, and between the bin storage area and the collection point) are non-compliant with Council's (Sustainable City) Development Control Plan 2015 and are not supported.

- **Width of Footpaths**

28. In addition to the travel distance issues raised above, there is concern 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. 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 wheeled through the development. Adequate clearance is to be provided to allow for both pedestrian access and caretaker access while presenting and retrieving bins.

- **Bin Storage Area**

29. For information purposes, the waste storage area provided 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

Development Engineering

30. As per Council requirements, a minimum of 150 freeboard shall be provided to the finished floor level of each unit from the finished ground level to protect the dwellings from surface flows. Also, the Council requires information to justify that the overland flow paths proposed in the stormwater plan would not impact on the adjacent units. Finished ground levels shall be provided on the architectural plans and stormwater plan addressing the freeboard requirement specified in Cl. 4.5 of Council's Engineering Design for Development guide.
31. The previously requested driveway long section has not been provided. Due to the crest level (RL40.67m) proposed on the site boundary, the gradient of the road verge exceeds 16% which is not acceptable. Further to that, the change of gradient at the front site boundary would exceed 21% due to the proposed positive gradient of the road verge (16%) and the proposed negative 5% gradient of the basement ramp. Similarly, the change of gradient at the entrance to the basement floor exceeds the maximum allowable gradient. As such, the driveway gradients shall be redesigned to comply with the gradients and the change of gradient as specified in AS 2890.1. A driveway longitudinal section between the gutter invert in Francis Street and the basement entrance at the critical driveway location shall be provided in accordance with the Council and AS 2890.1 requirements. The gradients of the road verge (between gutter invert to site front boundary) shall be in accordance with the gradients

specified in the Council standard drawing SD-R08. If the crest levels has been revised, drainage calculations shall be submitted to justify the revised crest level.

32. Swept path diagram shows clearance lines of some of the swept paths encroach the adjacent wall/garage door due to the insufficient apron width. It is required to increase either apron width or garage door width to comply with the Cl. 5.4 of AS 2890.1.
33. Swept paths for Unit 13 parking space has not been provided and some of the clearance line of parking spaces encroach the adjacent parking space. It is recommended to provide the swept path of entering and exiting parking spaces in different colours with legend for clarity. Colour coded swept paths shall be provided for all parking spaces especially for critical spaces. All the clearance lines should contain within the relevant parking space.

Rear Access and Maintenance

34. The Applicant provides the following in response to Council's request to provide separate, direct access to rear private open space areas of the proposed dwellings:
 - 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.
35. Areas required to satisfy deep soil landscaping cannot be treated as 'low maintenance' areas. The private open space areas of the dwellings listed below are required to achieve the deep soil planting zone requirement of State Environmental Planning Policy (Affordable Rental Housing). Landscaping maintenance of the rear private open space areas cannot be achieved without moving through the habitable areas of the dwellings which is not supported.
36. Separate direct access must be provided for the following proposed dwellings:
 - Units 1 –6 inclusive
 - Unit 12
 - Units 13 and 17
 - Units 18 – 23 inclusive
37. In accordance with Council's (Sustainable City) Development Control Plan 2015, provide a revised design which separates the individual dwellings to allow separate and direct access from the backyard to the front yard that does not pass through any habitable area of the dwelling for the dwellings listed above.

Deep Soil Area

38. Provide plans demonstrating which areas have been included in the deep soil calculations.

Landscaped Area

39. Provide plans demonstrating which specific areas have been included in the landscaped area calculations.
40. Provide comment from a suitably qualified professional on the viability of the landscaped areas that are in complete shadow mid-winter, as shown on the landscape plan. For example, the

landscape plan proposes *Syzygium austral*, *Dianella revolute* and *langerstroemia 'natchez'* in full shadow areas. These species prefer full sun.

Tree Protection Measures

41. Native plantings proposed in the planting schedule are specified to include English Ivy and Pistachio Trees, which are exotic species. Provide a revised landscape plan showing trees selected from Council's Native Gardening Guide.
42. It has previously been advised that the development proposes major encroachment to 2 x *E. tereticornis* trees that have been identified as having 'High' significance ratings - including a street tree in the Council road reserve fronting Francis St (T1), and another tree located close to the boundary of a neighbouring property (T10 – located at 123 Minto Road, Minto). In response, the applicant provided root mapping undertaken as part of the revised Arborist report. The root mapping showed that the proposed development will have a minor encroachment on Trees 6, 8, and 9 and a major encroachment on Trees 1, 10, and 12.
43. The proposed major encroachments to Trees 10 and 12 would require consent from the neighbouring landowner as the impact proposed by the development affects an asset located on the neighbouring lot, and could cause damage to their property if the resulting development was to compromise the structural viability of these trees as a result. Owners consent has not been provided, and therefore the proposed development is required to be amended to reduce the impact of the development so that it would not result in a major encroachment to the neighbouring trees. As proposed, the development impact is assessed to be unreasonable.

Shadow Diagrams

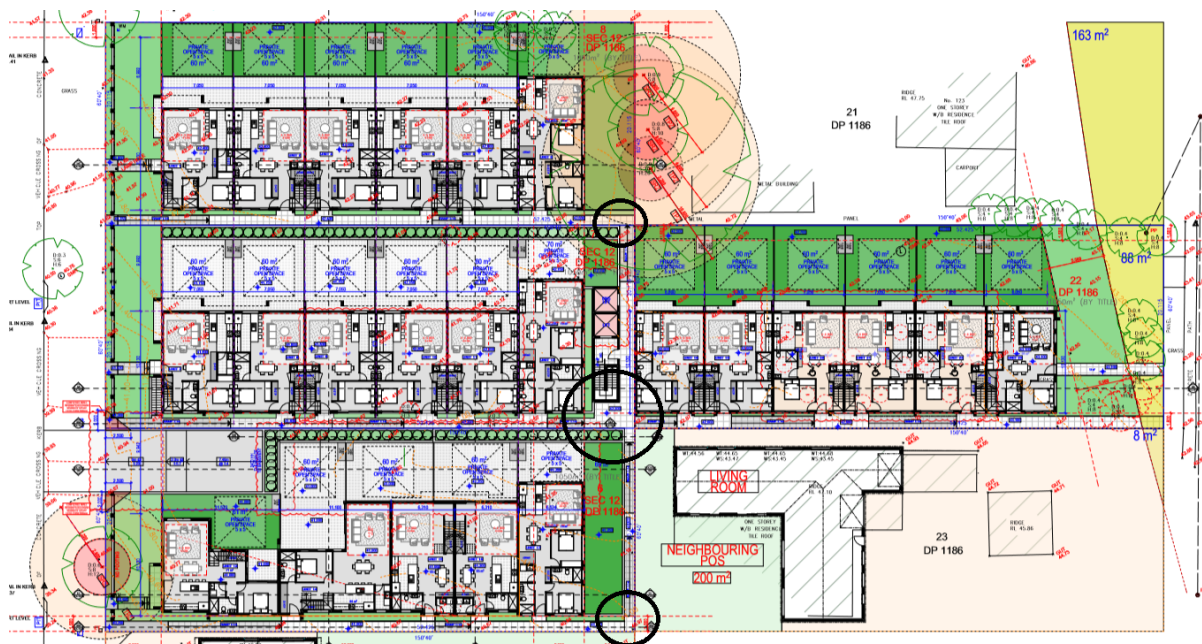
44. The shadow diagrams do not demonstrate the current solar access received by the adjoining impacted dwellings. The amount of sunlight lost is required to be taken into account as well as the amount of sunlight retained.
45. The shadow diagrams do not include all overshadowing impacts on the adjoining impacted residential allotments, which is not an accurate assessment of the solar access received. For example, the shadow diagrams for 18 Francis Street indicate that no overshadowing is occurring at 1pm, however, overshadowing would be caused from the existing dwelling, boundary fencing and development on 20 Francis Street. Revised shadow diagrams must consider overshadowing by fencing, roof overhangs and adjoining development when assessing the overshadowing impacts to the adjoining residential allotments.
46. The shadow diagrams are required to be revised to include the location of clothes drying areas of adjoining residential development and include all structures in the rear of the dwelling at 18 Francis Street.

CPTED Assessment

47. The CPTED assessment provides the following statement:
 - The proposed development has been sited and designed to minimise concealment opportunities. This has been achieved by providing a built form layout that provides clear sight lines on communal paths, habitable rooms facing the street and internal area to facilitate passive surveillance and adequate lighting to all communal areas.
48. In response to the above, the development proposes corners on the internal access paths which are opportunities for concealment. An alternative design is required in these area.

Consideration must also be given to the height of proposed vegetation in these areas and fencing heights.

49. The following image below circles the areas where opportunities for concealment are identified:



50. The access pathway between 14 and 16 Francis Street includes fencing that has a proposed height of 1500mm. 39 x Syzygium austral 'Resilience' are also proposed along the path. This species can grow to 5m in height, which would enable concealment to occur around the proposed corners. Lagerstroemia 'natchez' can also grow to 8 metres in height. Ensure the revised design includes an assessment of the proposed landscape planting and fencing type and height.

Retaining Walls

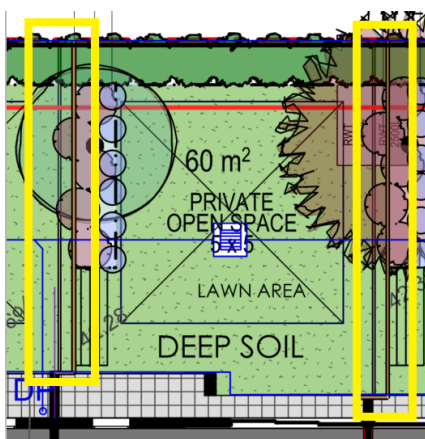
51. In addressing Part 2.12 of Council's (Sustainable City) Development Control Plan 2015, the response from The Planning Hub states that 'all proposed retaining walls are setback over 0.45m off the property boundaries'.
52. Timber sleeper retaining walls are proposed on the revised plans on the higher side (eastern side) of the site due to the proposed cut of 420mm maximum. Further, there is also a 'drop edge beam down to NGL'.
53. Council does not support any retaining structures on the property boundary without adjoining owners consent, and maintenance easements on the adjoining allotment.
54. Provide revised plans that does not including any structures on the property boundary. In accordance with Part 2.12 of Council's (Sustainable City) Development Control Plan, no retaining walls are to be within 450mm of the property boundary.
55. If retaining walls are to be proposed, they must be in accordance with Part 2.12 of Council's (Sustainable City) DCP 2015 and must demonstrate that they do not obstruct the upstream overland flow paths. All plans, including the landscape plan, must show all retaining structures.

Cut and Fill Plan

56. Provide a revised cut and fill plan which includes the total amount of cut and fill required for the entire development, including the basement area.

Fencing Plan

57. The proposed fencing plan is required to be revised to include all proposed retaining walls (all proposed retaining walls to be in accordance with Part 2.12 of Council's (Sustainable City) Development Control Plan 2015).
58. Advise if the proposed 1.8m high decorative privacy fencing is included in the shadow diagrams.
59. Identify both structures highlighted in the yellow box below. It is unclear what is proposed within the space between the two fencing types.

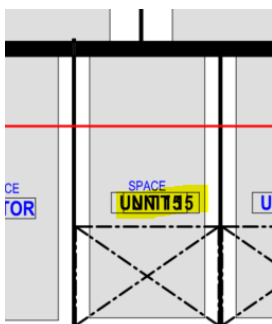


Acoustic Amenity

60. Several submissions raised issues regarding acoustic amenity of the surrounding low density residential allotments. Provide evidence that the acoustic amenity of the surrounding development would not be impacted by the proposed development.

Basement – Car parking space annotation

61. Clearly annotate the unit assigned for the car parking space below:



In addressing the above matters, the following information is required to be submitted to Council to enable the further consideration of your application:

- a. A covering letter stating how the revised information you are supplying to Council satisfies each point listed above.
- c. Electronic copies of all amended plans and documentation shall be submitted to council@campbelltown.nsw.gov.au.
- d. Where plans are amended, plans shall be clouded or coloured to clearly illustrate any amendments.

Your response to this matter is requested within 30 days from the date of this letter. I advise that the statutory time for this application has been deferred pending receipt of this information.

If you require any further information, please don't hesitate to contact me on (02) 4645 4608.

Yours sincerely

Emma Page
Senior Development Planner