

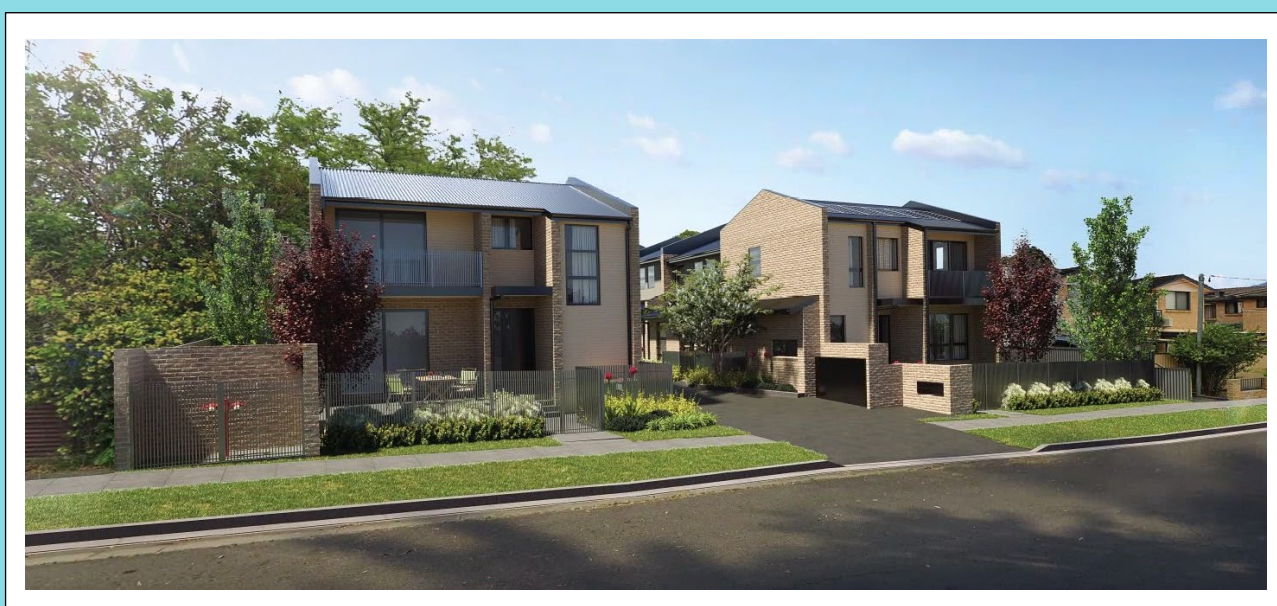
REVIEW OF ENVIRONMENTAL FACTORS

Proposed Multi-Dwelling Development

at

70 – 72 Gordon Avenue, South Granville NSW 2124

March 2024





Acknowledgement of Country

Homes NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by Homes NSW

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REVIEW OF ENVIRONMENTAL FACTORS

First published: March 2024

Department reference number: D24/580360

On February 1 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof.

Homes NSW

Postal address: Locked Bag 5022, Parramatta, NSW 2124

<http://www.nsw.gov.au/homes-nsw>

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DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by Lisa Wrightson of Barker Ryan Stewart for the New South Wales Land & Housing Corporation.

No	Date	Version	Change since last version	Pages
1	16.01.2023	V1	Not applicable – initial version	
2	12.02.2024	V2	Updated following LAHC feedbacks	various
3	18.03.2024	V3	Final edits	various
4	28.03.2024	V4	Final version	various

DOCUMENT SIGN-OFF

REF prepared and peer reviewed by:	
Having prepared the Review of Environmental Factors:	
<ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential or perceived) to the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW.I do not consider I have any personal interests that would affect my professional judgement.I will inform the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.	
Name:	Lisa Wrightson
Designation:	Planning Manager, Barker Ryan Stewart
Signature:	 Date: 21/03/2024
REF peer reviewed by:	
Name:	Frances Beasley
Designation:	Senior Planner, Planning and Assessment, Homes NSW
Signature:	 Date: 28/03/2024
REF reviewed and endorsed by:	
I certify that I have reviewed and endorsed the contents of this REF document, and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.	

Name: Carolyn Howell

Designation: Manager, Planning & Assessment, Homes NSW

Date: 28 March 2024

Signature:



REF authorised for issue by:

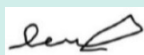
Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (real, potential or perceived) to the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Name: Ambrose Marquart

Designation: A/Director of Portfolio Services, Homes NSW

Signature:



Date: 10.04.2024

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1 Executive Summary

The subject site is located at 70 – 72 Gordon Avenue, South Granville, and is legally described as Lots 43 & 44 in Deposited Plan 36280. The proposed multi dwelling housing development is described as follows:

Removal of trees, and the construction of a multi-dwelling housing development comprising 6 x 2-bedroom townhouses and 2 x 3-bedroom townhouses, surface parking for 5 cars (including 1 accessible space), associated landscaping and fencing, and consolidation of 2 existing lots into a single allotment.

The proposed activity is permitted on the site under the applicable local environmental planning instrument and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site and does not exceed 9 metres in height.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment.
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required.
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration the *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*.
- the site planning and design of the proposed activity adequately addresses the applicable local environmental planning and development controls of Cumberland City Council.
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets.
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Cumberland City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. Responses were received from Council dated 13 February 2023 and 21 December 2023. Comments on the responses are provided in Section 7.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the issues raised in the submission are provided in Section 7.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the identified requirements of determination contained in the ***Activity Determination***.

Note:

State Environmental Planning Policy Amendment (Housing) 2023

On 14 December 2023, amendments were made to the Housing SEPP. This amending policy is referred to in Schedule 7A Savings and transitional provisions as State Environmental Planning Policy Amendment (Housing) 2023.

Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for a multi dwelling housing development satisfies both requirements and therefore State Environmental Planning Policy Amendment (Housing) 2023 does not apply to this activity.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the removal of trees, and the construction of an multi dwelling housing development comprising 6 x 2 bedroom and 2 x 3 bedroom townhouses, with associated landscaping and fencing, surface parking for 5 cars and lot consolidation.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by Barker Ryan Stewart on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment
- describing the proposed activity
- analysing the potential impacts of the activity on the environment
- identifying measures to mitigate those impacts
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Cumberland Local Environmental Plan 2021* (CLEP 2021).
- It was determined that multi-dwelling housing is 'permitted with consent' in the R3 zoning pursuant to the CLEP 2021 and can be carried out 'without consent' under the provisions of Housing SEPP 2021.
- A site inspection and a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.

suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context.

- Relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity.
- An environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required.
- Potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing environment

3.1 Site locality and key characteristics

The subject site is located within the Cumberland Local Government Area (LGA) and consists of 2 Torrens Title residential allotments, legally described as Lots 43 & 44 in DP 36280 and known as 70 and 72 Gordon Avenue, South Granville. A location plan and is provided at **Figure 1** and aerial of the site is provided at **Figure 2**.

Two existing dwellings on the site have recently been demolished under Comply Development Certificates CDC-137765 & CDC-137765 and therefore the site is currently vacant land as shown in **Figure 3** and **Figure 4**. The site is burdened by a drainage easement along the northern side boundary and supports downstream drainage from the adjoining property at the western rear corner known as 69 – 71 Peglar Avenue.

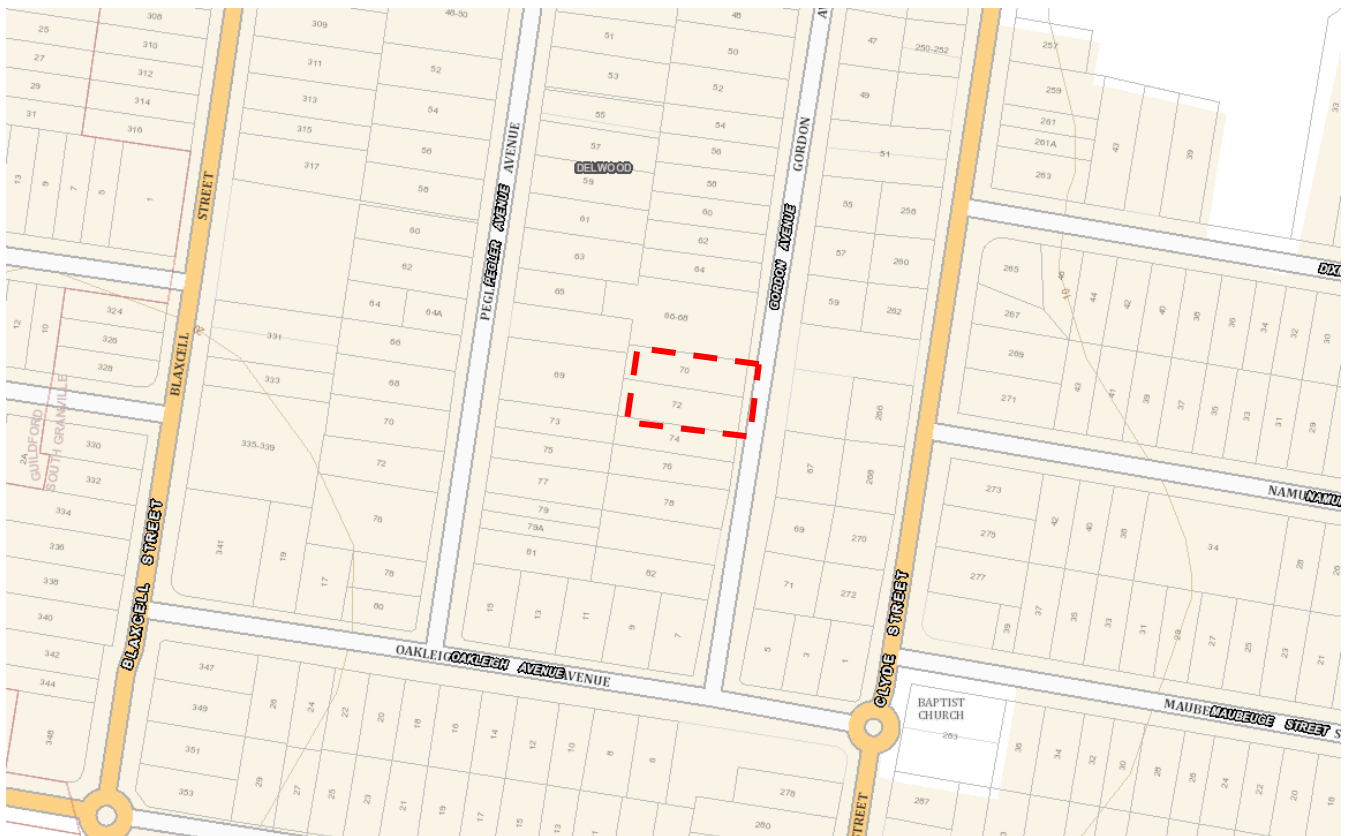


Figure 1 Location Plan, site outlined in red (Source – SIX Maps)



Figure 2 Aerial of locality, site outlined in red (Source – Nearmap, image dated 19/02/24)



Figure 3 Development site – 72 Gordon Avenue, South Granville (Source – LAHC, 2023)



Figure 4 Development site – 70 Gordon Avenue, South Granville (Source – LAHC, 2023)

3.2 Site description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PC2023/5212 and PC2023/5211) dated 28 February 2024 are provided in **Appendix F**.

The site comprises of 2 lots and has a total area of 1,599m². The site has a frontage to Gordon Avenue of 31.105m, north and south side boundaries of 51.85m, and a rear (western) boundary of 31.105m (refer to the Survey Plan in **Appendix D**). The site falls from the rear southwestern corner to Gordon Avenue toward the north-eastern corner by approximately 2m.

The site is not within a flood planning area and is not subject to flood related development controls.

There are 6 trees located within the site and another 6 trees within the immediate vicinity of the site's common boundaries, as identified in the Arboricultural Impact Assessment (**Appendix J**). One tree (T11) has been identified as high retention value, 2 trees (T5 & T1) are of medium retention value and 7 trees are identified as low retention value. Trees T7 & T8 are located on the subject site and were identified as weed species.

Water, electricity, gas, sewer, and telephone facilities are available to the site and are located along the road alignment of Gordon Avenue.

There is an existing easement adjacent to the northern side boundary of the site for drainage purposes servicing the adjoining property to the rear in Peglar Avenue. There are no additional encumbrances on title, section 10.7 certificates or indicated on the Detail and Level Survey Plan.

3.3 Neighbouring development and locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick and weatherboard clad construction with tiled roofs interspersed with an emerging higher density residential character of recent 2-storey dwelling houses, dual occupancy, multi dwelling housing and 3+ storey residential flat building developments in this precinct (refer to photographs at **Figure 5** and **Figure 6**).

The adjoining residential flat building to the rear of the subject site at 69 – 71 Peglar Avenue has been recently completed. 6 of the units have rear balconies located approximately 6.145m from the common boundary and the development drains through an easement along the northern boundary of the subject site.

There are a number of small local centres within immediate proximity of the site that provide everyday shopping needs and services for this locality. These are on Clyde Street (**Figure 7**), Blaxcell Street, and Dellwood Street (**Figure 8**). There are also a number of community-based land uses including childcare centres, medical centres and churches.

There are numerous bus stops located within proximity of the site. The site is located approximately 386m and 397m walking distance from bus stops located on Blaxcell Street, ID 2142201 (*Blaxcell St after Oakleigh Ave*) and ID 214273 (*Blaxcell St opp Oakleigh Ave*) respectively as shown at **Figure 10**. Both bus stops are serviced by route M91 Hurstville to Parramatta via Padstow and Chester Hill which satisfies the frequency requirements in the definition of an accessible area under the Housing SEPP.

There are a further two bus stops on Clyde Street approximately 370m walking distance east of the site (refer to **Figure 9**). These stops are serviced by Route 908 which takes passengers to Merrylands Station, Guildford Station and Bankstown Station. This connects the site to the larger commercial and retail precincts in proximity to these railway stations.

There are also a number of small local parks and public reserves within immediate proximity of the site (see **Figure 11**).



Figure 5 Recent two storey residential development opposite the site at 69 Gordon Avenue (Source – BRS, 2022)



Figure 6 Two storey residential development opposite the site at 61 – 63 Gordon Avenue (Source – BRS, 2022)



Figure 7 Retail development on Clyde Street south of the subject site (Source – BRS, 2022)



Figure 8 Retail and services development on Dellwood Street north of the subject site (Source – BRS, 2022)



Figure 9 Bus stop located on Clyde Street (Source – BRS, 2022)

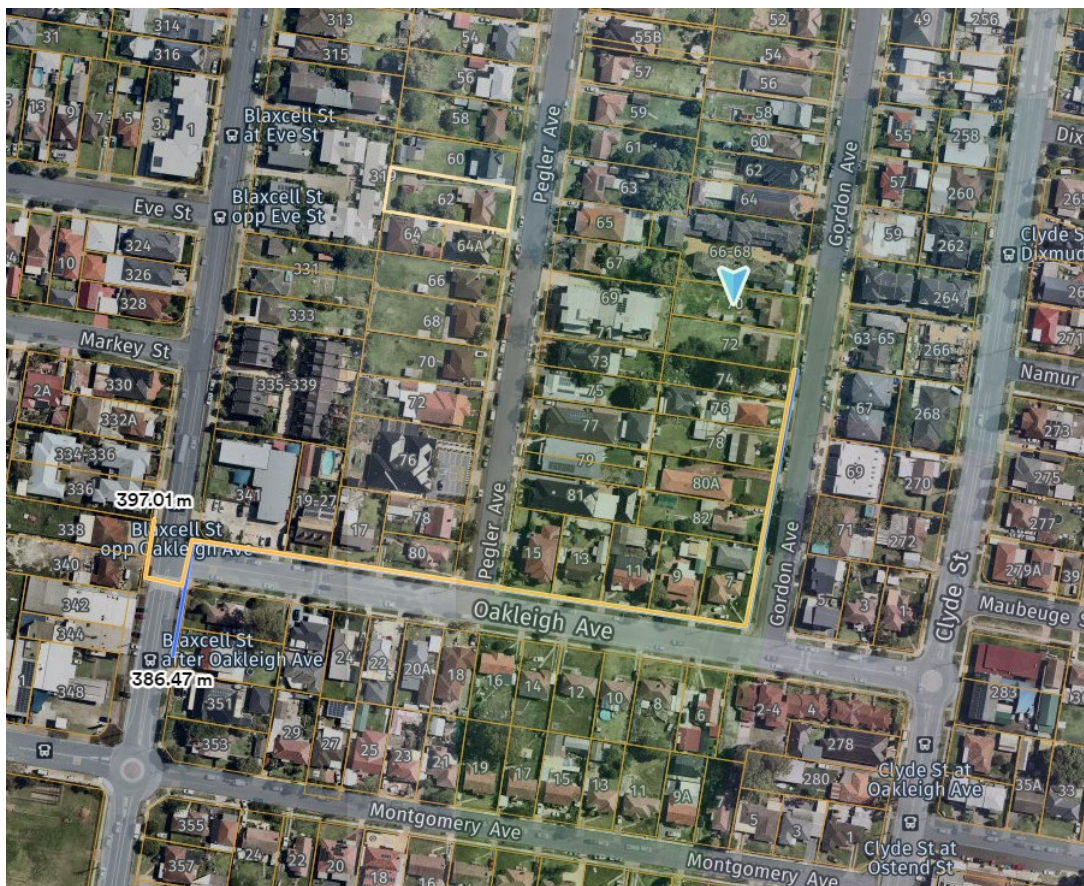


Figure 10 Locality aerial image and location of bus services (Source – Nearmap)



4.1 Removal of trees

Tree removal within the site boundaries is required to accommodate the proposed development and no concern was raised in the Arboricultural Impact Assessment regarding the removal of these trees (refer to **Appendix J**). Appropriate replacement plantings, including trees capable of reaching mature heights of 12m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

4.2 Proposed dwellings

A photomontage of the development is provided at **Figure 12** below.

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(units 1 & 2), with living areas and living area windows on the front façade providing casual passive surveillance. The design has sought to allow for the retention of a significant tree located on the common boundary with the adjoining property at 74 Gordon Avenue.

Minor cut and fill are proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards.

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs, and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. A generous communal open space is provided centrally on site and will supplement the private open space areas for each unit.

Each unit will be provided with its own enclosed private open space area which includes a small patio and landscaped area directly accessible from the internal living area for outdoor dining.

A total of 5 car parking spaces will be provided on site, including one accessible space. The parking area will be accessed via a central driveway which is shared with pedestrian access.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the Gordon Avenue frontage. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

Fencing around the side and rear boundaries consists of 1.5m – 2.4m high metal fencing. A slatted metal fence at a height of 1.5m will be provided at the front of the development orientated to Gordon Avenue.

Figure 12 to Figure 14 include extracts from the architectural plans illustrating the proposed development.



Figure 12 Photomontage of the development (Source – Stanton Dahl Architects, dated 19/02/2024)

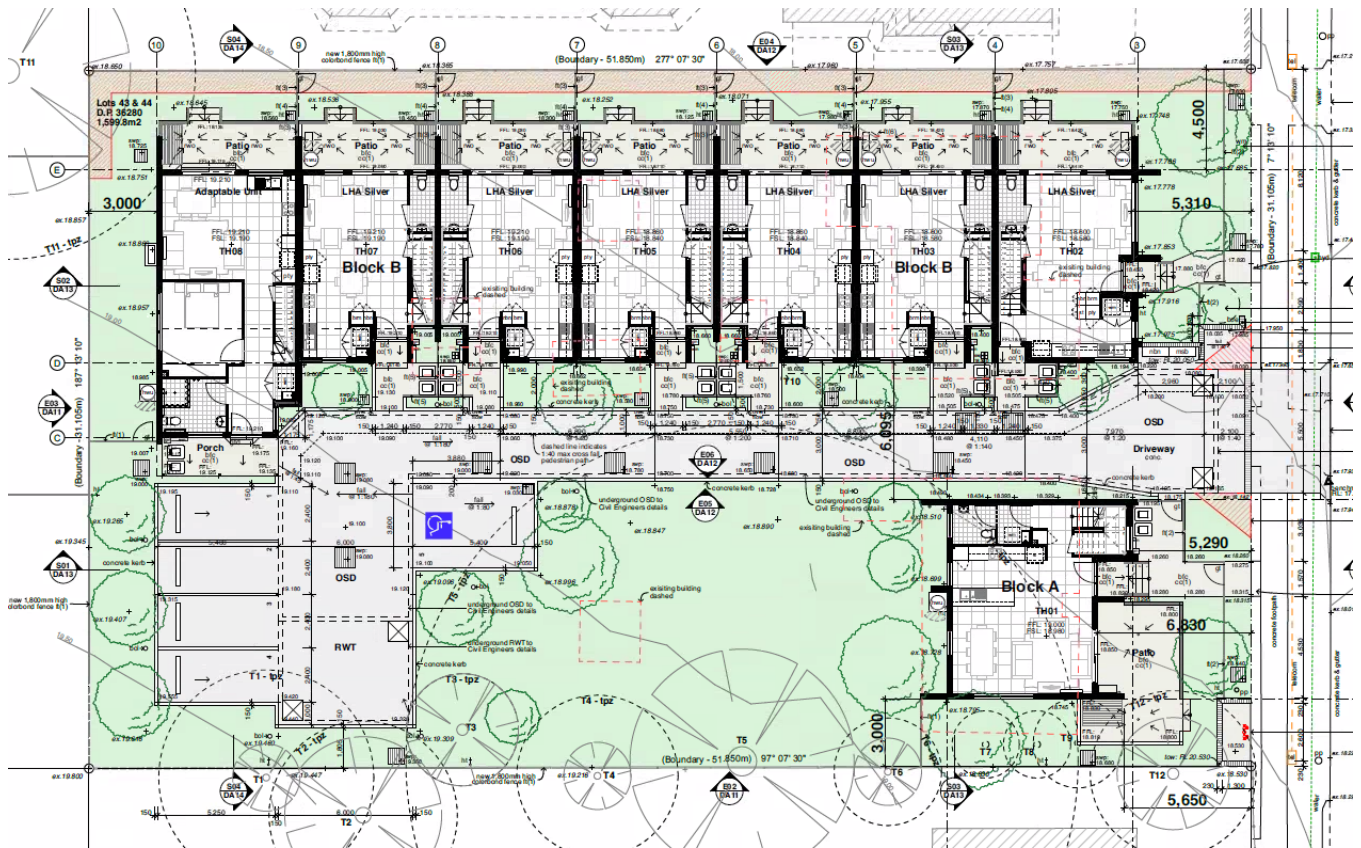


Figure 13 Extract from Architectural Plans (ground floor) (Source – Stanton Dahl Architects, dated 19/02/2024)

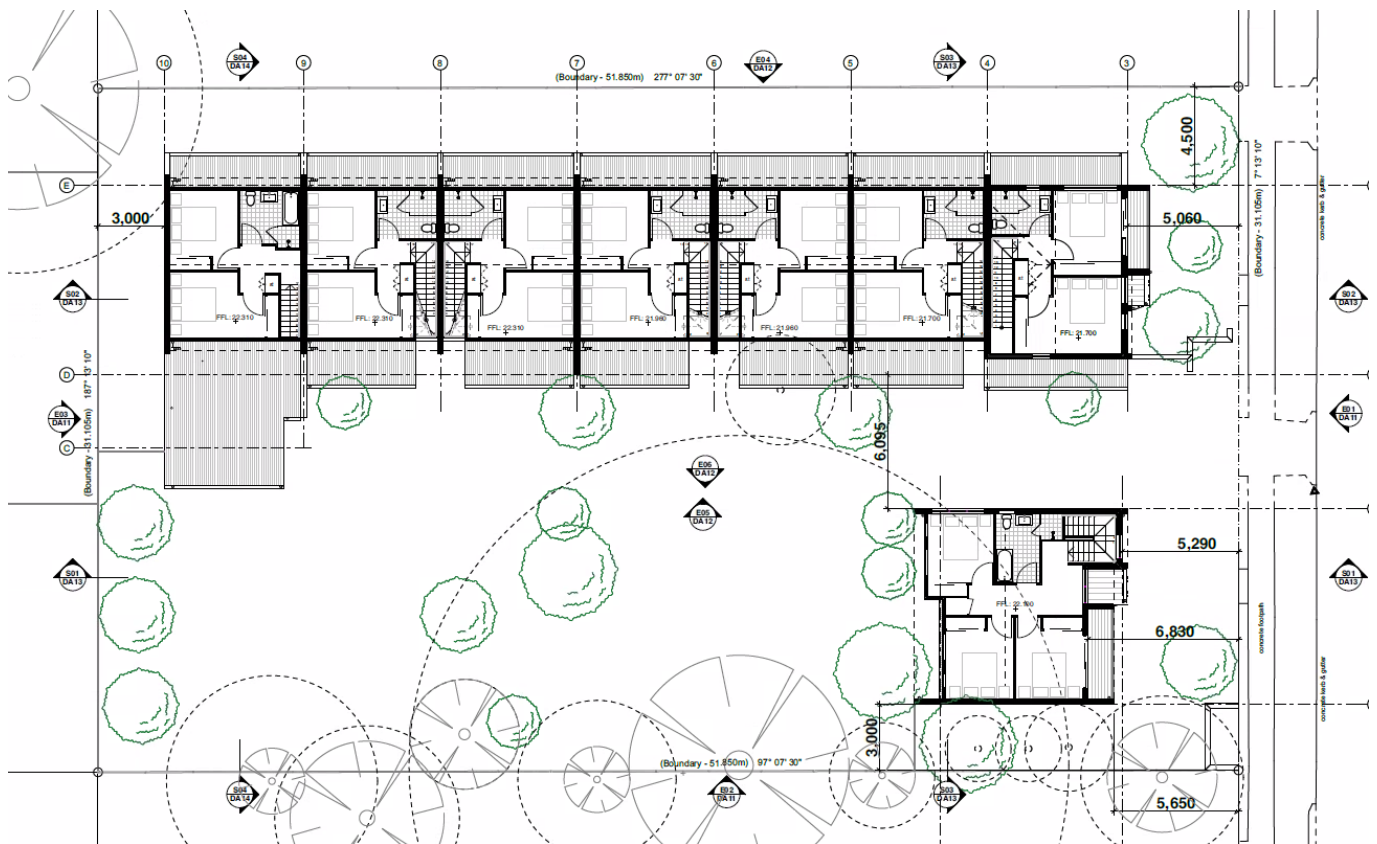


Figure 14 Extract from Architectural Plans (first floor) (Source – Stanton Dahl Architects, dated 19/02/2024)

4.3 Supporting information

The proposal is detailed in the following plans, drawings and specialist reports and supporting information.

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural Plans – Appendix A				
Coversheet & Location	DA00	03	19/02/2024	Stanton Dahl Architects
Site & Block Analysis	DA01	03	19/02/2024	Stanton Dahl Architects
Demolition Plan	DA02	03	19/02/2024	Stanton Dahl Architects
Cut & Fill Plan	DA03	03	19/02/2024	Stanton Dahl Architects
Site & External Works Plan – Ground Floor	DA04	03	19/02/2024	Stanton Dahl Architects
Site & External Works Plan – First Floor	DA05	03	19/02/2024	Stanton Dahl Architects
Landscape & Deep Soil Diagrams	DA06	03	19/02/2024	Stanton Dahl Architects
Floor & Roof Plans (Block A)	DA07	03	19/02/2024	Stanton Dahl Architects
Ground Floor Plans (Block B)	DA08	03	19/02/2024	Stanton Dahl Architects
First Floor Plan (Block B)	DA09	03	19/02/2024	Stanton Dahl Architects
Roof Plan (Block B)	DA10	03	19/02/2024	Stanton Dahl Architects
Elevations	DA11	03	19/02/2024	Stanton Dahl Architects
Elevations	DA12	03	19/02/2024	Stanton Dahl Architects
Sections	DA13	03	19/02/2024	Stanton Dahl Architects
Sections	DA14	03	19/02/2024	Stanton Dahl Architects
Shadow Diagrams (Sht 1)	DA15	03	19/02/2024	Stanton Dahl Architects
Shadow Diagrams (Sht 2)	DA16	03	19/02/2024	Stanton Dahl Architects
External Colour Selection	DA17	03	18/12/2023	Stanton Dahl Architects
Landscape Plans – Appendix B				
Landscape Plan	L01	3	16/10/2023	Stanton Dahl Architects
Landscape Details	L02	3	16/10/2023	Stanton Dahl Architects
Civil Plans – Appendix C				
Notes & Legend	C01	9	01/11/2023	Greenview Consulting
Ground Floor Drainage Plan	C02	11	06/02/2024	Greenview Consulting
Site Stormwater Details Sheet	C03	10	06/02/2024	Greenview Consulting
OSD Catchment Plan	C04	9	01/11/2023	Greenview Consulting
Roof Drainage Plan	C06	8	01/11/2023	Greenview Consulting
Ground Floor Turning Paths Sheet 1	C10	2	29/09/2023	Greenview Consulting

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Ground Floor Turning Paths Sheet 2	C11	2	29/09/2023	Greenview Consulting
Ground Floor Turning Paths Sheet 3	C12	2	29/09/2023	Greenview Consulting
Ground Floor Turning Paths Sheet 4	C13	2	29/09/2023	Greenview Consulting
Notes & Legends	ESM1	1	18/10/2023	Greenview Consulting
Environmental Site Management Plan	ESM2	1	18/10/2023	Greenview Consulting

Survey Plan – Appendix D

Detail and Level Survey	1 of 2	A	02/03/2021	Norton Survey Partners
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NatHERS & BASIX Certificates – Appendix K & L

NatHERS Certificate	0008183840		16/02/2024	Greenview Consulting
BASIX Certificate	1182754M_10		16/02/2024	Greenview Consulting

Specialist Reports

Access Report - Appendix H	21384	F	27/09/2023	Vista Access Architects
BCA Design Compliance Assessment - Appendix I	23-220009	R06	05/10/2023	Philip Chun
Arborist's Impact Assessment – Appendix J	5845.4		03/11/2023	Redgum Horticultural
Geotechnical Investigation Report - Appendix M	20/3757		October 2020	STS Geotechnics Pty Ltd
Traffic and Parking Impact Assessment- Appendix N	230291	J	29/09/2023	Greenview Consulting
Waste Management Plan – Appendix O	2873.23		September 2023	Stanton Dahl Architects
Acoustic Design Report - Appendix V	20201164.5/0211 A/R2/RF	2	02/11/2022	Acoustic Logic

Section 10.7 Planning Certificates – Appendix F

Planning Certificate, Certificate No PC2024/0898, 70 Gordon Avenue, South Granville – Issued by Cumberland City Council dated 28/02/2024

Planning Certificate, Certificate No PC2024/0899, 72 Gordon Avenue, South Granville – Issued by Cumberland City Council dated 28/02/2024

AHIMS – Appendix G

AHIMS Search Result, 70 – 72 Gordon Avenue, South Granville – 50m search buffer, dated 23/10/2023

Safety in Design Report – Appendix P

Safety in Design Report, Stanton Dahl Architects dated June 2023

Part 5 Checklist – Appendix Q

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, Stanton Dahl Architects dated 27/09/2023

Seniors Living Urban Design Guidelines – Appendix R

Seniors Living Urban Design Guidelines checklist, prepared by Stanton Dahl Architects dated 27/09/2023

Design compliance certificates – Appendix S

Architect's Certificate of Building Design Compliance – Stanton Dahl Architects dated 07/11/2023

Certificate of Landscape Documentation Compliance – Botanique Design dated 27/09/2023

Certificate of Stormwater and Traffic Compliance – Greenview Consulting dated 06/02/2024

Notification letters & Submissions – Appendix T

Titles and Deposited Plans – Appendix W

Title Search, Folio: 43/36280, Search date 28/02/2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 44/36280, Search date 28/02/2024, First Schedule: New South Wales Land and Housing Corporation

5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Cumberland Local Environmental Plan 2021* (CLEP 2021) as shown in **Figure 15**. The proposed development is defined as ‘multi dwelling housing’ under the provisions of CLEP 2021 and is a permissible use in the R3 zone.

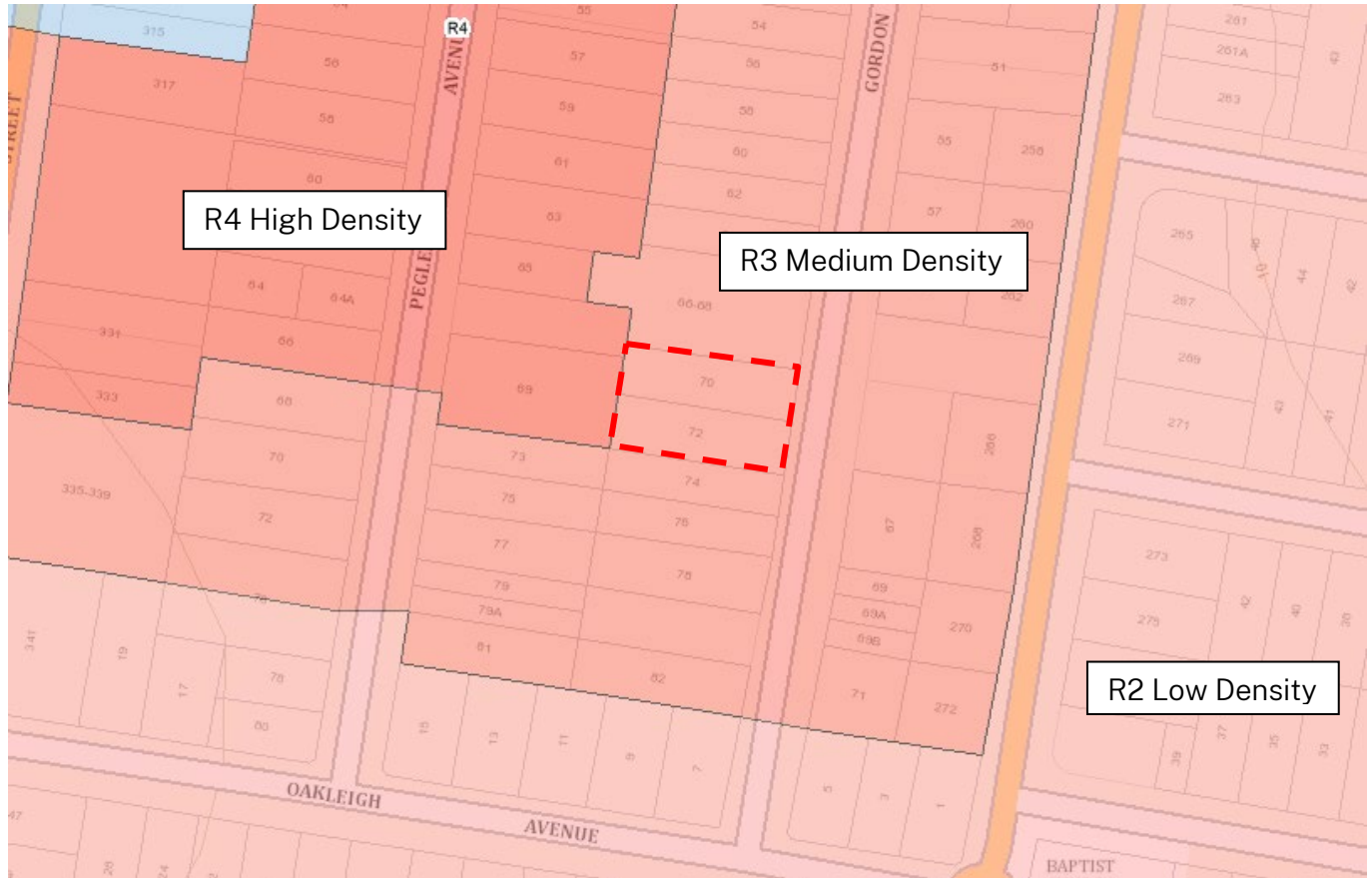


Figure 15 Land zoning map (Source – ePlanning Spatial Viewer, accessed 27/02/24)

The relevant objective of the R3 zone, as set out in CLEP 2021 is:

- To provide for the housing needs of the community within a medium-density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To encourage residential development that maintains the amenity of the surrounding area.

The proposed development provides housing that meets the identified needs of the community, has been designed in a manner to preserve the amenity of adjoining residential development, and with the unit mix proposed will provide a variety in the housing type within a medium density setting.

Section 42 of the Housing SEPP permits residential development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause.

Table 5 in section 6.5 of this REF demonstrates compliance with the relevant provisions of section 42 of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Table 2 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities, or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities, or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

6.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

6.4 Environmental Planning and Assessment Regulation 2021

6.4.1 Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021

Table 4 Factors to be taken into account concerning the impact of an activity on the environment

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

Note 1: A ‘significant’ impact will trigger the need for an Environmental Impact Statement.

Note 2: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

Cumberland 2030 Local Strategic Planning Statement

The Cumberland Local Strategic Planning Statement was endorsed by Cumberland Council on 20 November 2019. It is a 10-year plan that aligns with the 20-year vision for Cumberland. This Statement identifies 16 Planning Priorities for the LGA, focused on access and movement, housing and community, economy employment and centres, environment, and open spaces.

Notably, Priority 5 seeks to promote diverse housing options. The proposed development will be contributing 8 townhouses to the affordable housing supply in the Cumberland LGA. It is diversifying the residential uses in South Granville by introducing accessible/adaptable medium density housing options to accommodate the varying population in a locality that is well serviced by existing public transport options.

The proposed development will contribute to affordable housing options in this location. Priority 6 aims to “*deliver affordable housing suitable for the needs of all people at various stages of their lives*” and the LSPS identifies direct engagement with NSW Land & Housing Corporation to enable the renewal of social housing in the LGA. The development will provide an increased supply of social housing in this locality by replacing two single dwellings with 8 multi dwelling housing units. These units are designed to integrate into the character of the locality and will be of a high architectural design.

Cumberland Community Strategic Plan 2017 - 2027

The Cumberland Community Strategic Plan 2017 – 2027 is a 10-year plan that balances a commitment to social and cultural cohesion, the local economy, the natural and built environments and all members of the

Cumberland community and guides Council's endeavours to build a better Cumberland City in partnership with its community.

The vision created by this Plan flows down throughout Council's operations to drive progressive outcomes, high performing services, and positive initiatives.

The proposed development is not in conflict with the Cumberland Community Strategic Plan and will provide new affordable housing within the LGA. Additionally, the proposal will align with the objective 2.2 'Places and spaces that are vibrant and connect us' in the delivery of social housing that is well located to services and infrastructure, particularly those at Dellwood Street.

6.4.3 Activities in catchments [Section 171A]

The site is located within a regulated catchment, namely, the Sydney Harbour catchment, as defined in Part 6.2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP).

LAHC, as determining authority, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must take into account the controls on development set out in Part 6.2, Division 2 of the Biodiversity and Conservation SEPP.

An assessment of these controls in relation to the proposed development is provided in **Table 7** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Sydney Harbour catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 5 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Multi dwelling housing is permitted with consent in the R3 Medium Density Residential zone under the CLEP 2021.
(b) all buildings will have a height of not more than 9m, and	The maximum proposed building height is 8.3m.
(c) the development will result in 60 dwellings or less on a single site, and	The development will result in 8 dwellings on the site.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces	<p><u>Parking required</u> 6 x 2-bedroom units @ 0.5 spaces = 3 space 2 x 3-bedroom townhouses @ 1 space = 2 spaces TOTAL: 5 spaces</p> <p><u>Proposed parking</u> The application proposes 5 at grade on-site parking spaces, including 1 accessible space.</p>

Provision	Compliance
(iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	Not applicable.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	The proposal does not include demolition works. Demolition of the existing dwellings and structures was undertaken via a Complying Development Certificate (CDC) CDC-137765 & CDC-137765.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	Not applicable
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Neither 3(a) nor (b) apply to the proposed development.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	The proposed development will be undertaken by or on behalf of the NSW Land and Housing Corporation, being a relevant authority.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections -	Noted
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted
(6) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.	Noted
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, a relevant authority must-	

Provision	Compliance
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	<p>Advice was sought from Cumberland City Council regarding additional persons or properties that should be notified of the development. This was done on three occasions, at preliminary notification stage, prior to statutory notification and again prior to the application being re-notified.</p> <p>Council initially confirmed via email on 25 September 2020 that no additional properties were required to be notified. This was reiterated again on 1 December 2022 and an updated owners address list was issued by council on 10 November 2023 prior to re-notification.</p>
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	<p>A letter notifying Cumberland City Council of the proposed development activity was sent by LAHC on 16 November 2022. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Following an amendment to the proposal plans, the application was re-notified, and letters were subsequently sent to Council and neighbours on 17 November 2023.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	<p>Council responded to LAHC's notifications by letter on two occasions, 13 February 2023, and 21 December 2023.</p> <p>Key matters raised in councils' submission are discussed in detail in Section 7.1 of this REF. One submission was received from an adjoining occupier during the first notification period and no submissions were received during the second notification.</p> <p>Comments on the neighbour submission is provided in Section 7.2 of this REF.</p>
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	The development is consistent with the relevant provisions in the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in Table 6 .
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	<p>Refer to the Design Compliance Certificates in Appendix S and discussion provided in subsection 6.5.3 and 6.5.4 of this REF.</p> <p>These conclude that the development is generally consistent with the relevant provisions in both the <i>Good Design for Social Housing</i> (September 2020) and the</p>

Provision	Compliance
	<i>NSW land and Housing Corporation Design Requirements</i> (February 2023).
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	Not applicable as the development is for multi dwelling housing (townhouses) and not for manor houses or multi dwelling housing (terraces).
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are 5 sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

- Improving neighbourhood fit
- Improving site planning and design
- Reducing impacts on streetscape
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

Clause 43(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix R**. The design has followed the guidelines, except in relation to the following justifiable departures outlined in **Table 6**.

Table 6 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
Built Form 2.05 Have developments more modest in scale towards the rear of the site to limit impacts on adjoining neighbours?	Massing has been considered throughout the scheme as well as orientation and privacy. Although the massing does not step down to the rear of the site, the rear setback is sufficient to ensure no adverse impact on neighbouring buildings and the generous portion of open space within the south-east portion of the site minimises the scale of the development as perceived by the surrounding properties.
Trees, landscaping and deep soil zones 2.16 Increase front, rear and/or side setbacks?	The proposed development does not comply with the rear setback requirement under the CDCP 2021. However, the rear dwelling has been oriented appropriately to ensure privacy is maintained between the townhouse and development on adjoining land. The rear setback area will be densely landscaped and will adequately achieve the objectives of the provision.
2.18 Provide at least 10% of the site area, at the rear of the site, for deep soil zones to create a	Landscaping a planting have been provided throughout the development. Deep soil zones at the rear make up approximately 5% of the site area however large areas of deep soil landscaping have been retained through the centre of the site where are large existing tree is to be retained. The existing tree makes a

Guideline Requirement	Response
mid-block corridor of trees within the neighbourhood?	significant contribution to the local area and the development has been designed to ensure it could be retained.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Impervious treatment is considered acceptable to satisfy accessibility requirements. In addition, driveways and paths are concrete to meet LAHC maintenance and durability requirements.
Built Form 3.06 Set back upper levels behind the front building façade?	The upper floor is not set back from the ground level, however effective façade articulation is provided through projecting balconies, contrasting brickwork and fenestration.
Residential amenity 3.17 Provide a pedestrian entry for rear residents that is separate from vehicular entries?	Due to site constraints (e.g. tree protection measures) access is provided via shared vehicular and pedestrian path. The shared driveway and access path was reviewed by the consultant traffic engineer and no concerns were raised with regards to safety given the small number of vehicle movements anticipated.
Parking, garaging and vehicular circulation 3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	Landscape on either side of the driveway is staggered to minimise the gun barrel affect. The driveway is terminated by a dwelling entry rather than car parking.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	Smaller spaces along the driveway are achieved through the built form, with nib walls delineating the individual dwellings and their pedestrian entry and landscape elements.
4. Impacts on Neighbours Built Form 4.03 Set upper storeys back behind the side or rear building line?	The upper level has the same setback as the ground level, which is adequate to maintain the privacy of neighbours, noting the upper-level windows are associated with bedrooms and bathrooms and not living areas, and perimeter plantings will provide privacy screening.
4.13 Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings?	Townhouses 2 to 8 have ground floor patios that are oriented towards the side, northern boundary. Potential overlooking from these areas has been mitigated through the creation of a dense landscaped buffer zone and the installation of a 2.4m high fence along the northern boundary.
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	<p>The private open spaces for 6 of the 8 dwellings are not located in the front setback due to the long and narrow configuration of the site. These open spaces are to be screened from neighbours to the rear and across the side boundaries by planting buffer areas and fencing.</p> <p>Metal picket fencing is proposed along these boundaries which would not provide for adequate privacy. Due to this, identified requirement No. 62 is recommended to replace the proposed palisade fencing with opaque fencing (e.g. metal panel or timber paling).</p>
Parking, garaging and vehicular circulation 4.20 Position driveways so as to be a buffer between new and existing adjacent dwellings?	The driveway has been centrally located to minimise the visual impact of the proposal and respond to the constraint of the tree root zone of the adjoining property to the south.
Residential amenity 5.18 Provide distinct and separate pedestrian and vehicular circulation on the site	Due to the site constraints, including the need to protect a large existing tree, hard surfaces have been limited to the bare minimum. Therefore, shared pedestrian and vehicular accessway has been proposed. The shared path is fully

Guideline Requirement	Response
where possible, where not possible shared access should be wide enough to allow a vehicle and a wheelchair to pass safely?	wheelchair accessible, and no concerns were raised by the access or traffic engineer consultants regarding safety or functionality.
5.28 Provide private open space areas that retain existing vegetation where practical?	New landscaping is proposed to respond to the objectives of this control where retention of existing trees would prevent redevelopment of the site.
5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?	Accessibility and LAHC maintenance and durability requirements limit the materials palette choices to concrete. Stormwater run-off has been carefully considered and designed across the site, taking into consideration all private and public spaces.

6.5.3 Good Design for Social Housing

Good Design for Social Housing establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 43(1)(f)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and the design compliance certificate supplied by the architect in **Appendix S** confirms that the development has been designed in accordance with the guiding principles.

Wellbeing

Safe access is provided from the car parking areas on site to the building entry points. These will be visible movement pathways and subject to passive surveillance within the development site. Each unit has been designed to promote private and safe living environments through the placement of windows and minimising areas of concealment.

The proposal has been designed with formal landscaping and defined outdoor living spaces to enhance the amenity of the site for future residents and the local streetscape. The design fosters sustainability principles to promote energy efficiency for high levels of amenity for future residents.

Belonging

Readily identifiable ground floor entry is provided to townhouses 3 – 8 within the development site, with townhouses 1 and 2 having direct access from Gordon Avenue.

Landscaped areas clearly define public and private spaces, while allowing for connection to the public footpath. A common open space area is provided on site and is co-located with a large existing tree, creating good amenity and a pleasant, landscaped setting for residents to enjoy.

The design is consistent with emerging medium density residential developments of a two-storey scale in the immediate locality.

Value

The design incorporates sustainable building and landscaping practices to ensure longevity and durability of materials. The design maximises sustainable building practices with high solar amenity to living spaces, cross

ventilation opportunities, rainwater collection and reuse and landscaping designed for climate. This is demonstrated in the BASIX certificate attached in *Appendix L*.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design. The development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with several stakeholders, including input from Council and adjoining landowners.

6.5.4 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance, and operational effectiveness within cost parameters.

Clause 43(1)(f)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance with all applicable requirements, refer to the architects Certificate of Design Compliance in *Appendix S*. Further detail will be incorporated in the construction documentation.

6.6 Other State Environmental Planning Policies

Table 7 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other applicable State Environmental Planning Policies

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES
SEPP (Sustainable Buildings) 2022
<p>The proposed activity went on statutory notification prior to the commencement of the Sustainable Buildings SEPP 2022 on 1 October 2023. Due to this, the BASIX certificate has been generated based on the requirements of the <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> (now repealed) and was updated for the amended proposal. A copy of the latest BASIX certificate is provided under <i>Appendix L</i>.</p>
SEPP (Transport and Infrastructure) 2021
<p>The Transport and Infrastructure SEPP provides Planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications, and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.</p> <p>The site is not located adjacent/near a rail corridor or electricity infrastructure. The site is also not located on or adjacent to the road corridor of a classified road and is not traffic generating development. In addition, Council have not identified the site as being potentially impacted by unacceptable levels of road noise.</p>
SEPP (Biodiversity and Conservation) 2021
<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p>

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 5 trees (refer to the Arborist Report at *Appendix J*).

Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without any other consent or a licence, permission, approval, or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.

The site is located within a regulated catchment, namely, the Sydney Harbour Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.

Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and

Further, as the consent authority LAHC must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).

6.6 Water quality and quantity

This clause requires the consent authority to consider whether the development will:

- have a neutral or beneficial effect on the quality of water entering a waterway;
- have an adverse impact on water flow in a natural waterbody;
- increase the amount of stormwater run-off from a site, and
- Incorporate on-site stormwater retention, infiltration or reuse.

The consent authority is also required to assess the impact of the development

- on the level and quality of the water table;
- the cumulative environmental impact of the development on the regulated catchment;
- and whether the development makes adequate provision to protect the quality and quantity of ground water.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- the impact on water flow in a natural waterbody will be minimised.

Comment: Stormwater will be collected across the site via a series of pits, gutters and pipes which are connected to an underground OSD which will be connected to a kerb inlet pit on Gordon Avenue. Identified requirement No. 13 recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004). Identified requirements No's 6 and 39 recommend that stormwater management is to be designed in accordance with Cumberland City Council's technical guidelines and policies.

6.7 Aquatic ecology

This clause requires the consent authority to consider whether the development:

- will have a direct, indirect, or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,
- involves the clearing of riparian vegetation and, if so, whether the development will require either a controlled activity approval under the Water Management Act 2000, or a permit under the Fisheries Management Act 1994,
- will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody, or will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,
- includes adequate safeguards and rehabilitation measures to protect aquatic ecology,

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

- if the site adjoins a natural waterbody – whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- that the direct, indirect, or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,
- the development will not have a direct, indirect, or cumulative adverse impact on aquatic reserves,
- if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation – the approval or permit has been obtained,
- the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody will be minimised,
- the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody and is not located near wetlands/littoral rainforests. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

6.8 Flooding

This clause relates to flood liable land.

Comment: The site is not located on flood liable land.

6.9 Recreation and public access

This clause relates to development on recreational land and public access to natural water bodies and foreshores

Comment: The proposed activity will not impact recreational land uses or alter public access to recreational land or foreshores.

SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.

The site is located within a developed residential area of South Granville. The s10.7 Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix F**). Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in the table below.

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the mid 1940's. Historical aerial imagery indicates that in 1943 the area was in the process of being subdivided for residential purposes.
(b) Do existing records held by the planning authority show that a potentially contaminating activity	No	LAHC records indicate that the land has not been used for a potentially

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listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)		contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Both lots are currently vacant, with 2 single storey detached dwellings having recently been demolished under CDC (CDC-137765 & CDC-137765). The Certificate of Completion for the demolition works dated 16/05/2023 confirms that the surface of the site has been left level and free from all visible asbestos and other demolition materials.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken and there was no evidence or indication that the land had been used for potentially contaminating activities.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the mid to late 1940's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the unlikely possibility of discovering site contamination during construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act. The closest EPA notified site is approximately 820m to the south at 2 Rawson Road, South Granville.

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Given the above it is unlikely that the site is contaminated however a recommended identified requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.

6.7 Local Planning Controls

6.7.1 Cumberland Local Environmental Plan 2021 (CLEP 2021)

Compliance with the relevant provisions / development standards set out in the CLEP 2021 is demonstrated in **Table 8** below.

Table 8 Cumberland Local Environmental Plan 2021

Relevant Provisions / Development Standards for Multi Dwelling Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	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 (11 metres)	Complies Maximum building height (measured in accordance with the LEP definition) is 8.3 metres.
4.4	Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.6:1).	Complies Proposed FSR is 0.44:1 (698.51m ²)
6.1	Acid Sulfate Soils	Development consent is required for works carried out on land within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Complies/Not applicable The subject land is mapped as Class 5 Acid Sulfate Soils (ASS). The land is at 17.6m AHD at its lowest point and the development is unlikely to lower the watertable therefore consideration of clause 6.1 is not required.
6.2	Earthworks	Development consent is required unless earthworks are ancillary to other development for which consent has been given.	Complies The subject earthworks are related to the proposed multi dwelling housing and development can proceed on a 'without consent' basis.
6.4	Essential services	Development consent must not be granted to development unless essential services are available.	Complies Existing essential services are available to the subject site.
6.7	Stormwater management	Consent authority is to consider the impact on urban stormwater.	Complies The proposed stormwater management measures include onsite detention and rainwater tanks to reduce runoff and impacts on urban waterways. Stormwater management measures have been designed in accordance with council requirements.

Relevant Provisions / Development Standards for Multi Dwelling Housing			
6.12	Urban Heat	Consent authority is to consider the impact on urban heat processes.	Complies The proposal has been designed with the objectives of this clause in mind and provides generous landscaped areas and retention of a large canopy tree on the site.

6.7.2 Cumberland Development Control Plan 2021

Cumberland Development Control Plan 2021 (CDCP 2021) contains specific development controls for multi dwelling housing which are addressed in **Table 9** below. CDCP 2021 also relies on the provisions of the Low-Rise Housing Diversity Design Guide (LRHDDG) that was adopted in July 2020. The relevant provisions are addressed in *Appendix X*.

The general controls for multi dwelling development set out in CDCP 2021 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. The following controls are only those where there is no corresponding requirement under the Housing SEPP.

Table 9 Cumberland Development Control Plan 2021

Chapter B2 Multi-unit housing		
Clause	Requirement	Proposed
3.1 Site Frontage	20m	Complies – 31.105m
3.2 Overshadowing	C2. Adjoining properties are to receive a minimum of 3 hours sunlight to at least one main living area, and to at least 50% of the private open space between 8am and 4pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced.	Complies The proposal will not unreasonably reduce solar access to adjoining dwellings. The development to the west will have solar access reduced for a small portion of the morning on 21 June, however this will not go past midday and a minimum 3-hour sunlight will be retained.
3.3 Site Layout	Multi dwelling housing units can face an internal roadway where amenity is maintained between units in terms of building separation, visual privacy, and solar access.	Complies Windows of the proposed dwellings facing the internal driveway will generally overlook the driveway and communal landscaped open space.
3.4 Landscaping	The total landscaped area for a low-rise medium density development shall be a minimum of 20% of total site area (or a minimum of 30 m ² per dwelling).	Complies – 641m ² (40%)

7 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local council and to the adjoining occupiers are provided in *Appendix T*, together with a copy of the response received from council.

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, Cumberland City Council was first notified of the development by letter dated 16 November 2022. The notification response period formally closed on 10 December 2022 and Council responded to the notification by letter dated 15 February 2023.

Following the submission received from Council, the design of the development was amended. Accordingly, a second notification period occurred from 17 November 2023 until 11 December 2023. Council responded to the notification by letter dated 21 December 2023.

Table 10 below identifies the key issues raised in both submissions and discusses how these have been addressed. Where appropriate, some matters have been addressed in the Identified Requirements in the *Activity Determination*. A full copy of council's submissions is provided in *Appendix T*.

Table 10 Issues raised in Council submission

Issues raised	Response
<p><i>Development Engineering – Stormwater</i></p> <ul style="list-style-type: none"> Council did not support the extension of Council's stormwater pipe systems of more than 30m and requested that the design be revised to allow stormwater to be discharged to the street gutter. Amendments to the OSD design were requested to ensure compliance with Cumberland Council's DCP and Upper Parramatta River Catchment Trust (UPRCT) "On-Site Detention Handbook". Adjustments to the stormwater design were requested to adequately manage surface runoff and improve stormwater treatment. Permeable pavers in the carparking area were not supported and were requested to be changed to concrete/paved impervious area. 	<p>The Stormwater Management Plan was amended in response to Council's comments provided on 15 February 2023.</p> <p>The amended plans were reviewed by council and further comments were made in their submission dated 21 December 2023. The stormwater plans were revised further, in consultation with council, to address all issues raised. A copy of the amended plans is provided in <i>Appendix C</i> and detail of the engineering response provided to council is provided in <i>Appendix U</i>.</p> <p>Following the amendments, council confirmed via email on 23 February 2024 that they were satisfied with the revised design and raised no further concerns.</p>
<p><i>Public domain / Footpath design</i></p> <ul style="list-style-type: none"> Council requested that the footpath, kerb ramp and kerb & gutter adjacent to the development be reconstructed as per Cumberland Council's requirements at no cost to Council. All the redundant driveways shall be replaced with footpath and kerb & gutter. Detail design shall be submitted to and approved by Cumberland Council as part of application for public domain works within road reserve. Boundary line levels shall be obtained from Council. Council approved boundary line levels shall be used in the footpath 	<p>Identified requirement No. 10 and 11 require any new and obsolete gutter, vehicular crossing, and laybacks to be constructed in accordance with council specifications. Identified requirement No. 10 also required the building contractor to provide council with plans for the crossing and layback at which point council will advise the boundary line levels.</p>

Issues raised	Response
<p><i>design. Detail shall be submitted to and approved by Council's Engineering Section.</i></p>	
<p><i>Parking / Access</i></p> <ul style="list-style-type: none"> • Council requested a Traffic impact assessment report to ensure the development will not have adverse impact on the street traffic and parking. • Parking space numbers are provided based on the rate for the accessible areas. In this regard, supporting documents demonstrating that the development was in an accessible area were requested. • Council requested that the width of the driveway be a minimum 6.1m (5.5m plus 0.3m clearance either side) for at least 5.5m from the boundary into the site. • It was noted that adequate dimensions have not been marked on the plan to check whether parking layout complies with Australian standards AS2890.1 and AS2890.6. • The design of the driveway, car parking spaces, circulation aisles and sight distance shall comply with Council's DCP and Australian Standards (i.e. AS2890.1 and AS2890.6) if not covered by the DCP. 	<p>A Traffic Impact Assessment (TIA) was provided with the initial submission and an updated report is provided under Appendix N. Both the original and updated report were submitted to council for their review.</p> <p>Parking has been calculated based on the site being in an accessible area. Confirmation is provided in section 3.3 that the site meets the requirements to be within an 'accessible area' as defined under Schedule 10 of the Housing SEPP.</p> <p>The architectural plans were revised to increase the width of the driveway to a minimum 5.5m to allow for vehicle passing at the front boundary. The entry/exit and passing bay is provided with vehicle sight lines that are compliant with Figure 3.3 in AS2890 requirements. A copy of the updated architectural plans is provided under Appendix A.</p> <p>Turning circles and swept path analysis compliant with the AS 2890.1 are provided in the TIA. Identified requirement No. 12 also requires the car parking spaces and driveways to be constructed in accordance with the requirements of AS 2890.1.</p> <p>In their submission dated 21 December 2023, council raised concern that the waiting bay within the property boundary for inbound vehicles will cause encroachment and obstruction to the manoeuvring path of the vehicle exiting the site.</p> <p>Advice was sought from the consultant traffic engineer who confirmed that the swept paths have demonstrated that an exiting vehicle is able to pull to the left and exit while a vehicle enters as demonstrated in the updated swept path analysis (Appendix C). A copy of this advice and response to council is provided in Appendix U.</p>
<p><i>Environmental Health – Land contamination</i></p> <p>Council noted that based on their review of historical aerial imaging of the site, it appeared that fill material had been imported onto the premises between 27 December 2020 - 17 October 2021. The origin and contamination status of the fill is not known and the industrial type of activities on the premises are not known. Therefore, Council cannot, with certainty, be satisfied that the site is not contaminated.</p>	<p>Further investigation was undertaken following receipt of council's comments regarding aerial imagery showing unexplained fill at the site.</p> <p>It was confirmed that the soil identified by Council shown in aerial imagery between Dec 2020 to Oct 2021 aligned with the timing of excavation works associated with the construction of a stormwater drainage easement along the northern boundary of the site. That is,</p>

Issues raised	Response
<p>Accordingly, a contamination assessment of the fill material and a targeted sampling of the fill affected areas was requested.</p>	<p>the fill identified in aerial imagery during this period would have been on-site excavated material associated with the stormwater construction works.</p> <p>The timing noted by council coincides with the construction period for 69-71 Pegler Ave (new social housing developed by LAHC), the development behind 70-72 Gordon Ave which was when the easement works were being undertaken. Refer to Figure 16 and Figure 17 of aerial imagery demonstrating this. As such, it a contamination assessment was not considered necessary.</p> <p>Notwithstanding the above, identified requirement No. 17 provides controls in the unlikely event contamination is discovered on site during construction.</p>
<p>Waste Management</p> <p>Council advised that the Waste Management Plan (WMP) was generally satisfactory. However, it was recommended that a safety risk assessment be undertaken for the process of presenting and arranging bins for collection of waste and recycling materials. The mixing of bins, people and waste management vehicles at the kerbside carries a level of risk that should be controlled.</p>	<p>Waste receptacles are stored in front of each individual unit and will therefore be taken to the kerb by tenants who will be familiar with the site and movement of vehicles.</p> <p>In their submission dated 21 December 2023, council confirmed that the WMP satisfactorily met the conditions of Councils DCP and noted that it represented a long term safe and viable option. No further concerns were raised.</p>
<p>Tree Management & Landscaping</p> <p>Council provided the following comments regarding tree management and landscaping:</p> <ul style="list-style-type: none"> • All trees within the site and within adjoining properties are to be protected as per AS490 – 2009 ‘Protection of Trees on Development’. • To ensure the protection of the trees to be retained and to ensure compliance with the appropriate tree protection measures, a Project Arborist is to be appointed prior to the commencement of any works, retained for the life of the development and is to be present during critical stages of the development. • During construction or any time during the development, any pruning works should be carried out to AS4373 – 2007 Pruning of amenity trees. Any pruning works required to facilitate the development on neighbouring trees will require the prior consent of the tree owners prior to the works being carried out. • All soft and hard landscaping works to be undertaken on the site should be carried out by a minimum AQF3 landscaper. The 	<p>Identified requirement No. 33 requires that trees and other vegetation that is required to be retained shall be protected prior to the commencement of works and for the duration of the construction period in accordance with the details provided in the arborist report.</p> <p>Identified requirement No. 64 requires all soft and hard landscaping works to be undertaken by a minimum AQF3 landscaper.</p> <p>It is noted that following receipt of amended plans, council confirmed in their letter dated 21 December 2023 that the revised landscaped plan was consistent with councils’ previous comments. No further issues were raised.</p>

Issues raised	Response
<p>final inspection of works should be signed off by an individual other than the person carrying out the works.</p>	
<p>Recommended conditions</p> <p>In their email on 23 February 2024, council recommended imposing conditions relating to the following issues:</p> <ul style="list-style-type: none"> • Footpath Design Levels • Submission of plans for works within the road reserve • Separate approval for works in the public road (External Works) – Section 138 Roads Act 	<p>Identified requirement No. 65 has been included regarding applying for footpath design levels.</p> <p>Identified Requirement 10 requires the building contractor to submit plans of the vehicle crossing and layback together with the payment of any council inspection fees. The additional items relating to maintenance periods and submission of works as executed drawings have been added to IR 10 also..</p> <p>Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown Road. As such, the recommended condition relating to Section 138 approval has not been included.</p>



Figure 16 Aerial imagery of subject site noting on-site material. Source: Nearmap, image dated 27 December 2020.

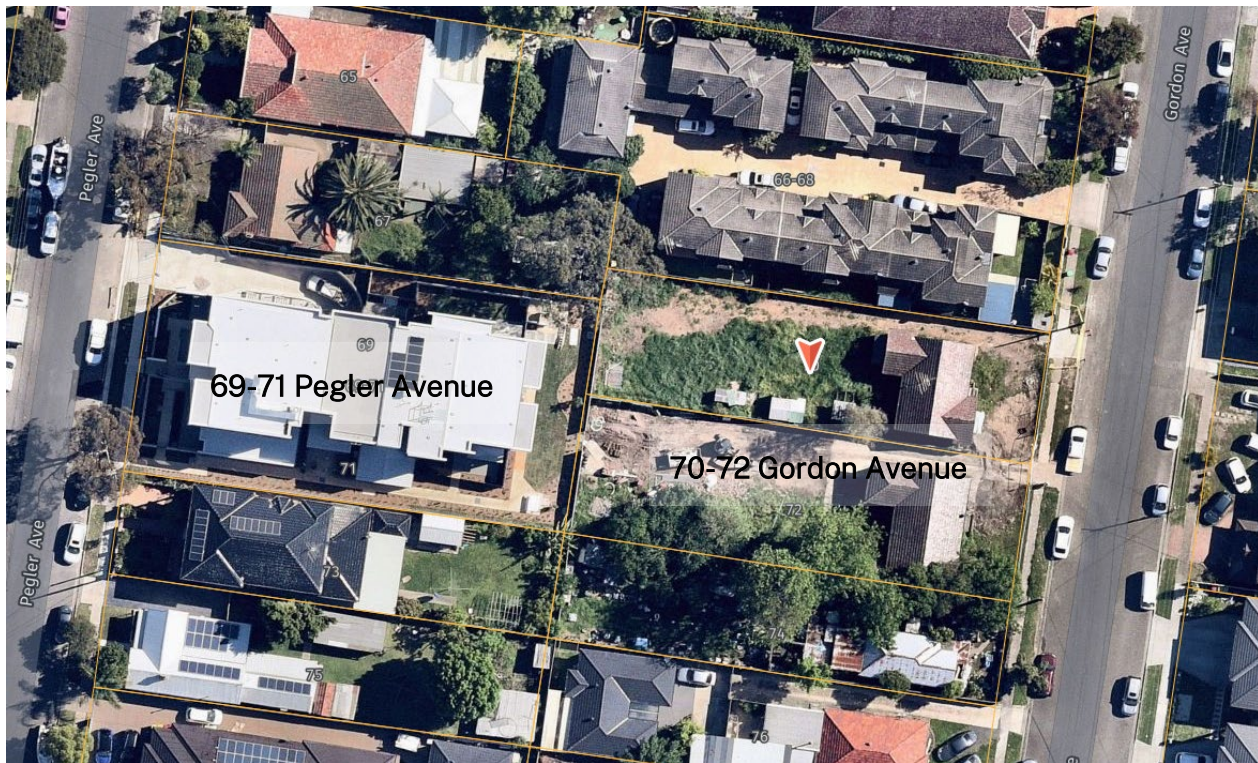


Figure 17 Aerial imagery of subject site noting on-site material and completion of development at 69-71 Pegler Ave. Source: Nearmap, image dated 15 April 2021)

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, Cumberland City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or properties that should be notified of the development via an email sent on 24 August 2020. Council provided an email response on 25 September 2020 advising of additional properties that should be notified. Prior to the first statutory notification period, LAHC contacted council again to confirm whether the scope of notification was still acceptable, and council responded on 1 December 2022 advising that the notification map was consistent with Council's current notification requirements.

Prior to the proposed development being re-notified, LAHC contacted council on 2 November 2023 to confirm the scope of notification and obtain a current list of property details. Council responded on 10 November 2023 confirming the scope and provided up to date property details. **Figure 18** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 18 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 16 November 2022 and 16 November 2023. A copy of these notification letters is provided at **Appendix T**.

The notification response periods formally closed on 10 December 2022 and 11 December 2023 respectively. One submission was received during the first notification period and is discussed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
<p>Submission 1:</p> <p>Fencing as proposed is not necessary and preference is to retain existing fencing with common boundary with No 74 Gordon Avenue.</p> <p>That no damage is caused to the tree at the common boundary with No 74 Gordon Avenue.</p>	<p>It is proposed to replace an existing metal panel fence with a 1.8m high metal fence along the southern side boundary with No.74 Gordon Avenue.</p> <p>Common boundary fencing is subject to the Dividing Fences Act 1991 and Identified Requirement 62 has been included to ensure that the adjoining landowner is consulted with prior to ordering new boundary fencing for the southern boundary during the construction documentation phase.</p> <p>The tree nominated as Tree 5 is located on No 74 Gordon Avenue and therefore must be retained as part of the proposed works. An Arborist Report (Appendix J) has discussed the necessary tree protection required for this specimen and the design has been designed to enable retention of the tree. Identified requirement No. 33 requires tree protection measures to be implemented in accordance with the Arborist Report.</p>

7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15

and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 6.5** and **6.7** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

8.1 Neighbourhood character

The site is located within an established residential area generally supporting single and 2-storey detached dwelling houses as shown in **Figure 3** to **Figure 6**. Within the local area there is single storey multi dwelling housing developments of brick or weatherboard construction with tiled roofs and associated structures, such as pergolas, garages, and carports. Recent development also includes 2-storey dwellings, dual occupancies, multi-dwelling development and small scale residential flat buildings. The South Granville locality is going through a period of transition from low density housing to medium density development that responds to the permitted land uses within the zone. The proposed development will complement this emerging pattern of development.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality and character statement. The 2-storey design, siting, layout, and landscape setting of the proposed development aligns with that of emerging development in the locality and responds to the constraints and unique attributes of the land.

Mitigation measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of South Granville. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of vertical features, external finishes and materials to reduce the visual bulk of the development. The development is split into 2 buildings in response to site constraints and to allow for the retention of a significant tree located towards the southern boundary. Notwithstanding this, the design maintains a presentation of two separate buildings with the mass of the northern building group screened by the presentation of townhouse 2.

The proposal incorporates a floor space ratio of 0.44:1 and a maximum height of 8.3m which is generally consistent with a medium-density residential area. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R3 Medium Density Residential zone, which encourages a variety of housing types and densities. Although the development is classified as multi dwelling housing, the overall built form is similar to that of terrace housing and is therefore considered consistent with the objective of the CLEP 2021 that encourages medium density housing.

The reasonable floor space ratio in conjunction with setbacks and landscaped deep soil areas confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of medium density development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hard stand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of the surrounding dwellings.

In conjunction with strong articulation and modulation along the front façades, a refined material and colour palette and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscape of Gordon Avenue. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

Mitigation measures

No mitigation measures are required.

8.4 Visual impact

The proposed development will generate some short-term visual impact on the surrounding area during construction, with a long-term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

Retention of a significant tree and the addition of considered tree and shrub planting within the street setback and along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

Mitigation measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.5-2.4m high fencing, adequate setbacks and strategic placement of windows to minimise direct overlooking of neighbours.

In particular, the following design treatments have been employed to mitigate privacy impacts:

- Ground floor terraces associated with townhouses 2 - 8 are orientated toward the common boundary shared with 66 – 68 Gordon Avenue and in some places are raised approximately 700mm above natural ground level. Due to this, 2.4m high fencing is provided along the northern boundary as well as dense hedge planting which will provide a pleasant, landscaped buffer and assist in minimising privacy impacts.
- Windows at first floor level that are oriented towards the side boundary are only associated with bathrooms and bedrooms which are typically low-use rooms.
- Separation to the western and southern boundaries will afford suitable privacy to internal residents and adjoining properties. This is achieved by thoughtful window placement, separation, and landscape screen planting.
- First floor balconies are provided to townhouses 1 and 2 to enable passive surveillance of the street without compromising the privacy of the internal bedrooms associated with these balconies.
- Internal fencing is provided between units to protect the privacy of the POS areas.

Mitigation measures

No mitigation measures are required.

8.6 Solar access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces, and the private open space areas of neighbouring properties. The submitted Architectural Plans indicate that 87.5% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21, which exceeds the requirement under the LAHC Design Requirements and SLUDG.

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with the Housing SEPP requirements.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites.

Mitigation measures

No mitigation measures are required.

8.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites.

Overshadowing impacts generated by the proposed development are as follows:

- At 9am, shadows generated by the proposed development are across the rear portion of the adjoining dwelling and within the side setback at 74 Gordon Avenue. These shadows remain present and will dissipate in the early afternoon. Noting that the shadow moves across the northern elevation and will cast shadow at varying degrees to this dwelling. At 9am less than 50% of the rear POS will be impacted by shadow cast by this development. At this time, considerable shadow will be cast by existing vegetation in this location. Shadow is similarly cast to the adjoining development at 69 – 71 Peglar Avenue at 9am during winter solstice. However, this impact is removed by 11am which enables this development to achieve the solar amenity standards.
- At 12pm, shadows are contained within the subject site with impacts to the side setback area of adjacent development at 74 Gordon Avenue and shadow cast along the northern elevation of this dwelling for 75% of this elevation.
- At 3pm, shadows are cast to the south within the site, across Gordon Avenue, and at this time the property at 74 Gordon Avenue is not impacted.

The shadow diagrams demonstrate the north facing windows within the existing dwelling to the south at 74 Gordon Avenue may achieve no less than 3 hours of sunlight per day between 9am and 3pm. The degree of impact can be supported for the following reasons:

- This impact is already experienced by the placement of vegetation within this setback.
- The diagrams confirm that existing north-west facing windows within this development will retain sunlight to approximately 50% of the elevation across the winter period.
- The POS areas retain significant portions of area unimpacted by the development.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

Mitigation measures

No mitigation measures are required.

8.8 Traffic & parking

Five surface car parking spaces for residents, including 1 accessible space, will be available on site to serve the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Gordon Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (*Appendix M*) indicates that the development will have a projected small nett increase of 4.3 vehicles per hour in the weekday peak hour. The projected nett change in traffic activity as a consequence of the development proposal is minor and will not have any unacceptable implications in terms of road network capacity, efficiency, amenity, safety and or road pavement life.

The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the projected vehicle movements subject to the installation of traffic signs along the shared driveway/access path to limit vehicle speed to a maximum of 10km/h.

Mitigation measures

To ensure the safety of pedestrians using the shared access and vehicle pathway an identified requirement (No. 63) has been recommended which requires “10km/hr SHARED ZONE” signs to be installed along the internal driveway.

8.9 Flora and fauna

An Arboricultural Impact Assessment has been prepared for the site by Redgum Horticultural (*Appendix J*). The report considers 12 trees, 6 of which are located within the subject site, 5 trees are located within neighbouring properties and 1 tree on the property boundary. There are no street trees required to be assessed by this proposal.

The report recommends the removal of 5 existing trees within the site that are identified as weeds, in poor condition or located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones.

The report recommends retention of 7 existing trees within the site and within neighbouring properties (Tree Nos. 1, 2, 4, 5, 6, 11, 12). Tree Nos 1, 2, 4, 5, 6, 11 and 12 have particular tree protection measures proposed to ensure their long-term retention.

Appropriate replacement planting is proposed, as indicated on the landscape plan and details. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

There will be no significant long term impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation measures

The following mitigation measures are recommended to ensure adequate tree protection measures are in place during construction works, and tree removal is undertaken appropriately.

- Identified Requirement No. 20 is recommended to ensure tree removal is carried out in accordance with the approved landscape plan and in accordance with the Arborist Report.
- Identified Requirement No. 33 is recommended to ensure tree protection works are undertaken prior to the commencement of works and for the duration of the construction period in accordance with the Arborist Report.

8.10 Heritage (European / Indigenous)

No heritage items are identified in Cumberland City Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 23 October 2023 (*Appendix G*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

No cultural heritage items have been identified in Cumberland City Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

Identified requirements No. 43 & 44 have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical conditions and contamination

A Geotechnical Site Investigation (*Appendix M*), prepared by STS Geotechnics was undertaken to determine the subsurface soil conditions across the site and indicated the following:

- The subsurface conditions generally consist of topsoil overlying silty clays, silty sandy clays, gravelly silty clays and weathered shale bedrock. The topsoil is present to depths of 0.2 metres. The clayey soils underlie the topsoil to the depth of 1.6 metres and the depth of drilling, 3.0 metres. These clays have a consistency of firm to stiff becoming very stiff with depth. Weathered shale underlies the soils to depths of auger refusal, 2.0 to 2.5 metres.
- Groundwater was not observed during drilling works.

As discussed above in section 6.6 of this REF, the site is unlikely to be contaminated.

Mitigation Measures

Identified requirement No. 17 has been recommended to cover the possibility of discovering site contamination during construction works.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the CLEP 2021.

Clause 6.1 of CLEP 2021 requires an Acid Sulfate Soil Management Plan for works on Class 5 Land that is within 500m of adjacent Class 1-4 land below 5m AHD and by which the water table on adjacent Class 1-4 land is likely to be lowered by 1m AHD.

The lowest point on the site is 17.67m AHD and no bulk excavation is proposed therefore it is unlikely that the water table on adjacent Class 4 land is likely to be lowered by 1m AHD. As such, the preparation of an ASS Management Plan was not required.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates do not indicate that the site is affected by salinity.

Mitigation Measures

No mitigation measures are required.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed street drainage pit within Gordon Avenue at the site frontage. A new stormwater drainage line is proposed within Gordon Avenue to cater for the development. The proposed stormwater infrastructure within the road reserve will connect to infrastructure approximately

110m to the north along the western side of Gordon Avenue. Roof water from the subject development will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

The Section 10.7(2) & (5) Planning Certificates (*Appendix F*) issued by Council for the subject site indicate that the land is not subject to flood related development controls.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

It should be noted that the site is affected by a stormwater easement along the northern boundary from the site to the west. All permanent structures have been setback from this easement to avoid any potential impacts.

Mitigation Measures

Identified requirements (Nos. 6-9, 14, 39 & 60) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Cumberland City Council advised that the land was not identified as bushfire prone.

Mitigation Measures

No mitigation measures are required.

8.14 Noise and vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours of 7am to 5pm Monday to Saturday, consistent with the requirements for complying development across NSW.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements. Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia*.

Appropriate identified requirements (Nos. 2, 46 & 48) have been applied to ensure compliance with the above mitigation measures.

8.15 Air quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

Mitigation Measures

Appropriate standard identified requirements (Nos. 49 & 52) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the building contractor.

During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks, tile and concrete to be transported to building recycling facility;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

During Occupation

General and recyclable waste will be disposed of in Council's standard waste storage bins located in the private open space area of each dwelling and placed on the street kerb by tenants for collection by Council's waste services.

Mitigation Measures

Identified requirements Nos. 48 – 54 are recommended to ensure construction waste is appropriately managed and disposed of. Identified requirement No. 34 is recommended to require the preparation of a final waste management plan for the construction, and occupation phases of the development.

8.17 Resource use & availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The recycling and reuse of materials during construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for the replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Cumberland City local government and surrounding area.
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing.
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic impact

The proposed development is likely to contribute to a range of economic benefits in the Cumberland City local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services
- local sourcing of construction materials, where possible
- the local sourcing of tradespeople and other construction-related professionals, where possible
- on-going consumption from new/ additional households
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative impact assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- The proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area.

- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of key issues raised in assessment

The proposed activity, given its scale, location, and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, CLEP 2021, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for 2 and 3-bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the *Activity Determination* accompanying this REF.

10 Appendices

- 10.1.1 APPENDIX A – ARCHITECTURAL PLANS
- 10.1.2 APPENDIX B – LANDSCAPE PLAN
- 10.1.3 APPENDIX C – CIVIL PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – SECTION 10.7 CERTIFICATES
- 10.1.7 APPENDIX G – AHIMS SEARCH
- 10.1.8 APPENDIX H – ACCESS REPORT
- 10.1.9 APPENDIX I – BCA REPORT
- 10.1.10 APPENDIX J – ARBORIST REPORT
- 10.1.11 APPENDIX K – NATHERS CERTIFICATE
- 10.1.12 APPENDIX L – BASIX CERTIFICATE
- 10.1.13 APPENDIX M – GEOTECH REPORT
- 10.1.14 APPENDIX N – TRAFFIC IMPACT ASSESSMENT
- 10.1.15 APPENDIX O – WASTE MANAGEMENT PLAN
- 10.1.16 APPENDIX P – SAFETY IN DESIGN REPORT
- 10.1.17 APPENDIX Q – PART 5 CHECKLIST
- 10.1.18 APPENDIX R – SLUDG CHECKLIST
- 10.1.19 APPENDIX S – DESIGN COMPLIANCE CERTIFICATES
- 10.1.20 APPENDIX T – NOTIFICATION LETTERS AND COUNCIL
SUBMISSION
- 10.1.21 APPENDIX U – ENGINEERING RESPONSE TO COUNCIL SUBMISSION
- 10.1.22 APPENDIX V – ACOUSTIC REPORT
- 10.1.23 APPENDIX W – CERTIFICATE OF TITLE