

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

2-6 Gover Street and 69 Trafalgar Street, Peakhurst NSW 2210

February 2025





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.

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REVIEW OF ENVIRONMENTAL FACTORS

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1	05/02/2025	v1	Not applicable – initial version	All
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DOCUMENT SIGN-OFF

REF prepared and peer reviewed by:

Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential, or perceived) to the A/Executive Director of Portfolio 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 Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

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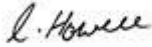
I certify that I have reviewed and endorsed the contents of this REF document, and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

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1 Executive Summary

The subject site is located at the corner of 2-6 Gover St and 69 Trafalgar St, Peakhurst, and is legally described as Lots 121, 162, 163 & 164 in Deposited Plan 36317. The proposed residential flat building development is described as follows:

Demolition of existing structures, removal of trees, consolidation of 4 lots into 1, and construction of a 3-storey residential flat building comprising 22 x 1-bedroom and 11 x 2-bedroom units with basement carparking for 15 vehicles, and associated drainage, landscaping and fencing.

The proposed activity can 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:

- the development is permitted with development consent on the land under another environmental planning instrument, and
- all buildings will have a height not exceeding the greater of 11m, or the maximum permissible building height for the land, and
- all buildings will have a floor space ratio not exceeding the greater of 0.65:1, or the maximum permissible floor space ratio for the land, and
- the development will not result in more than 75 dwellings on a single site, and
- the development is located on land in an accessible area and results in the following number of parking spaces —
 - for each dwelling containing 1 bedroom — at least 0.4 parking spaces,
 - for each dwelling containing 2 bedrooms — at least 0.5 parking spaces, and
 - for each dwelling containing at least 3 bedrooms — at least 1 parking space.

Demolition has been considered as part of the proposed activity and can also be carried out without consent as:

- demolition is permitted on the land under another environmental planning instrument; and
- the building or structure to be demolished is on land that —
 - is non-heritage land, and
 - is not identified in an environmental planning instrument as being in a heritage conservation area,

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 site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Georges River 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.
- Georges River Council and owners and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 2 December 2024. Comments on the response are provided in Section 7.1 of this REF. Submissions were received from 5 individuals and a response to the matters raised are provided in Section 7.2 of this REF.
- The proposed development has been designed in accordance with the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the Apartment Design Guide.
- The development adequately considers the Good Design for Social Housing, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and the NSW Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023.

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**.

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 demolition of existing structures, removal of trees, consolidation of 4 lots into 1, and construction of a 3 storey residential flat building comprising 22 x 1 bedroom and 11x 2 bedroom units with basement carparking for 15 vehicles, and associated drainage, landscaping and fencing at 2-6 Gover St and 69 Trafalgar St, Peakhurst.

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 LAHC to satisfy 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.

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.

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 *Georges River Local Environmental Plan 2021* (GRLEP 2021),
- it was determined that residential flat buildings are ‘permitted with consent’ in the R4 zoning pursuant to the GRLEP 2021 and can be carried out ‘without consent’ under the provisions of Housing SEPP 2021,
- a site inspection was undertaken by LAHC planners on 13 January 2025. A desktop analysis and investigation of the site and surrounds was also undertaken based on site clearance information to determine the 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 Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is in the George River local government area (LGA), occupies a corner position and comprises 4 residential allotments legally described as Lots 121, 162, 163 & 164 in Deposited Plan 36317 and known as 2-6 Gover St and 69 Trafalgar St, Peakhurst. A location plan is provided at **Figure 1**.

The site is currently occupied by 4 single storey fibro dwellings with tiled roofs as shown in **Figure 2** to **Figure 5**.

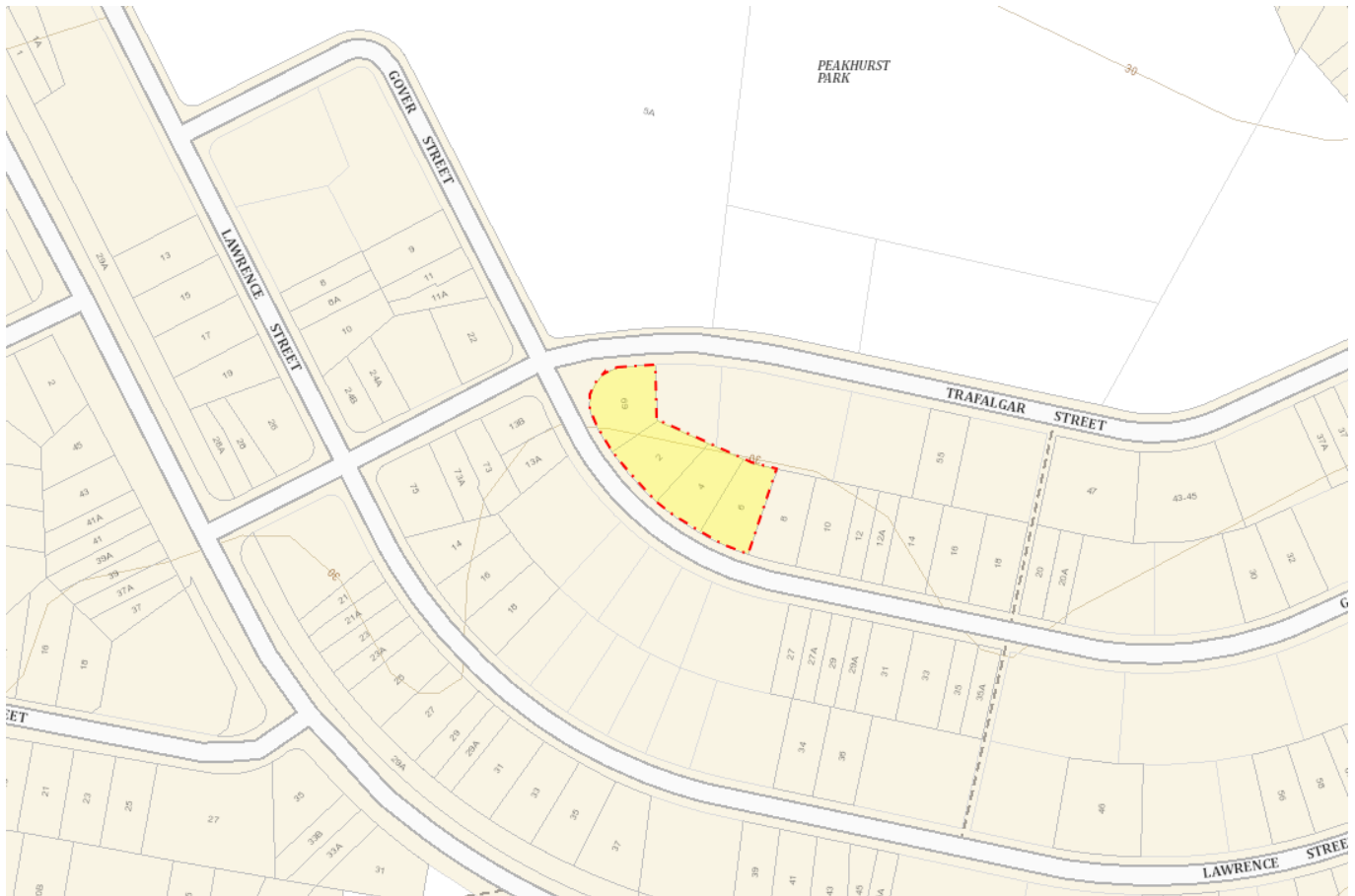


Figure 1 Location Plan, Property Highlighted in Red (Source: SIX Maps)

The property immediately to the east at 8 Gover Street contains a single-storey fibro clad dwelling with tiled roof as shown in **Figure 6**. The site is adjoined to the north by 2 properties, 67 Trafalgar Street, and 61-65 Trafalgar Street. The property at 61-65 Trafalgar Street contains a 3-storey residential flat building with basement parking as shown in **Figure 7**; and 67 Trafalgar Street contains a 3-storey brick and rendered townhouse development comprising 4 dwellings with basement parking as shown in **Figure 8**.

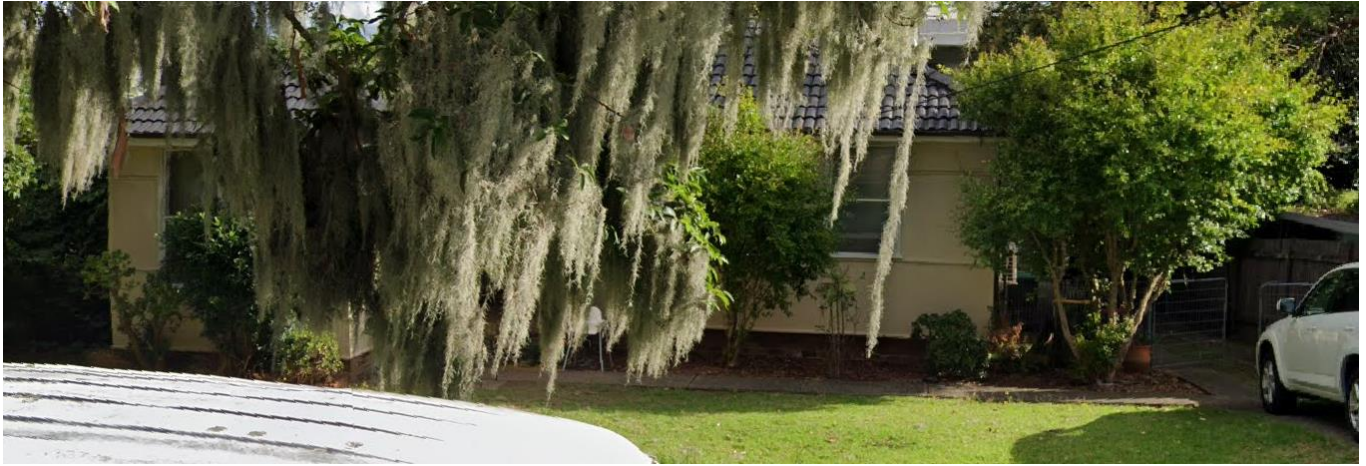


Figure 2 Development site – 6 Gover Street, Peakhurst (Source – Google Maps, Jan 2023)



Figure 3 Development site – 4 Gover Street, Peakhurst (Source – Google Maps, Jan 2023)



Figure 4 Development site – 2 Gover Street, Peakhurst (Source – Google Maps, Jan 2023)



Figure 5 Development site – 69 Trafalgar Street, Peakhurst (Source – Google Maps, Jan 2023)



Figure 6 Adjoining development– 8 Gover Street, Peakhurst viewed from the street (Source – Google Maps, Jan 2023)



Figure 7 Adjoining development – 61-65 Trafalgar Street viewed from the Street (Source – OPAC Realty)



Figure 8 Adjoining development – 67 Trafalgar Street viewed from the Street (Source – Google Maps, Jan 2023)

3.2 Site Description

The site has a total area of 2,564m², with a frontage to Trafalgar Street of 13.2m, a curvature at the intersection of Trafalgar and Gover street of 24.3m and a curved secondary frontage to Gover Street of 83.8m. The side, eastern boundary is 36.2m, and side northern boundary is 22.2m with a splay extending 42.4m respectively as shown on the survey plan in **Appendix D**.

The site falls from the eastern boundary down toward the front (western) boundary by approximately 5m. Stormwater will drain to an existing kerb inlet pit at the corner of Gover and Trafalgar Street via an underground onsite stormwater detention tank.

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

There are 39 trees considered as part of the proposed activity, 32 within the boundaries of the site, 4 trees located in the road reserve of Gover Street, and 3 on adjoining properties to the north.

Water, sewer, electricity, gas, and telephone facilities are available to the site as shown in the survey plan at **Appendix D**. Water, sewer, electricity, and telephone services are located along the road alignment of Trafalgar Street and Gover Street.

There are no encumbrances on title, section 10.7 certificates or indicated on the survey plan that would affect the proposed development as evidenced in **Appendix Q**, **Appendix F** and **Appendix D** respectively.

3.3 Neighbouring Development and Locality

The site is in an established residential area which has historically been characterised by low density, single storey dwellings on individual lots. The area is going through a period of growth and is transitioning to a medium to high density residential environment. The emerging character is defined by dual occupancy, multi-dwelling housing and residential flat building development. The predominant building materials are face brick and rendered facades with either pitched tiled roofs (single dwelling and dual occupancy development), or flat metal roofing (multi-dwelling and residential flat building development). **Figure 6 to Figure 10** provide examples of existing development in proximity to the site.

Peakhurst Park is located directly opposite the site and Henry Lawson Drive Reserve is approximately 473m walking distance south of the site. Approximately 820m to the north is the Riverwood local centre and train station, which provides goods and services to meet most day to day needs of residents including medical centres, supermarkets, and a post office.

The general industrial precinct bound by Lorraine Street, Boundary Street and Roberts Ave is approximately 775m to the southeast of the site and provides services such as fitness centres, car repairs, home maintenance and the like. The area has a number of child-care centres, churches and public open space.



Figure 9 Residential flat building development at 13-15 Gover Street (south of the site) (Source – Homes NSW, January 2025)



Figure 10 Dual occupancy development at 13 Gover Street (south of the site) (Source – google maps, January 2023)



Figure 11 Gover Street looking west towards Trafalgar Street. Development site on the right (Source – Homes NSW, January 2025)

Public transport

The site is serviced by bus route 944 at the following bus stops on Trafalgar Street:

- Bus stop ID: 2210169 – This stop is located directly opposite the site on Trafalgar Street to the north.
- Bus stop ID: 2210240 – This stop is located at the frontage of the site on Trafalgar Street.

Bus route 944 provides return services between the site and Mortdale train station, and the commercial and retail centres of Bankstown, Roselands, and Riverwood. A copy of the bus timetable is provided in Traffic Impact Assessment Report at **Appendix S**.

Based on the walking distance and frequency of bus service, the development satisfies the criteria for the site to be classed as being in an 'accessible area' pursuant to the Housing SEPP.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures, as identified in the demolition plan (**Appendix A**).

4.2 Removal of Trees

There were 39 trees considered as part of the Arborist Report, including 4 trees located in the road reserve of Gover Street, and 3 trees within neighbouring properties (refer to Arboricultural Impact Assessment and Tree Management Plan in **Appendix J**). The removal of all trees within the site was supported subject to appropriate replacement planting, with all trees external to the site (T11, T32, T34 & T35), to be retained and protected. It is noted that the arborist assessment recommends the removal of 3 street trees (T1, T2 & T4) which are between 2m and 5m tall and in proximity to the Gover Street front boundary and were in either 'good' or 'fair' condition. Council have confirmed their support for the removal and replacement of these trees as it will allow for more appropriate street tree planting that is consistent with the rest of Gover Street as well as improve sight lines at the intersection of Gover Street and Trafalgar Street.

The proposed tree removal is required primarily to accommodate the proposed development, or the individual species have been recommended for removal due to poor health, they've been identified as a noxious or environmental weed species, or they were considered appropriate for replacement with a more viable specimen.

Appropriate tree plantings, including trees capable of reaching mature heights of 3m-15m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees as demonstrated in the proposed Landscape Plan at **Appendix B**.

4.3 Proposed Dwellings

The development consists of a 3-storey residential flat building with 3 separate cores connecting to a single basement carpark. The proposed development contains 33 units, including 4 units designed as adaptable and the remainder as Silver Level liveable units.

The building has been designed to address the street, noting some units have been provided with dual balconies to enhance residential amenity and to activate the street frontages. The private open space area for all units is directly accessible from the internal living area. The communal open space area is located on the northern side of the building to maximise solar access and amenity.

Earthworks, including cut and fill are proposed to provide the basement carparking, and a level building platform. Retaining walls are proposed to assist with the stability and accessibility of the communal open space area as shown on the Landscape Plan at **Appendix B**.

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 canopy trees, shrubs, and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the street drainage pit on the Gover street 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 before being discharged to council infrastructure.

Figure 12 to Figure 21 include extracts from the architectural plans illustrating the proposed development.

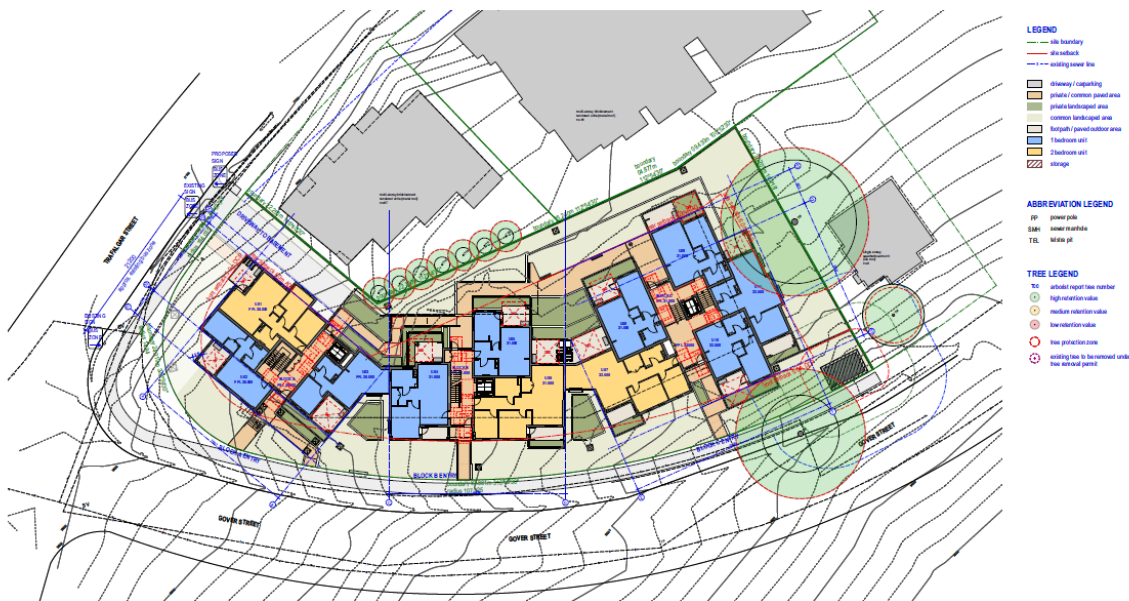


Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)



Figure 13 Extract from Architectural Plans – Level 01- Part 1 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)



Figure 14 Extract from Architectural Plans – Level 01- Part 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)

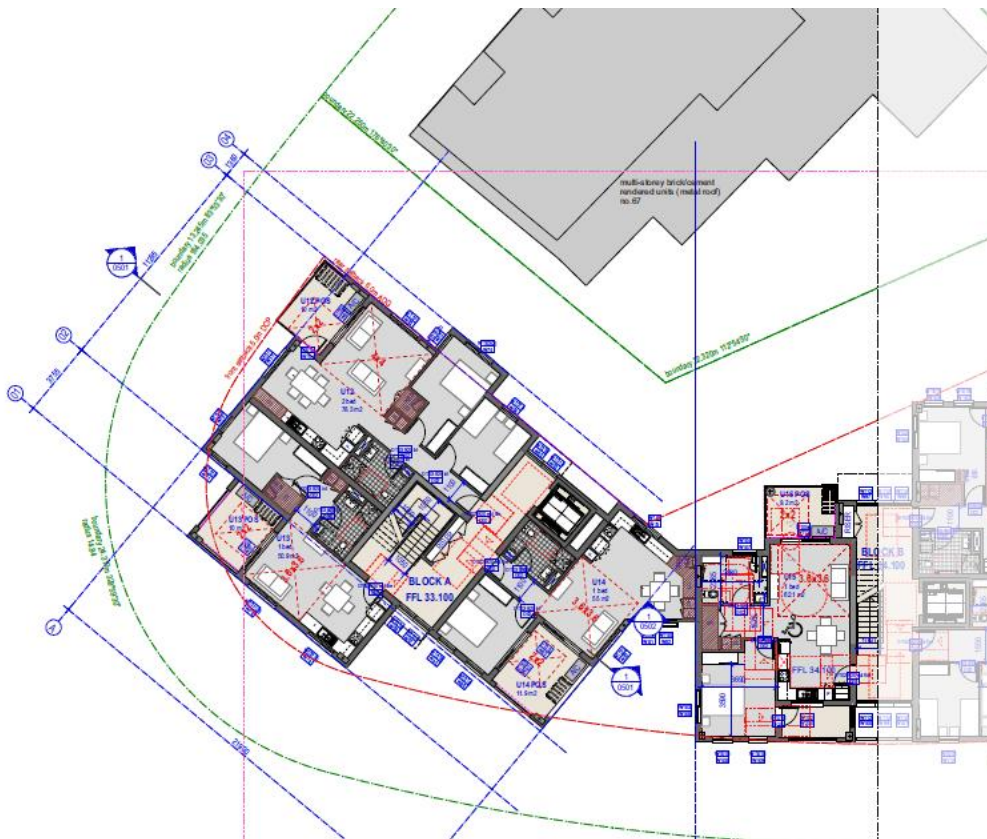


Figure 15 Extract from Architectural Plans – Level 02- Part 1 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)



Figure 16 Extract from Architectural Plans – Level 02- Part 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)

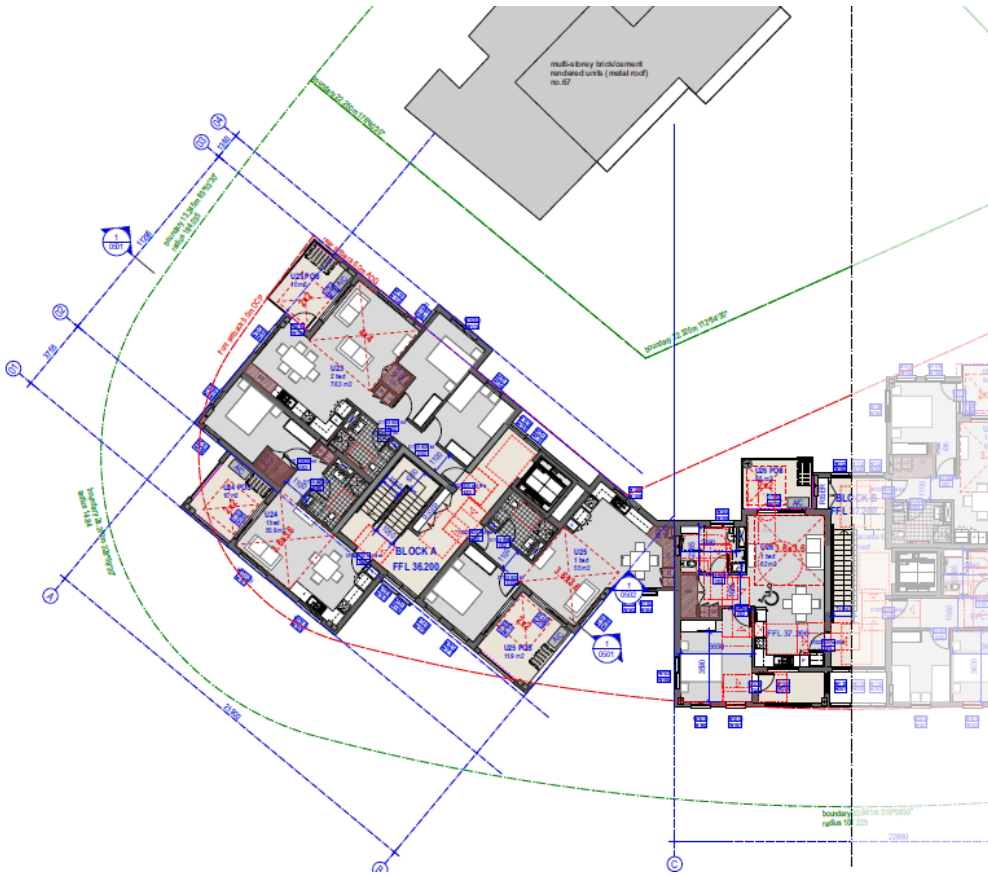


Figure 17 Extract from Architectural Plans – Level 03- Part 1 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)



Figure 18 Extract from Architectural Plans – Level 03- Part 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)

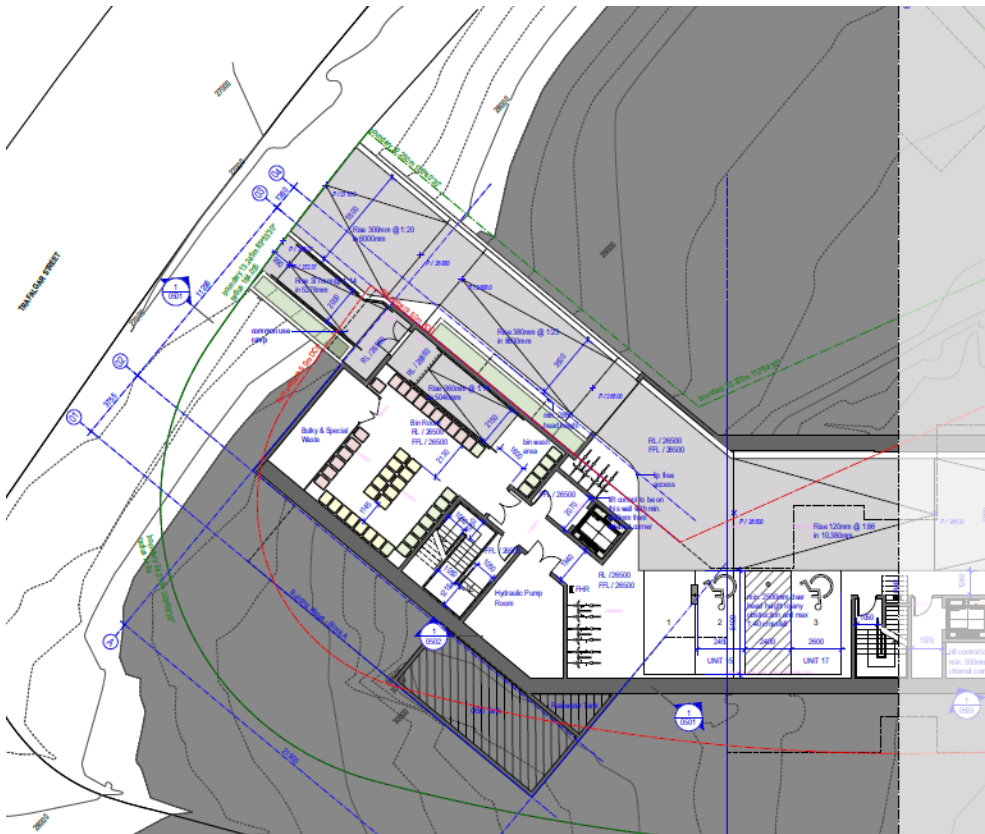


Figure 19 Extract from Architectural Plans – Level 00 - Part 1 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)

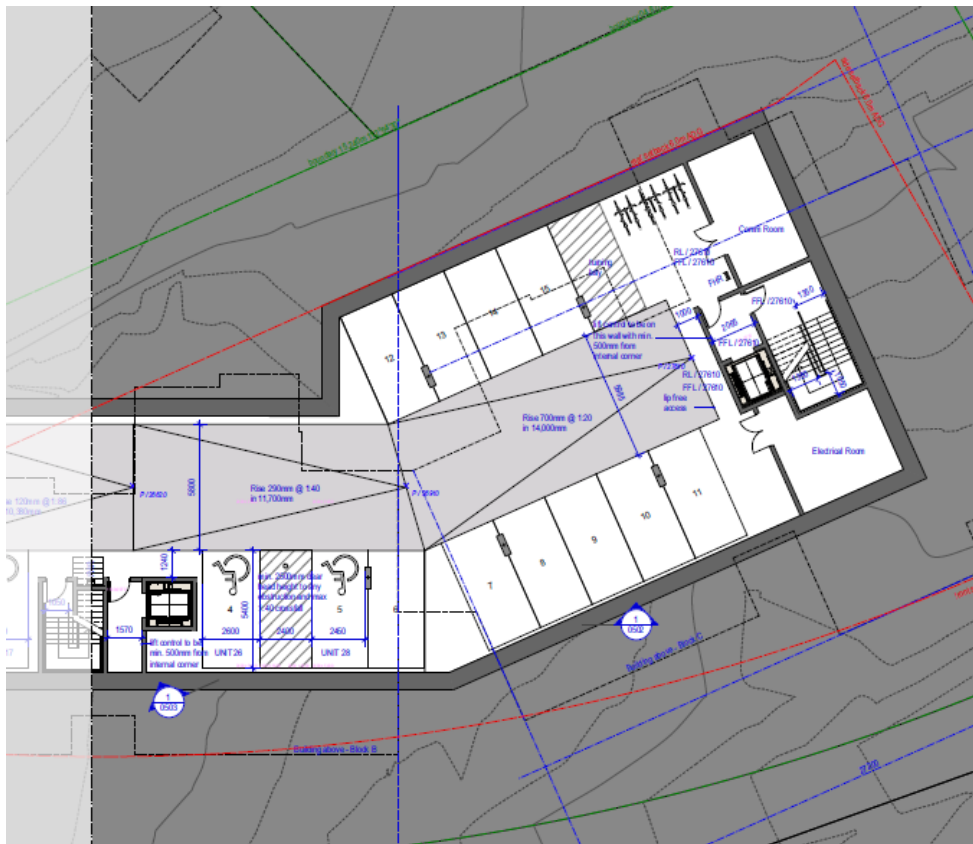


Figure 20 Extract from Architectural Plans – Level 00 - Part 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)



Figure 21 Extract from Architectural Plans –Perspective (Source: Architectural Plans, Kennedy Associates Architects, dated 29/08/2024)

4.4 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				
Cover page	0000	A	29/08/24	Kennedy Associates Architects
Block Analysis Plan	0100	A	29/08/24	Kennedy Associates Architects
Site Analysis	0101	A	29/08/24	Kennedy Associates Architects
Demolition Plan	0102	A	29/08/24	Kennedy Associates Architects
Lot Consolidation Plan	0103	A	29/08/24	Kennedy Associates Architects
Site Plan – Level 00	0104	A	29/08/24	Kennedy Associates Architects
Site Plan – Level 01	0105	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 00 – Part 1	0201	A	29/08/24	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Floor Plan – Level 00 – Part 2	0202	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 01 – Part 1	0203	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 01 – Part 2	0204	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 02 – Part 1	0205	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 02 – Part 2	0206	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 03 – Part 1	0207	A	29/08/24	Kennedy Associates Architects
Floor Plan – Level 03 – Part 2	0208	A	29/08/24	Kennedy Associates Architects
Roof Plan – Part 1	0209	A	29/08/24	Kennedy Associates Architects
Roof Plan – Part 2	0210	A	29/08/24	Kennedy Associates Architects
External Works Plan – Level 01 – Part 1	0211	A	29/08/24	Kennedy Associates Architects
External Works Plan – Level 01 – Part 2	0212	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 00 – Part 1	0213	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 00 – Part 2	0214	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 01 – Part 1	0215	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 01 – Part 2	0216	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 02 – Part 1	0217	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 02 – Part 2	0218	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 03 – Part 1	0219	A	29/08/24	Kennedy Associates Architects
Access Floor Plan – Level 03 – Part 2	0220	A	29/08/24	Kennedy Associates Architects
Cut and fill – Retaining Wall Plan – Part 1	0221	A	29/08/24	Kennedy Associates Architects
Cut and fill – Retaining Wall Plan – Part 2	0222	A	29/08/24	Kennedy Associates Architects
Summary of GFA	0301	A	29/08/24	Kennedy Associates Architects
Summary of Area Counts	0302	A	29/08/24	Kennedy Associates Architects
Summary of Cross Ventilation	0303	A	29/08/24	Kennedy Associates Architects
Summary of Solar Access	0304	A	29/08/24	Kennedy Associates Architects
Shadow Diagram 01	0311	A	29/08/24	Kennedy Associates Architects
Shadow Diagram 02	0312	A	29/08/24	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Elevation Sheet 01	0401	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 02	0402	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 03	0403	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 04	0404	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 05	0405	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 06	0406	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 07	0407	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 08	0408	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 09	0409	A	29/08/24	Kennedy Associates Architects
Elevation Sheet 10	0410	A	29/08/24	Kennedy Associates Architects
Section Sheet 01	0501	A	29/08/24	Kennedy Associates Architects
Section Sheet 02	0502	A	29/08/24	Kennedy Associates Architects
Section Sheet 03	0503	A	29/08/24	Kennedy Associates Architects
Solar Access	0511	A	29/08/24	Kennedy Associates Architects
3D Site Views	0601	A	29/08/24	Kennedy Associates Architects
3D Site Views with Height Plane	0602	A	29/08/24	Kennedy Associates Architects
Window Schedule	A-1011	A	29/08/24	Kennedy Associates Architects
Landscape Plan				
Hardscape Plan	Sheet 01	F	12/12/24	Conzept Landscape Architects
Public Domain Plan	Sheet 02	F	12/12/24	Conzept Landscape Architects
Landscape Plan	Sheet 03	F	12/12/24	Conzept Landscape Architects
Landscape Plan	Sheet 04	F	12/12/24	Conzept Landscape Architects
Planting Palettes	Sheet 05	F	12/12/24	Conzept Landscape Architects
Details and Specifications	Sheet 06	F	12/12/24	Conzept Landscape Architects
Details and Specifications	Sheet 07	F	12/12/24	Conzept Landscape Architects
Civil Plans				
Cover Sheet	C001	E	06/09/24	Xavier Knight
Stormwater Management Plan – Basement	C101	E	06/09/24	Xavier Knight

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Stormwater Management Plan – Ground	C102	F	18/09/24	Xavier Knight
Catchment Plan and Music Modelling Outputs	C201	F	18/09/24	Xavier Knight
Stormwater Details – Sheet 1	C301	E	06/09/24	Xavier Knight
Stormwater Details – Sheet 2	C302	E	06/09/24	Xavier Knight
Soil and Water Management Plan	C401	E	06/09/24	Xavier Knight
Soil and Water Management Details	C402	E	06/09/24	Xavier Knight
Driveway Long Sections	C910	B	09/09/24	Xavier Knight
Survey Plans				
Contour and Detail Survey	Sheet 1 of 2	B	23/08/2022	Premise Consultants
Contour and Detail Survey – Adjoining Structure Details	Sheet 2 of 2	B	23/08/2022	Premise Consultants
Notification Plans				
Cover Page	N01	A	29/08/24	Kennedy Associates Architects
Gover St Perspective	N02	A	29/08/24	Kennedy Associates Architects
Site and Landscape Plan	N03	A	29/08/24	Kennedy Associates Architects
Development Data	N04	A	29/08/24	Kennedy Associates Architects
Elevation 01	N05	A	29/08/24	Kennedy Associates Architects
Elevation 02	N06	A	29/08/24	Kennedy Associates Architects
Schedule of Finishes	N07	A	29/08/24	Kennedy Associates Architects
Shadow Diagram	N08	A	29/08/24	Kennedy Associates Architects
Specialist Reports				
Arboricultural Impact Assessment and Tree Management Plan	8597.2	-	11/12/2024	Redgum Horticultural
Access Report	22477	B	18/09/24	Vista Access Architects
BASIX Certificate	1766811M	-	30/09/24	Loka Consulting Engineers Pty Ltd.
BCA Compliance Report	24-221890MCR C_ReportR0 2_20240820	R02	30/08/24	Philip Chun Building Compliance
Nationwide house energy rating scheme – class 2 summary	HR-RE8UU4-01	-	30/09/24	Loka Consulting Engineers Pty Ltd.
Geotechnical Investigation Assessment	22/2817		August 2022	STS Geotechnics Pty Ltd.
Noise Impact Assessment	20230076.2/1909A/R1/S M	1	19/09/24	Acoustic Logic
Waste Management Plan	-	-	29/08/24	Kennedy Associates Architects
Traffic Management Report	22NL158-T3	5	03/02/2025	Loka Consulting Engineers Pty Ltd.

Section 10.7 Planning Certificates

Lot 162 DP 36317, Cert no. PL2024/4143, dated 10.10.2024 – Georges River Council

Lot 163 DP 36317, Cert no. PL2024/4142, dated 10.10.2024 – Georges River Council

Lot 164 DP 36317, Cert no. PL2024/4141, dated 10.10.2024 – Georges River Council

Lot 121 DP 36317, Cert no. PL2024/4144, dated 10.10.2024 – Georges River Council

Aboriginal Heritage Information Management System

AHIMS search result – 2 October 2024

Design compliance and checklists

Architect's Certificate of Building Design Compliance – 29/08/2024

Certificate of Landscape Documentation Compliance – 30/08/2024

Certificate of Stormwater Documentation Compliance – 18/09/2024

Apartment Design Guide Compliance Table – August 2024

Housing SEPP Design Principle Statement – August 2024

Architectural Design Statement – 29/08/2024

Clause 6.13 Design Excellence Response – January 2025

Titles and Deposited Plans

Title Search, Folio: 162/36317, Search date 02.03.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 163/36317, Search date 02.03.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 164/36317, Search date 02.03.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 121/36317, Search date 02.03.2022, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 36317, Search Date 02.03.2022

5 Zoning and Permissibility

The site is zoned R4 High Density Residential under *Georges River Local Environmental Plan 2021* (GRLEP 2021). The proposed development is defined as 'Residential flat buildings' under the provisions of GRLEP 2021 and is permissible in the R4 zone.



Figure 22 Land zoning map (Source: extract from Land Zoning map of GRLEP 2021)

The relevant objectives of the R4 zone, as set out in GRLEP 2021 are:

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a variety of housing types within a high-density residential environment.
- To encourage development that maximises public transport patronage and promotes walking and cycling.

The proposed development provides affordable housing in proximity to shops and services, and regular public transport services. The proposed activity satisfies the objectives of the R4 high density residential zone.

Part 2, Division 6 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 Division. Subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions 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 EP&A 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.
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;	Yes	x	x	
(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, 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;	NA			
(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 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

Georges River 2050 - Leading for Change

The *Georges River 2050 - Leading for Change* report was launched in 2020 by Georges River Council. It adopts planning actions that respond to global aspirations for a better and more sustainable future that are established through the United Nation's Sustainable Development Goals (UN SDGs).

The proposed development aligns with several of Council's strategic goals, notably the intention to achieve a diversity of housing types at affordable price points; to attract and retain a diverse community; and to create opportunities for a diverse range of affordable housing in established areas, including the need for accessible and adaptable housing.

The proposed development will deliver 33 residential units in an area well serviced by public transport and conveniently located to shops and services. The development has been designed so that it is highly accessible, with 4 adaptable units and the remainder designed to achieve silver liveability standards. All units above ground floor are accessible via a lift.

Georges River Local Strategic Planning Statement 2040

The *Georges River Local Strategic Planning Statement 2040* (LSPS 2040) is a 20-year plan that identifies 20 Planning Priorities for the LGA, expressed through 5 interrelated themes:

1. Access and movement
2. Infrastructure and community
3. Housing and neighbourhoods

4. Economy and centres
5. Environment and open space

Priority P9 seeks to promote a mix of well-designed housing that caters for diverse lifestyle needs and incomes. This objective seeks to provide residents with housing choice in line with the Inclusive Housing Strategy.

The proposed development will contribute 7 affordable housing units to the Georges River LGA. The development will diversify the residential uses in the LGA by introducing affordable housing that can accommodate smaller households in a location that is well serviced by existing public transport options and essential services. As such, the proposed development contributes to the objectives of the Georges River Local Strategic Planning Statement.

Inclusive Housing Strategy

The Inclusive Housing Strategy and Delivery Program was prepared for the Georges River Local Government Area in August 2020. The strategy aims to provide a comprehensive framework to encourage, provide and manage affordable housing that meets the needs of the community. The plan is consistent with the Georges River Local Strategic Planning Statement.

The proposed development, with a mix of 1 and 2-bedroom units is aligned with Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable.

Georges River Community Strategic Plan 2022 - 2032

The Community Strategic Plan and associated documents were adopted by Council on 27 June 2022. It is a 10-year plan that outlines six broad inter-related themes that are derived from the review of the previous Community Strategic Plan 2018-2028 and an extensive community engagement process, which identified community's aspirations and considered new challenges to set the main priorities for the future. The six strategic pillars are:

1. Our community
2. Our green environment
3. Our economy
4. Our built environment
5. Our place in Sydney
6. Our governance

Under these pillars there are key goals and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. The proposed development is consistent with the Georges River Community Strategic Plan, and particularly aligns with strategic planning goal 4.2:

- Affordable and quality housing option are available.

The proposal will allow for additional high-quality affordable housing that increases the diversity and choice of housing for the community within the LGA.

6.4.3 Activities in catchments [Section 171A]

The site is located within a regulated catchment, namely, the Georges River 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 on development is provided in **Table 7** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Georges River Catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Development for Affordable Housing

Chapter 2, Part 2, Division 6 of the HSEPP permits LAHC to carry out certain development 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 Development to which division applies	
(1) This Division applies to residential development if -	
(a) the development is permitted with development consent on the land under Chapter 5 or another environmental planning instrument, and	Residential apartment development is permissible within the R4 zone under GRLEP 2021, consistent with 1(a).
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the land (12m), and	The maximum proposed building height is 12m, consistent with 1(b)(ii).
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the land (1:1), and	The proposed FSR is 0.97:1 (2,491m ²), consistent with 1(c)(ii).
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 33 dwellings on the site, consistent with 1(d).
(e) for development on land in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	The site is in an accessible area as defined in the Housing SEPP. The required number of parking spaces is as follows: 22 (1-bed units) x 0.4 spaces = 8.8 spaces 11 (2-bed units) x 0.5 spaces = 5.5 spaces TOTAL: 14.3 (15) spaces The proposed development includes a single level basement carpark which contains 11 standard vehicle

Provision	Compliance
	parking spaces, and 4 accessible parking spaces, consistent with the parking requirements under 1(e).
(f) for development on land that is not in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces.	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 that – (i) is non-heritage land, and (ii) is not identified in an environmental planning instrument as being within a heritage conservation area,	The subject site is non-heritage land and is not within a heritage conservation area therefore demolition can be undertaken as development without consent in accordance with 2(a).
(b) the subdivision of land and subdivision works.	Not applicable – the proposal does not include subdivision of land.
(4) <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 – (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> are not applicable to the site or development.
43 Residential development permitted without consent	
(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of – (a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or (b) another relevant authority.	LAHC is a relevant authority therefore the proposal is in accordance with 1(b).
43A Notification before carrying out development	
(1) Before carrying out development to which this division applies, the relevant authority must do the following – (a) request that the council nominate persons who must, in the council’s opinion, be notified of the development,	Advice was sought from Georges River Council on 20 th September 2024 regarding the scope of notification and council provided a response on 26 September. In their response, Council identified additional properties to be included in the scope and provided current property owner details so that landowners could be notified also.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) any persons nominated by the council under paragraph (a), and	

Provision	Compliance
(iii) the occupiers of adjoining land,	<p>Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on 28 October 2024.</p> <p>Council requested an extension of time to respond to the notification, which was granted by LAHC, and the response timeframe was extended until 29 November 2024. Upon receiving an additional request from Council, LAHC further extended the deadline to 4th December 2024.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given.	<p>Council responded to LAHC's notification by letter dated 2 December 2024. A response to the matters raised are provided in Section 7.1 of this REF.</p> <p>Six submissions were received and a response to these submissions are provided in Section 7.2 of this REF.</p>
(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 carried out.	Noted.
43C Consideration of design of residential apartment development	
<p>Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following —</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide.</p>	<p>(a) An evaluation of the proposed development against the design principles set out in Schedule 9 of the Housing SEPP is provided under Appendix V. The evaluation demonstrates that the proposed activity has appropriately responded to the design principles for residential apartment development.</p> <p>(b) ADG compliance checklist is provided at Appendix T and non-compliances against ADG are addressed in subsection 6.5.4 below.</p>
44 Considerations before carrying out development	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not applicable to LAHC.
<p>(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider —</p> <p>(a) <i>Good Design for Social Housing</i>, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and</p> <p>(b) the <i>NSW Land and Housing Corporation Design Requirements</i>, published by the Land and Housing Corporation in February 2023.</p>	<p>(a) Refer to subsection 6.5.2 which demonstrates that the <i>Good Design for Social Housing</i> has been considered.</p> <p>(b) Refer to subsection 6.5.3 which demonstrate that the <i>NSW LAHC Design Requirements</i> have been considered.</p>
44A Exempt development	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in	Noted.

Provision	Compliance
relation to residential development to which this division applies is exempt development.	

6.5.2 Good Design for Social Housing

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

Clause 44(2)(a) 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.

An assessment of the proposed development against the Good Design for Social Housing principles has been undertaken and deemed to achieve compliance. Each goal is individually addressed below, detailed responses are provided by the architect in the Statement of compliance at **Appendix O**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe.

All units meet Liveable Housing Australia Silver Level, with four units designed for adaptable housing, compliant with AS4299 and AS 1428.1. The development incorporates passive and active sustainable design by exceeding cross-ventilation requirements and providing appropriately sized units to reduce running costs. The design also includes durable and low maintenance materials in the construction specifications.

The proposal achieves a high NatHERS rating with an average of 7.6 stars which exceeds the minimum targets set by LAHC. A 33 peak kW photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned so that they're angled towards the north to maximise solar gains.

Each ground floor unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species. High quality landscaping across the site will enhance the amenity for residents, and the common seating area at the rear will encourage casual social interaction in a peaceful landscaped setting.

Ample parking is provided to residents, and pedestrian access through the site is highly accessible and has good passive surveillance.

Belonging

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high-quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time, making the development indistinguishable from private housing.

The pedestrian entries, entry foyers and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The mixed unit sizing caters to the needs of a diverse range of tenants.

Value

The development exceeds sustainability targets, with 24 of the 33 dwellings achieving a NatHERS score of 7 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The building materials, construction method and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

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 adjoining landowners.

6.5.3 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 44(2)(b) 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, refer to Statement of Compliance from the Architect in **Appendix O**. Further detail will be incorporated in the construction documentation.

6.5.4 Apartment Design Guide

Section 43C(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the Apartment Design Guide when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the Apartment Design Guide has been undertaken and deemed to achieve compliance except as discussed below in **Table 6**. Refer to Apartment Design Guide Checklist from the Architect in **Appendix U**. Further detail will be incorporated in the construction documentation.

Table 6 Compliance with relevant provisions under Apartment Design Guide

Provision	Compliance
2F – Building Separation, 3F -Visual Privacy	
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: up to 12m (4 storeys): <ul style="list-style-type: none"> 6m (habitable rooms and balconies); 3m – (non-habitable rooms) 	<p>Does not comply</p> <p>The development provides the following setbacks which do not achieve numerical compliance with building separation requirements under Part 2F:</p> <ul style="list-style-type: none"> Minimum 4.6m (in lieu of 6m) to the northeast boundary. The area of encroachment contains a portion of the bedroom in units 01, 12 and 23.

Provision	Compliance
	<ul style="list-style-type: none"> • A minimum 5.35m (in lieu of 6m) to the east boundary. The area of encroachment contains a portion of the kitchen, living room wall and balcony of units 11, 22 and 33. • A minimum 3.4m (in lieu of 6m) to the northern boundary. The area of encroachment contains the private open space area of unit 09 (ground floor) which will be raised approximately 1m above existing ground level at the northern fence line. <p>Notwithstanding the above non-compliances, the resultant building separation is considered to provide an appropriate response within the site context, due to the following measures.</p> <ul style="list-style-type: none"> • <u>High sill windows</u> are installed to prevent direct line of sight from the bedrooms of units 1, 12 & 23. • <u>Privacy screens</u> are provided to all windows and balconies on the east elevation of units 11, 22 & 33 to obstruct views across the boundary to 8 Gover Street. • <u>Privacy screening and a solid balustrade</u> are provided to the northern portion of the raised private open space area of unit 09. The balustrade is proposed to be solid masonry to a height of 600mm with metal batten fencing provided on top creating an overall height of 1.5m measured from finished floor level. <p>In addition to the above, the following design changes are recommended to be implemented as Identified Requirements (No. 74, 75 & 81).</p> <ul style="list-style-type: none"> • the Vertical batten privacy screening (SCR01-Screen) throughout the development shall be appropriately spaced/angled to ensure privacy is achieved for the residents and neighbouring properties. • A solid panel is to be provided behind the vertical battens for all balcony balustrade type BAL01 as identified in the materials schedule in the Architectural Plans. • Opaque glazing is to be provided to the bottom fixed panel of the double-glazing awning windows on the east elevation (Block A), east and west elevations (Block B), and north elevation (Block C) to minimise privacy impacts. <p>On balance, despite the numeric non-compliance the proposed development is considered to provide an acceptable response to building separation that is characteristic of the locality.</p>

Provision	Compliance										
4G – Storage											
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th><th>Storage size volumes</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m³</td></tr> <tr> <td>1-bedroom apartments</td><td>6m³</td></tr> <tr> <td>2-bedroom apartments</td><td>8m³</td></tr> <tr> <td>3+ bedroom apartments</td><td>10m³</td></tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage size volumes	Studio apartments	4m ³	1-bedroom apartments	6m ³	2-bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<p>All units are provided with the required volume of storage except for units 6, 17, and 28 where the storage provided is 7.1m³ instead of the required 8m³. This discrepancy is minimal and does not significantly impact the functionality or usability of the storage spaces.</p> <p>The shortfall is only 0.9m³, which is a minor deviation from the requirement. The dimensions of the storage spaces provided in terms of width and length are practical and functional for the intended use.</p> <p>The development meets the storage requirements for all other units, demonstrating a general compliance to the guidelines.</p>
Dwelling Type	Storage size volumes										
Studio apartments	4m ³										
1-bedroom apartments	6m ³										
2-bedroom apartments	8m ³										
3+ bedroom apartments	10m ³										

6.6 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022
A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to Appendix K).
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><i>2.100 Impact of rail noise or vibration on non-rail development</i> – Not applicable, the site is not located in proximity to a railway corridor.</p> <p><i>2.119 Development with frontage to a classified road</i> – Not applicable as the site does not have frontage to any State or Regional Classified Roads.</p> <p><i>2.120 Impact of road noise or vibration on non-road development</i> – Not applicable, as the development is not on land in or adjacent to a road that has an annual average daily traffic volume of more than 20,000.</p> <p><i>2.122 Traffic-generating development</i> – Not applicable, as the development is not of a type specified in Column 1 of Schedule 3, in that the development does not propose access to a classified road; is not within 90m of connection to a classified road; and does not propose 300 or more dwellings.</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> <p>Chapter 2 – Vegetation in non-rural areas, Clause 2.6(1) requires a permit from Council for clearing of vegetation required under the policy. The proposed activity includes the removal of 35 trees in total (refer to Arborist Report at Appendix J).</p>

Notwithstanding, Section 6 of the 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.

It is noted that the proposal also includes the removal of 3 trees (T1, T2 & T4) located in the road reserve of Gover Street. As these trees are located outside of the site and on council land, they are not covered by Section 6 of the Housing SEPP. During the statutory notification stage, council confirmed their support for the removal of these trees, subject to appropriate replacement planting. This has been included under Identified Requirements 77 & 78.

Chapters 3 & 4 – Koala habitat protection 2020 and 2021, are not applicable as the land is not within a prescribed zone, or equivalent land use zone – section 3.3 and section 4.4.

Chapter 5 – River Murray Lands is not applicable, the land is not shown on the map and is not located in the riverine land of the River Murray, pursuant to section 5.3.

Chapter 6 – Water Catchments. The site is located within a regulated catchment, namely, the Georges River 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 Biodiversity and Conservation SEPP, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1). 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 via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the street drainage pit on the Gover street frontage. Roof water will be collected from downpipes and connected to a 5m³ underground rainwater tank for recycling with overflow connected to an onsite detention tank (OSD) with a storage volume of 52.45m³. The OSD tank will be fitted with a stormwater filter chamber which will manage water quality prior to discharging to public infrastructure.

Identified Requirement (No. 13) recommends that sediment control measures be implemented during demolition and 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. 6 and 42 are recommended to ensure that stormwater management is designed in accordance with Georges River Council's and Sydney Water'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,
- 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 (Identified requirement No. 13). In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

6.8 Flooding – Not applicable, the site is not located on flood liable land.

6.9 Recreation and public access – 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 Georges River LGA. 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 1950's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity 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.)	No	LAHC records indicate that the land has not been used for a potentially 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	All lots contain a single storey detached dwelling and associated structures.
(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 which indicated that the site is unlikely to have been associated with 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 early 1930's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	An Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / 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.

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 Georges River Local Environmental Plan 2021 (GRLEP 2021)

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

Table 8 Georges River Local Environmental Plan 2021

Relevant Provisions / Development Standards for Residential Flat Building			
Clause	Provision/ Development Standard	Required	Provided
4.3	Height of Buildings	(2) 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 (12 metres)	Complies Maximum building height (measured in accordance with the LEP definition) at the highest point is 11.5m.
4.4	Floor Space Ratio	(2) 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. The site is mapped as containing a maximum floor space ratio on the Floor Space Ratio Map (1:1).	Complies Proposed FSR is 0.97:1 (2,491m ²)
6.2	Earthworks	(3) In deciding whether to grant development consent, the consent authority must consider the following matters – (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Complies The proposed activity includes areas of cut and fill, as demonstrated on drawings 0221 and 0222 in Appendix A . Excavation is primarily required to accommodate the proposed basement level, and areas of fill are required to create a level building platform while still respond to site topography. Identified Requirements No. 7 and 14 require appropriate measures to ensure the proposed earthworks do not cause offsite stormwater impacts, and that all retaining walls and other methods necessary to prevent movement of excavated or filled round, are designed by an appropriately qualified person. Identified Requirements No. 43 & 44 require any fill used on site to be placed and compacted appropriately, and be Virgin Excavated Natural Matter and free of any contaminants. No relic, or potential for aboriginal relics were identified in the Aboriginal Heritage Information Management System (AHIMS) basic search provided at Appendix I , and there were no heritage affectations on the 10.7 planning certifications (Appendix F). Despite this, Identified Requirement No. 45 is recommended to ensure

Relevant Provisions / Development Standards for Residential Flat Building			
			<p>appropriate procedures are followed in the event of unexpected finds.</p> <p>The proposed activity is considered to satisfy the requirements of clause 6.2 subject to the implementation of the above mitigation measures.</p>
6.4	Stormwater Management	<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development —</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if required by the <i>Georges River Stormwater Management Policy</i>, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater, or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>	<p>Complies</p> <p>Stormwater will be collected via a series of stormwater pits and gutters on site, connecting to a 52.45m³ underground stormwater detention tank that will drain to existing public stormwater infrastructure in Gover Street.</p> <p>Roof water will be collected from downpipes and connect to a 5m³ underground rainwater tank for recycling with overflow connected to the underground detention tank.</p> <p>The stormwater engineer has certified that the proposed stormwater management plan has been designed in accordance with the requirements of Georges River Council as evidenced in Appendix M.</p> <p>Identified Requirements No. 6 – 9 & 71 have been included to ensure the stormwater management measures are designed and constructed in accordance with Georges River Council standards, and in consultation with council.</p>
6.9	Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required —</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the supply of telecommunications facilities,</p> <p>(d) the disposal and management of sewage,</p> <p>(e) stormwater drainage or on-site conservation,</p>	<p>Complies</p> <p>The essential services as noted in Clause 6.10 are available to the existing dwelling and therefore will continue to be available to the proposed development.</p>

Relevant Provisions / Development Standards for Residential Flat Building

		(f) suitable vehicular access.	
6.10	Design Excellence	<p>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters –</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters –</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</p> <p>(ix) the impact on, and proposed improvements to, the public domain,</p> <p>(x) achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>(xi) excellence and integration of landscape design,</p> <p>(xii) the provision of communal spaces and meeting places,</p> <p>(xiii) the provision of public art in the public domain,</p>	<p>Complies</p> <p>The requirements of clause 6.10 are applicable as the proposed development involves the construction of a new building that is 3 or more storeys in height and is located on land in the R4 high density residential zone.</p> <p>As this project is being assessed under Part 5 of the EP&A Act, it did not trigger a design review process with Council's design review panel. However, LAHC have an internal process whereby each proposal is reviewed and critiqued by our internal design team throughout the design phase. This ensures each development exhibits design excellence and incorporates the design features unique to LAHC developments.</p> <p>The proposal has been designed with due consideration for the design matters outlined in clause 6.10(5) and a detailed response to each matter is provided in Appendix W. In addition, the proposal has been designed in accordance with the design principles under Chapter 4 of the Housing SEPP (i.e. the Apartment Design Guide) as verified in Appendix V.</p>

Relevant Provisions / Development Standards for Residential Flat Building

		(xiv) the provision of on-site integrated waste and recycling infrastructure, (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.	
6.11	Environmental Sustainability	<p>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building –</p> <p>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,</p> <p>(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,</p> <p>(c) indoor environmental quality, including daylight provision, glare control, cross ventilation, and thermal comfort,</p> <p>(d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,</p> <p>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber, and PVC minimisation,</p> <p>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.</p>	<p>Complies</p> <p>The proposed activity has been designed to achieve a high level of environmental sustainability through several measures.</p> <ul style="list-style-type: none"> a) Water efficiency and re-use measures have been designed in accordance with BASIX requirements and include an 5000L rainwater tank with an onsite recycled water system supplying 200L water per day for irrigation of landscaped areas, as well as low water usage taps and fixtures within each unit. b) A 33kW (output) photovoltaic system is provided on the rooftop to supplement energy supply and use within the development. c) The proposal achieves the solar access and cross-ventilation requirements under the ADG; shading devices to glazed elements; and building insulation is proposed to achieve a high level of thermal comfort and amenity to indoor spaces. d) Approximately 44.5% of the site is soft landscaping, with 19.4% comprising deep soil areas, which exceeds the minimum requirements under the Housing SEPP and will assist in minimising heat retention. Provision of deep soil areas will also allow for the planting of several canopy trees across the site which will create shade and reflect heat.

Relevant Provisions / Development Standards for Residential Flat Building

- e) As identified in the Waste Management Plan (**Appendix T**) demolished building materials are to be recycled where possible. New materials have been selected for their durability and longevity.
- f) The site has been chosen for redevelopment due to its proximity to public transport, goods and services and public open space areas, thereby reducing reliance on private car ownership. In addition, 16 bicycle parking spaces are provided in the basement carpark to encourage bicycle use over private vehicle.

6.8 Georges River Development Control Plan 2021

Georges River Development Control Plan 2021 (GRDCP 2021) contains specific development controls for residential flat buildings which are addressed in **Table 9** below.

The general controls for all development set out in GRDCP 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 which are not already covered by the requirements under the Housing SEPP or ADG.

Table 9 George River Development Control Plan 2021

Compliance with setback controls for Residential Flat Buildings

Residential Flat Buildings

Clause	Requirement	Proposed
6.3.1 Minium Site Requirement	<ul style="list-style-type: none"> A minimum lot size requirement of 1,000m² Minimum lot width is 24m. 	<p>Complies with intent of the provision.</p> <p>The total site area will be 2,564m² once all lots have been amalgamated.</p> <p>The site is an irregular shaped corner lot and both street frontages are curved. The proposed lot width, measured along the frontage of Gover Street, will be approximately 83.8m. The lot width measured from the Trafalgar Street frontage is approximately 24m at the building line and 13.24m at the site boundary.</p> <p>The site dimensions are considered adequate to accommodate the scale of development proposed.</p>
6.3.2 Site Isolation and		A number of properties on the northern side of Gover Street have been redeveloped for residential flat buildings, including

Compliance with setback controls for Residential Flat Buildings

Amalgamation		<p>18, 22-24 and 26-28 Gover Street which are in proximity to the site. Numbers 8 and 10 Gover Street contain single dwellings, and 12 Gover Street appears to contain a dual occupancy development.</p> <p>The highest and best use of the land is for residential flat building development. In the event that 8 and 10 Gover Street were amalgamated they would satisfy the minimum lot area and lot width requirements for residential flat building development under clause 6.3.1 of the GRDCP 2021. As such, it is considered that there is a low risk of site isolation for these properties.</p>
6.3.3 Building Setbacks and Street Interface	<p>1. Street Setback</p> <ul style="list-style-type: none"> Street setback (corner sites): up to a building height of four storeys, min 5m to both street frontages. The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m. 	<p>Does not comply</p> <p>The proposed development results in a minor non-compliance to the street setback requirement.</p> <p>The encroachment ranges from 400mm to 1950mm, and includes minor corner/external wall protrusions, small portions of balconies at all levels, as well as planter bed landscaping at ground level.</p> <p>Balconies for units 02, 13 & 24 encroach into the street setback by approximately 1250mm and are designed to enhance the corner element of the building, at the intersection of Gover and Trafalgar Streets.</p> <p>The private open space area for units 03, 06, 07 & 10 (ground floor) encroach into the street setback by 650mm up to approximately 1950mm. However, most of the encroachment is generated by raised planter beds which will be approximately 100mm (minimum) to 600mm (maximum) above the proposed ground level within the frontage. The planter beds are provided to enhance privacy for the ground floor private open space areas of these units.</p> <p>Additionally, the ground floor setback encroachments are within the allowable limit of 2m as per section 6.3.3.5 of the GRDCP 2021.</p> <p>The encroachment generated by the balconies of units 14, 17, 18 & 21 (first floor) and units 25, 28, 29 & 32 (second floor) range from 650mm to 800mm. The extent of encroachment is minor and is predominantly due to the curved alignment of the southern (Gover St) boundary. The balconies provide articulation to the façade and make an overall positive contribution to the streetscape presentation.</p> <p>The proposed encroachments are considered acceptable as they allow for a better design solution that is responsive to site constraints (i.e., the irregular lot shape), and provide articulation to the facades without creating unnecessary building bulk.</p>

Compliance with setback controls for Residential Flat Buildings

		<p>As a result of the above, the minor non-compliances are considered supportable.</p> <p>In accordance with 6.3.3(1), the front setback is predominantly landscaped and a minimum of 2 canopy trees are provided at each frontage as shown in the landscape plan at Appendix B.</p>
	<p>2.Side Boundary Setbacks</p> <ul style="list-style-type: none"> Min. 6m setback for side boundary between ground floor level and up to four storeys. <p>3.Rear Boundary setback</p> <ul style="list-style-type: none"> Min. 6m setback from a rear boundary between ground floor level and up to four storeys. <p>5.Encroachments into boundary setbacks:</p> <ul style="list-style-type: none"> Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer. 	<p>Does not comply</p> <p>The minimum side and rear boundary setbacks are as follows:</p> <p>Side north/northeast boundaries: 4.6m (bedroom of units 01, 12 & 23); and 3.4m (POS of unit 09 at ground floor level).</p> <p>Rear eastern boundary: 5.35m (the area of encroachment contains a portion of the kitchen/living room wall and balcony of units 11, 22 & 33).</p> <p>In accordance with 6.3.3(5), ground floor POS areas can encroach up to 3m into the side and rear setbacks. The POS encroachments for units 09 and 11 are less than 3m and are therefore allowable under 6.3.3(5).</p> <p>Justification for the other areas of side and rear encroachment is provided in Table 6.</p>
6.3.4 Basement Setbacks	<ul style="list-style-type: none"> Basements are to be: <ul style="list-style-type: none"> Located within the building footprint or Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries. The basement setback areas are to be deep soil zones. Driveways and driveway crossings are to be setback 1.5m from a side boundary. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment. 	<p>Does not comply</p> <p>The basement has been designed within the proposed building footprint, and the setback areas are provided as deep soil landscape zones.</p> <p>However, the proposed driveway is setback approximately 1m from the side boundary which does not meet the 1.5m minimum required under GRDCP 2021.</p> <p>The design utilises an existing driveway crossing which limits the ability to increase the setback of the driveway from the boundary as well as the bus zone at the Trafalgar Street frontage.</p> <p>Despite this, the proposal still achieves the objectives of the control through appropriate planting within the setback area. Specifically, 15 x native Lilly Pilly's will be planted in the area between the driveway and the side boundary creating a dense landscaped buffer. In addition, the proposal maintains large deep soil areas across the site, including within the frontage, which allows extensive plantings including canopy trees which will contribute to the streetscape.</p>

Compliance with setback controls for Residential Flat Buildings

		The proposal is considered to satisfy the objectives of clause 6.3.4, despite the non-compliance.
6.3.5 Façade Treatment and Street Corners	<ul style="list-style-type: none"> • New buildings and additions are to consider the Desired Future Character statement in Part 5 of the DCP. • Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character. • Street corners must be given prominence by a change in building articulation, materials, colours, form, and scale. • Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality, and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians. • Services such as substations and fire booster assemblies must be integrated into the design of the façade. • Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the design of the building, in plan view and elevation. • Large areas of blank, minimally, or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls. 	<p>Complies with intent</p> <p>The site is located within an R4 High Density Residential Zone and generally complies with the provisions of the GRLEP 2021 and Housing SEPP 2021. The proposed development has been designed to respond to the existing site conditions and steep topography.</p> <p>The building facades are well articulated with a selection of lighter-toned bricks and rendered bands that blend well with newer developments in the area. The street corner is well designed, featuring balconies and a light red brick façade that elevates the prominence of the building corner.</p> <p>The proposed development considers an appropriate height and scale in keeping with the neighbouring properties along Trafalgar Street and is of a suitable scale for the future character of Gover Street. Proposed landscaping along both frontages, including within the road reserve, will enhance the tree-lined streetscape and ensure the development achieves the desired future character for Peakhurst.</p> <p>The development is designed as three buildings with separate lifts and stairs and individual pedestrian entries. The buildings are aligned to follow the shape of the site, maintaining the existing street character. The buildings are offset at regular intervals, breaking up the long façade and introducing more landscaping opportunities in the front setback. Proposed balustrades of vertical metal battens improve privacy without introducing heavy architectural elements to the façade.</p>

Compliance with setback controls for Residential Flat Buildings

	<ul style="list-style-type: none"> Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts. 	
6.3.6 Landscaped Treatment and Private Open Space	<ul style="list-style-type: none"> As required by Part 3E, 4P and 4E of the ADG. Where services including fire booster valves, substations and other infrastructure required as part of any new development present to a public road or public space, they must be concealed by a screen or fence that corresponds with the materiality of the building façade. POS to be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas 	<p>Capable of compliance</p> <p>Provision for a substation has been made in the southeast corner of the site and, if required, is in a position that won't require a blast wall.</p> <p>An Identified Requirement (no. 79) is recommended to ensure that the substation, if required, will be provided with fencing / planting, where this is permitted by the electricity providers guidelines.</p> <p>Proposed private open spaces to all units are directly accessible from the internal living areas.</p>
6.3.7 Communal Open Space	<ul style="list-style-type: none"> Min. 25% of the site area, with a minimum dimension of 5m. At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June. At least 50% of the ground level communal open space is to comprise unpaved landscaped area. 	<p>Does not comply</p> <p>The proposed development provides 680.4m² (26.5%) of communal open space, however some areas have a dimension of less than 5m.</p> <p>The COS is north facing and achieves more than 2 hours solar access as shown in shadow diagram at Appendix A, and at least 50% is unpaved landscaped area as demonstrated on sheet 0302 in Appendix A.</p> <p>Providing areas of communal open space that encourage large gatherings and congregation are generally avoided in LAHC developments to minimise the risk of anti-social behaviour. Due to this, dense landscaped areas and sporadic bench seating are favoured in lieu of large areas for outdoor dining and socialising, which typically require a larger consolidated area.</p> <p>Whilst not strictly complying with the minimum dimension requirement under the GRDCP, the provision of COS within the development satisfies the objectives of the control and meets the specific requirements of a LAHC affordable housing development.</p>

Compliance with setback controls for Residential Flat Buildings

6.3.8 Solar Access	<ul style="list-style-type: none"> Where development adjoins public open space, the solar access amenity of the space will be considered on its merits. New development shall maintain solar access to the living rooms and private open space of apartments within existing residential flat buildings. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought. 	<p>Complies</p> <p>The site does not adjoin a public open space. Peakhurst Park is located opposite the site to the north and will not be impacted by the proposed development in terms of solar access amenity.</p> <p>Due to the orientation of the site, the overshadowing generated by the proposed development will predominantly fall across the adjoining road reserves. There will be minor overshadowing the existing dwelling at 8 Gover Street in the afternoon period from approximately 2pm in mid-winter and no overshadowing to the private open space area of this property. Solar access to 8 Gover Street is maintained throughout the remainder of the day and the dwelling will continue to achieve solar access in accordance with the GRDCP 2021.</p> <p>There are no solar PV panels on neighbouring properties that are likely to be impacted by the proposed development.</p>
6.3.10 Dwelling Mix	<p>Percentage mix for developments with more than 20 dwellings:</p> <ul style="list-style-type: none"> Studio apartments and 1 bed apartments – maximum 25% 2 bed apartments – minimum of 35% 3+ bed apartments – minimum 15% 	<p>Does not comply</p> <p>The proposed development comprises 22 x 1-bed (70%) and 11 x 2-bed (30%) units.</p> <p>The proposed unit mix has been informed by a local area analysis undertaken by LAHC for Georges River LGA which identified that 84% of individuals on the priority waitlist had requested a dwelling with 1-bedroom or less. The proposed development therefore caters to the demonstrated high demand of smaller dwellings.</p>
6.3.11 Adaptable Housing	<p>Minimum number of adaptable units:</p> <ul style="list-style-type: none"> 31-40 units – 4 adaptable units 	<p>Complies</p> <p>Four adaptable units are proposed.</p>
6.3.12 Universal Design	<p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p>	<p>Complies</p> <p>As verified in the Access Report at Appendix H, all units within the proposed development have been designed to achieve the Liveable Housing Guideline's Silver Level (Liveable Housing Australia) universal design features, excluding those designed as adaptable units.</p>

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A of the Housing SEPP, on 1 November 2024 Georges River Council were notified of the development via the notification function in the NSW Planning Portal. Council requested an extension of time to respond to the notification, which was granted by LAHC, and the response timeframe was extended until 29 November 2024. Upon receiving an additional request from Council, LAHC further extended the deadline to 4 December 2024.

Council responded by their letter dated 2 December 2024 and a response to the key issues raised in their submission is provided in **Table 10** below. Where appropriate, some matters have been addressed by way of identified requirements in the **Activity Determination**.

It is noted that the key issues raised by council have been summarised in **Table 10** below and have not been included verbatim. A full copy of council's submission is provided in **Appendix G**.

Table 10 Summary of key issues raised in Council submission

Issues raised	Response
Trees and landscaping	
<u>Key concerns</u> <ul style="list-style-type: none">Trees numbers 1, 2 and 4 are located on Councils verge. These trees are not considered a design constraint; however, they should be replaced with new street trees consistent with the surrounding street trees along Gover Street.The submitted documentation appears to be poorly coordinated with several inconsistencies and conflicting information being provided.The Arboricultural Impact Assessment and Tree Management Plan is not based on the current Architectural or Stormwater Plans. Furthermore, it has not assessed the proposed Landscaping and Civil Plans. This means that the AIA is outdated and has not assessed the true development impacts to existing trees.The Landscape Plans prepared by Conzept Landscape Architects dated 17 September 2024 'Rev E' does not detail the proposed new footpath within Councils verge surrounding the site.The proposed new footpath is within the Structural Root Zone (SRZ) of Council's street tree (T32) that is proposed to be retained. The new footpath impact to T32 has not been assessed in the provided Arboricultural Impact Assessment and Tree Management Plan. The street tree is a mature native Lophostemon confertus in good health with a 'High' Retention Value rating and forms part of an avenue planting along Gover Street. 'High' Retention Valued	<p>The landscape plan and Arboricultural Impact Assessment and Tree Management Plan have been revised to address Council comments and a copy of the updated information is provided at Appendix B and Appendix J respectively.</p> <p>Redgum Horticulture has assessed 39 trees that will be impacted by the proposed development including the building footprint, basement, substation, landscape works, and proposed public footpath along Gover Street and Trafalgar Street. It is noted that the updated report is based on the architectural and stormwater plans submitted at the time of lodgement. Whilst these documents have since been updated, the amendments made would not have any material impact on the outcome of the arborist assessment.</p> <p>The updated Arboricultural Impact Assessment and Tree Management Plan has assessed the impact on existing trees and includes a tree management plan and appropriate tree protection measures to ensure all trees identified for retention will be protected throughout the development.</p> <p>The updated Arboricultural Impact Assessment and Tree Management Plan assesses the impact on T32 of the proposed public footpath and infrastructure works within the site, including the substation. The assessment determined that the proposed public</p>

Issues raised	Response
<p>trees are a priority for retention and should be retained and protected.</p> <p><u>Recommendations</u></p> <ul style="list-style-type: none">• All plans and documents are properly coordinated and assessed by an AQF level 5 Arborist. Based on the findings of a revised Arboricultural Impact Assessment and Tree Management Plan and potential non-destructive root investigation in accordance with Section 3.3.4 AS4970, tree sensitive design modifications should be investigated to retain neighbouring trees and Council's street tree T32.• Tree protection measures are installed prior to any works commencing in accordance with Australian Standard AS4970 'Protection of trees on development sites' and Appendix F 'Site Plan B - Survey of Trees to be Retained and Tree Protection Plan' prepared by Red Gum Horticultural dated 19 September 2024.• Landscaping Plans are updated to include seven (7) replacement <i>Lophostemon confertus</i> street trees along Trafalgar Street and Gover Street to replace the removed street trees and contribute to increase and enhance the extent of urban tree canopy throughout the Georges River LGA. All new trees must be grown in accordance with Australian Standards AS2303:2018 'Tree stock for landscape use'.	<p>footpath would have a major impact on T32, with all other works having a minor impact.</p> <p>The Arboricultural Impact Assessment and Tree Management Plan includes the following recommendations to mitigate these impacts and ensure T32 is retained and protected:</p> <ul style="list-style-type: none">• Construct the substation to engineers' specifications using tree-sensitive techniques.• Build the public footpath to Council specifications with a slab at or above natural ground levels.• Project Arborist to ensure no roots more than 20mm diameter to be severed or damaged for the installation of pathway.• Ensure all work is supervised by the project Arborist to protect structural roots. <p>Identified requirements 20 & 36 are included to ensure tree removal and tree retention is carried out in accordance with the AIA report.</p> <p>Identified requirements 77 & 78 have been imposed to ensure the above recommendations, and those provided by council in their submission dated 2nd December 2024, are appropriately implemented.</p> <p>Identified requirement 78 is recommended to ensure 7 x <i>Lophostemon confertus</i> trees are planted on the Trafalgar Street and Gover Street frontages as per council's request and as shown on the updated landscape plan.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

On 20 September 2024, advice was sought from Council regarding additional persons or property that should be notified of the development. Council responded on 26 September 2024 advising that the notification map was consistent with Council's Community Participation Plan and therefore the scope of notification was acceptable to Council.

Figure 23 illustrates the properties in which the owners and occupiers were notified of the development.



Figure 23 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43A(1)(b) of Housing SEPP, owners, and occupiers of adjoining land, as identified in **Figure 23** above, were notified of the proposed development activity by letter dated 28th October 2024. A copy of the pro-forma notification letter is provided at **Appendix G**.

The notification response period formally closed on 22 November 2024 and a total 5 submissions were received. The key issues raised are discussed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1 <ul style="list-style-type: none"> Impact on local traffic, low car parking numbers. Overshadowing; and Density 	<p>The proposed car parking spaces complies with the requirements set out in Division 6 of the Housing SEPP 2021, and a total of 4 of the 15 spaces will be accessible parking spaces. The traffic impact assessment report prepared by Loka Consulting engineers (Appendix S) confirms that the proposed development would generate up to 7 additional weekday vehicle trips during the respective peak periods, which is not expected to have any significant impacts on the existing local street network.</p> <p>Furthermore, census data (2021) for the Georges River local government area indicates that 44% of social housing households do not own any motor vehicles compared to 81% of private rental households which own 1 or more motor vehicles.</p> <p>There are two bus stops directly in front of the site, on Trafalgar Street, providing frequent services to Mortdale train station, and shops and services in the Bankstown, Riverwood, Roselands, and Punchbowl centres. Having direct access to regular public transport services will reduce reliance on the use of private vehicles.</p> <p>In addition to the above, the proposed development will result in the removal of 4 redundant vehicle crossovers on Gover Street which will be reinstated as kerb and gutter, providing an additional 4 on street parking spaces. The proposal also utilises an existing crossover on Trafalgar Street which also</p>

Issues raised	LAHC Response
	<p>forms part of a bus zone. Due to this, there will be an overall net gain of on street parking as a result of the proposed development.</p> <p>Shadow diagrams have been prepared and are provided in Appendix A. The diagrams demonstrate that during the morning period the proposed development will partially overshadow Gover Street road reserve and a portion of the properties directly opposite the site to the southwest. By midday, these properties will not be overshadowed and therefore, a minimum 3 hours of solar access will be retained in accordance with the GRDCP 2021.</p> <p>During the afternoon period, the development will also overshadow a portion of the adjoining property to the west from approximately 1pm, however, no properties on the southern side of Gover Street will be impacted.</p> <p>The proposed residential flat building is of a scale and density anticipated for the R4 high density residential zone and complies with the permissible FSR of 1:1 and 12m height limit under the GRLEP 2021. The development has been designed so that it is compatible with the existing and emerging character of the area, which is transitioning to a higher density residential environment in line with council policy and strategic planning for the area.</p>
<p>Submission 2</p> <ul style="list-style-type: none"> • Overshadowing and further information requested for summer equinox diagram and shadow diagrams at 1pm, 2pm and 4pm. • Request for additional information on proposed privacy measures to the balconies and windows of Units on northern facade of the development to address concerns regarding privacy impacts. 	<p>The shadow diagrams provided in Appendix A demonstrate the overshadowing impact between 9am and 3pm on 21 June (i.e., mid-winter). The diagrams indicate that the development will partially overshadow the adjoining property to the north from 3pm onwards in mid-winter, while for the rest of the day, solar access will remain unchanged from existing conditions. It is noted that the private open space areas of the property to the north are located to the south of each townhouse and are therefore substantially overshadowed by the existing development itself.</p> <p>The proposed buildings are oriented north-south to maximize solar access. Window and balcony placements have been carefully designed to minimise overlooking impacts and design treatments including highlight windows and strategically positioned privacy screens have been used.</p> <p>To ensure privacy impacts are sufficiently mitigated, the following design changes have been included as Identified Requirements:</p> <ul style="list-style-type: none"> • The bottom fixed panel of the double-glazing awning windows on the east, west, and north elevations of Blocks A, B & C are to be provided with opaque glazing. This design change has been included in Identified Requirement No. 81. • Vertical batten privacy screening (SCR01-Screen) provided throughout the development is to have appropriate spacing/angling to achieve privacy for residents and neighbouring properties. This design change has been included in Identified Requirement No. 74. • A solid panel is to be provided behind the vertical battens for all balcony balustrades. This design change has been included in Identified Requirement No. 75.
<p>Submission 3</p> <ul style="list-style-type: none"> • Insufficient parking • Concerns regarding traffic safety 	<p>Car parking and traffic are discussed under Submission 1 above.</p>

Issues raised	LAHC Response
<ul style="list-style-type: none"> Generally supportive of the development. 	
Submission 4 <ul style="list-style-type: none"> Safety and anti-social behaviour Parking 	<p>DCJ has a policy in place for dealing with disruptive tenants and relevant information has been provided to the owner. In addition, DCJ has a dedicated 24-hour hotline, where residents can report any tenancy related matters. The local police are responsible for managing situations of public disturbance.</p> <p>Car parking and traffic impacts are discussed under Submission 1 above.</p>
Submission 5 <ul style="list-style-type: none"> Density Cumulative construction impacts Safety and anti-social behaviour Local parking and traffic impacts 	<p>Concerns regarding car parking and traffic, and density and growth in the area are discussed under Submission 1.</p> <p>Concerns regarding anti-social behaviour and safety are discussed under Submission 4.</p> <p>With regards to impacts from construction works, standard regulatory requirements on working hours, traffic management and environmental controls (e.g., traffic management, sediment control, noise and dust management, and waste management) apply to all Homes NSW construction projects. These are covered under Identified Requirements No. 13, 26 – 28, 48 – 55, and 57 - 65.</p> <p>During works, traffic flow, building noise and road access will be carefully managed to ensure residents experience minimal disruption. Neighbours will also receive updates from Homes NSW on planning approval and construction commencement. Neither Council nor Homes NSW have control over the timing for re-development of privately owned lots however all efforts are made to stagger the redevelopment of Homes NSW owned properties that are in proximity of each other, to lessen construction impacts on the community.</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(4) 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 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 medium to high density residential area which is characterised by a mix of single and 2-storey detached dwellings, 2-storey dual occupancies, multi dwelling housing including townhouse development, and 3-storey residential flat buildings (RFB). Basement level parking is common in the area, particularly for multi-dwelling, townhouse and RFB development.

The character of the area is evolving, with several more higher density developments particularly 3-storey RFB's with flat roofing and exposed and rendered brick finishes. The emerging character in the area is reflective of the R4 High Density Residential zoning.

Both Gover and Trafalgar Street benefit from established street tree planting which creates a leafy canopy and defines the streetscape character. The proposed activity will contribute to this through the planting of an additional 7 canopy trees across the two frontages. The local area also benefits from close access to the sporting facilities in Peakhurst Park, located directly opposite the site on Trafalgar Street.

The proposed development represents a contemporary, high-quality design, and is consistent with the architectural style of newly constructed RFB development in the street making it indistinguishable from private housing. The use of face brick and render for external walls and flat metal roofing is consistent with the existing and developing character of the locality. The building has been designed to address both Gover and Trafalgar Streets, noting some units have been provided with dual balconies to enhance residential amenity and to activate the street frontages.

The bulk and scale of the proposed development is compatible with the desired future character for the suburb of Peakhurst as discussed in subsection 6.8, and will deliver a built form outcome consistent with the planning controls for the locality. The development includes setbacks to neighbouring development that are compatible with existing and future development on adjoining lots, and suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

Mitigation Measures

No mitigation measures are required.

8.2 Bulk and Density

The proposed development is compatible with the bulk and scale of existing development and is generally in keeping with the building typology envisaged for the zone. The 3-storey development has been designed as three distinct but connected forms with the use of voids and glazed elements which visually separate the three building masses to reduce the apparent scale.

The proposal incorporates a floor space ratio of 0.97:1 and a maximum height of 11.5m which is consistent with the scale of development of development envisaged for the R4 high-density residential setting and is in

keeping with existing development on both Gover and Trafalgar Streets. The FSR and 3-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R4 High Density Residential zone, which encourages a variety of housing types and densities.

The proposal incorporates appropriate setbacks with adequate separation from adjacent buildings, distinguished by a variety of articulation features, external finishes, and materials to reduce the visual bulk of the development. The proposed FSR in conjunction with appropriate setbacks and landscaped deep soil areas demonstrate that the proposal is an appropriate response to site conditions and local character. The proposal will suitably increase housing density which is consistent with State and local strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures required.

8.3 Streetscape

The proposed development will make a positive contribution to the Trafalgar and Gover streetscapes, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a contemporary, architecturally designed residential development that reflects the desired characteristics of existing development in the locality.
- Living rooms and balconies address and provide an active frontage to both Trafalgar and Gover Streets.
- The longest building elevation, which faces Gover Street, has been broken into three main building forms with defined entry lobbies and recessed building components to create visual separation and reduce the overall scale of the development when viewed from the street. Balconies make up approximately 50% of the Trafalgar Street façade, which will provide an active and engaging streetscape presence.
- The built form has been designed to address the irregular shape of the site and curved street frontages. The incorporation of street-facing windows, separate pedestrian entries, and balconies in the front setback improve casual surveillance of the street.
- The use of contrasting light and darker-toned bricks, and vertical grey cladding to recessed elements create a classic and timeless architectural style that will blend with newer developments in the area.
- The street corner is well designed, featuring balconies and a light red brick façade that elevates the significance of the building corner.
- The loss of 3 trees located on the council verge will be replaced with the planting of 7 new street trees which will substantially increase the street tree canopy cover.
- Significant landscaping has been incorporated into the front setback areas and includes feature canopy trees, as well as shrubs and grasses which will help soften the development and make a positive contribution to the streetscape presence.
- Car parking and waste storage areas are provided in the basement, enhancing the visual appeal by increasing the landscaped area and creating a more pedestrian-friendly streetscape.

Mitigation Measures

Identified Requirement No. 78 is recommended to ensure the 7 new street trees proposed across both frontages are *Lophostemon confertus* – Brushbox, which is the same species as the existing street trees along Gover and Trafalgar Streets.

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 a new contemporary development that responds to the site context and neighbourhood character as discussed in sections 8.1 to 8.3 above. Articulation, a neutral colour palette, and new landscaping across the site will add to the long-term visual amenity of the surroundings.

Mitigation Measures

Identified Requirement No. 79 requires the future substation to be provided with fencing that aligns with the architectural style of fencing provided to the private open space areas in the development. This is to ensure the substation complements the development and does not detract from the streetscape. Additionally, the proposed fencing design must be approved by electricity provider to ensure compliance with their standards.

8.5 Privacy

A high level of internal and external privacy will be maintained by the proposed development, by virtue of the following:

- Where possible, living areas are orientated to face the street frontages rather than towards side and rear boundaries. Where this isn't possible, adequate setbacks have been maintained and privacy screening provided to balconies to minimise opportunity for overlooking.
- Where side and/or rear setbacks are encroached, high level windows are provided.
- Ground floor patios within the development have been appropriately separated by location of fencing and/or landscape treatments.
- Further screening between the proposed development and adjoining neighbours will be achieved through substantial canopy tree planting in deep soil areas provided at the side and rear of the site.
- Balconies above ground floor level are setback in accordance with the ADG, ensure sufficient separation between neighbouring development.
- Solid balcony balustrades are proposed which will assist in protecting the privacy of both tenants and neighbours.
- Extensive landscaped areas are proposed within the front, side and rear setback areas which will create a visual buffer between the public domain and adjoining neighbours at ground floor level. As identified in the landscape plan (**Appendix B**), the planting schedule includes screening plants such as Lilly Pilly, and Blueberry Ash which will grow to heights from 2m to 10m and will create a dense hedge along the side and rear boundaries. New canopy tree planting will also provide a visual buffer from above ground units.

Mitigation Measures

The following mitigation measures are recommended to ensure the proposed development does not generate unacceptable privacy impacts:

- The bottom fixed panel of the double-glazing awning windows on the east elevation (Block A), east and west elevations (Block B), and north elevation (Block C) are to be provided with opaque glazing. This design change has been included in Identified Requirement No. 81.
- Vertical batten privacy screening (SCR01-Screen) provided throughout the development shall be appropriately spaced/angled to ensure privacy is achieved for the residents and neighbouring properties. This design change has been included in Identified Requirement No. 74.
- A solid panel is to be provided behind the vertical battens for all balcony balustrades. This design change has been included in Identified Requirement No.75.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the living areas, private open spaces of the proposed development, as well as maintain solar access to living areas and private open space of adjoining dwellings in accordance with the Housing SEPP and GRDCP 2021 requirements.

The submitted Architectural Plans demonstrate that 70% of dwellings receive at least 2 hours direct solar access to the living and POS areas on 21 June (mid-winter), which meets the requirements under the Housing SEPP/ADG. The shadow diagrams submitted under **Appendix A** also confirm the proposed development will maintain sunlight to living areas and private open space of the dwellings on adjoining sites for more than 3 hours per day, in accordance with the GRDCP 2021.

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

Mitigation Measures

No mitigation measures required.

8.7 Overshadowing

The shadow diagrams provided under **Appendix A** confirm that the proposal has been designed to minimise overshadowing of surrounding development. The site benefits from a northeast orientation which provides a high level of amenity for residents whilst also ensuring the majority of shadow cast by the development falls across the road reserve of Gover Street to the southwest. Ample setbacks have been provided from the north and northeast boundaries to limit afternoon overshadowing impacts to adjoining properties.

The shadow diagrams demonstrate that on 21 June (mid-winter) the development will generate some overshadowing to the neighbouring properties to the southwest and northeast of the site, as well as some properties on the southern side of Gover Street for some period of the day as detailed below.

- At 9am-10am, shadows will be cast across Gover Street and a portion of the front setback areas of 13A, 13-15 and 20 Gover Street. No shadow will be cast across the adjoining properties to the north or east.
- At 11am to 1pm, shadow will only fall across Gover Street, with no adjoining properties impacted.

- From 1pm onwards, the adjoining property to the east (8 Gover Street) will be partially overshadowed, including the dwelling and part of the rear private open space area. From 2pm onwards, a portion of the townhouse development at 67 Trafalgar Street will be overshadowed.

As identified above, the proposed development will not reduce solar access to living and principal private open space areas to less than 3 hours between 9am and 3pm at the mid-winter solstice in accordance with the GRDCP 2021. It is noted that very limited overshadowing will occur to the private open space areas of adjoining properties during the summer solstice (21 December).

Mitigation Measures

No mitigation measures required.

8.8 Traffic & Parking

The proposal incorporates 15 parking spaces, including 4 accessible spaces, provided in a single level basement carpark. The provision of on-site car parking is in accordance with the parking requirements set out in the Housing SEPP for residential developments carried out by LAHC.

In addition, the proposal includes the removal of 4 redundant vehicle crossovers on Gover Street which will be reinstated as kerb and gutter, providing an additional 4 on street parking spaces. The proposal also utilises an existing crossover on Trafalgar Street therefore there will be an overall net gain of on street parking as a result of the proposed development.

The proposed basement entry and parking layout was assessed in the Traffic and Parking Assessment Report (**Appendix S**) and swept path testing was undertaken. The proposed driveway width, sight lines and parking layout was confirmed as compliant with AS2890.1:2004. The 4 accessible parking spaces have been designed to comply with the requirements of AS4299, as verified in the Access Report under **Appendix H**.

The Traffic Management Report identifies that based on the rates specified in the RTA Guide to Traffic Generating Developments, the development will have a projected traffic generation of an additional 7 vehicle trips/hr during weekday peak hour. It was confirmed that the impact on local traffic conditions and adjacent intersections as a result of the development would be negligible.

The proposal requires the existing driveway on Trafalgar Street to be widened to 5.5m at the site frontage to accommodate vehicle passing. This will result in the interference with an existing bus zone associated with bus stop ID 2210169. This matter was discussed with Georges River Council and Transport for NSW during the assessment phase. Transport for NSW advised that relocation of the bus zone signage was a matter for consideration by Council's Local Traffic Committee. Council confirmed that the changes were minor and both council and the bus service provider had no objection to the changes, subject to the works being undertaken by Homes NSW at no cost to Council.

Mitigation Measures

Identified Requirement No. 80 requires separate approval to be obtained from the Georges River Council Local Traffic Committee for the relocation of bus stop ID 2210169. It is also recommended that a bench seat be provided in conjunction with the relocated bus stop to improve public amenity, if Council considers appropriate.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (**Appendix J**). The report considers 39 trees, 32 trees within the site, 3 on a neighbouring property and 4 trees on the road reserve.

The Plan recommends the removal of all trees on the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones by way of stormwater infrastructure or site works. There are also a number of trees located outside of the building footprint but that are identified as a species, condition or class that is not protected by council policy and can therefore be removed and replaced with more appropriate replacement planting across the site.

It is noted that 3 trees proposed for removal (T1, T2 & T4) are located on the public road reserve and therefore require the support from council to be removed. As discussed in section 7.1, council is supportive of the removal of these trees subject to appropriate replacement planting. The proposed landscape plan (**Appendix B**) includes 7 new street trees across the two frontages, consistent with council's request.

The following four trees are proposed to be retained and protected:

- T11 (no impact) – This is a group of Lilly Pilly – *Syzyium smithii* (*hedge*) on 67 Trafalgar Street, adjoining the side, northeast boundary of the site.
- T32 (minor impact to TPZ) – Queensland Brush Boz – *Lophostemon confertus* located on the road verge of Gover Street at the frontage of 6 Gover Street.
- T34 (no impact) – Hinoki Falsecypress – *Chamaecyparis obtuse* '*Crippsii*' located on an adjoining site (8 Gover Street).
- T35 (minor impact to TPZ) – Queensland Brush Box – *Lophostemon confertus* located towards the rear of an adjoining site (8 Gover Street).

The arborist report assessed the proposed development in relation to these trees, including public domain works and confirmed that subject to appropriate tree protection measures they were capable of 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 impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation Measures

Identified Requirements No. 1, and 18 – 20 are included in the Activity Determination and require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

Identified Requirements No. 77 & 78 have also been added to ensure that trees T1, T2 & T4 are removed in accordance with council requirements and replacement street tree planting is provided as requested by council and shown on the Landscape Plan (**Appendix B**).

8.10 Heritage (European / Indigenous)

No heritage items are identified in Georges River 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 2 October 2024 (**Appendix I**) 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 Georges River 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 Requirement No. 45 has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation has been prepared by STS Geotechnics (**Appendix P**) and indicates the following:

- The subsurface conditions generally consist of topsoil overlying silty clays and weathered rock. Topsoil is present to depths of 0.3 to 0.4m. Still becoming very stiff with increasing depth, silty clays underlie the topsoil to the depths of 1.4 to 1.8m. Weathered rock underlies the silty clays to the depth of auger refusal, 1.9 to 3.9m.
- Groundwater was not observed during drilling works.
- Results of soil testing indicated the presence of non-saline soils.

Mitigation Measures

It is noted that the Geotechnical investigation was based on the assumption that the development would be one or two storeys only, with no basement excavation. Due to this, Identified Requirement No. 76 has been recommended which requires an updated geotechnical report to be prepared that advises on the appropriate foundation and construction design for a 3-storey development with basement parking.

In addition to the above, Identified Requirement No. 67 has been imposed and requires the preparation of a dilapidation report for adjoining properties due to the extent of earthworks proposed to accommodate the basement.

Identified Requirement No. 13 requires sediment control measures to be implemented during demolition/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).

Contamination

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

Mitigation Measures

Identified Requirement No. 17 is recommended to cover the possibility of discovering site contamination during demolition / construction works.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as being within an area of Acid Sulfate Soils.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates do not identify that site as being 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, as certified by the stormwater engineer in **Appendix M**.

Stormwater will be collected via a series of stormwater pits and gutters on site, connecting to a 52.45m³ underground stormwater detention tank that will drain to existing public stormwater infrastructure in Gover Street. Roof water will be collected from downpipes and connect to a 5m³ underground rainwater tank for recycling with overflow connected to the underground detention tank.

The Section 10.7(2) & (5) Planning Certificates 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, or the Georges River regulated catchment.

Mitigation Measures

Identified Requirements No. 6 – 9 & 71 have been included to ensure the stormwater management measures are designed and constructed in accordance with Georges River Council standards, and in consultation with Council.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Georges River Council for the subject site advise that the land is not 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.

The Architectural Plans (**Appendix A**) illustrate the provision for air conditioning units for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set up *EPA Guidelines and the Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic Certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. The Noise Impact Assessment (**Appendix R**) prepared by Acoustic Logic demonstrates that the proposed activity is capable of complying with the relevant noise criteria for residential development subject to the development being 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* and EPA criteria with respect to noise transmission.

Identified Requirements No. 2, 57, 59 & 72 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

Identified Requirements No. 60, 63 & 64 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

A Waste Management Plan (**Appendix T**) has been prepared by Kennedy Associates Architects. 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 demolition/building contractor.

During Demolition

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

- Excavated topsoil will be re-used for landscaping, and suitable excavated material used behind retaining walls. Excess material to be transported to an approved landfill site.
- Green waste to be transported to an approved landfill site where not taken by landscape suppliers as recycled material.
- Concrete and bricks will be transported to an approved building waste collection facility.
- Any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility.
- Mixed demolition materials will be transported to an approved building waste collection facility; and
- Timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

Specific intentions for recycling / re-use / disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

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:

- Excavated Material – All excavation material is intended for reuse as fill on site. Any excavation material deemed not acceptable will be disposed of.
- Green waste – Expressions of interest will be sought from contractors, landscape suppliers for acceptance of mulch as recyclable material. Excess material to be transported to an approved landfill site by a certified contractor.
- Concrete – Crush concrete for temporary driveway. Excess material removed by contractor to nominated waste transfer/recycle centre.
- Timber – Reuse for formwork, remainder removed from site and recycled off site at nominated waste transfer/recycle centre.
- Plasterboard (offcuts) – Removal for recycling or return to supplier.
- Metal (roof sheet) - to be transported to building recycling facility.
- Concrete shall be crushed and reused temporary road base.
- Tiles shall be crushed and recycled and appropriate recycling plant or disposed of at an approved landfill site.

During Occupation

General non-recyclable, and recyclable waste will be disposed of in Council's standard waste and recycling storage bins located in the garbage storage room at basement level. Separate pedestrian access is provided to the waste storage area, and bins will be collected and returned to the storage area by Council's waste contractor.

A separate bulky waste storage room has also been provided adjacent to the bin storage area in the basement which will also be serviced by council's waste contractors.

Mitigation Measures

Identified Requirements No. 48 – 55 are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

Identified requirement No. 37 is recommended to require the preparation of a final waste management plan for the demolition, 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 demolition, 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 several positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually growing demand for social housing in the Georges River 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 Georges River 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, GRLEP 2021, Apartment Design Guide 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 1 and 2 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 & STRUCTURAL PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – 10.7 (2) & (5) PLANNING CERTIFICATES
- 10.1.7 APPENDIX G – STATUTORY NOTIFICATION AND COUNCIL SUBMISSION
- 10.1.8 APPENDIX H – ACCESS REPORT
- 10.1.9 APPENDIX I – AHIMS SEARCH
- 10.1.10 APPENDIX J – ARBORIST REPORT
- 10.1.11 APPENDIX K – BASIX CERTIFICATE
- 10.1.12 APPENDIX L – BCA REPORT
- 10.1.13 APPENDIX M – DESIGN COMPLIANCE CERTIFICATES
- 10.1.14 APPENDIX N – NatHERS CERTIFICATE
- 10.1.15 APPENDIX O – STATEMENT OF COMPLIANCE
- 10.1.16 APPENDIX P – GEOTECHNICAL INVESTIGATIONS
- 10.1.17 APPENDIX Q – TITLE SEARCH AND DP
- 10.1.18 APPENDIX R – NOISE IMPACT ASSESSMENT REPORT
- 10.1.19 APPENDIX S – TRAFFIC REPORT
- 10.1.20 APPENDIX T – WASTE MANAGEMENT PLAN
- 10.1.21 APPENDIX U – ADG COMPLIANCE CHECKLIST
- 10.1.22 APPENDIX V – HOUSING SEPP DESIGN PRINCIPLE REPORT
- 10.1.23 APPENDIX W – RESPONSE TO CLAUSE 6.10 DESIGN EXCELLENCE