

<b>Panel Reference</b>	<b>PPSSSH-1</b>
<b>DA Number</b>	DA2018/0473
<b>LGA</b>	Georges River Council
<b>Proposed Development</b>	Demolition works, lot consolidation and construction of a three storey residential flat building comprising of 15 units, basement carpark and landscaping works.
<b>Street Address</b>	77-79 Trafalgar Street, Peakhurst
<b>Applicant/Owner</b>	Applicant: NSW Land and Housing Corporation Owner: NSW Land and Housing Corporation
<b>Date of DA lodgement</b>	8 November 2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to the conditions.
<b>Regional Development Criteria (Schedule 7)</b>	Regionally significant development is defined in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.  The proposed development is classified as “Regional” development as it has a Capital Investment Value (CIV) of over \$5 million and is lodged by or on behalf of the Crown (State of NSW).  The CIV of the project is \$5,532,832.00.
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979.</li> <li>• Environmental Planning and Assessment Regulation 2000.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land.</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.</li> <li>• State Environmental Planning Policy (Building and Sustainability Index: 2004).</li> <li>• State Regional Environmental Plan No 2 – Georges River Catchment.</li> <li>• State Environmental Planning Policy (Vegetation in Non-</li> </ul>

	<p>Rural Areas) 2017.</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Draft State Environmental Planning Policy – Environment.</li> <li>• Draft State Environmental Planning Policy –Remediation of Land.</li> <li>• Hurstville Local Environmental Plan 2012.</li> <li>• Hurstville Development Control Plan No.1 (Amendment 6).</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Registered survey</li> <li>• Architectural plans</li> <li>• Landscape Plan</li> <li>• Traffic Impact Assessment report</li> <li>• Stormwater Details and Plans</li> <li>• SEPP 65 Design Verification Statement</li> <li>• Detailed Site Investigation Report</li> </ul>
<b>Report prepared by</b>	<p>Linley Love</p> <p>Senior Development Assessment Planner</p>
<b>Report date</b>	1 October 2019

<p><b>Summary of matters for consideration under Section 4.15</b></p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<b>Yes</b>
<p><b>Legislative clauses requiring consent authority satisfaction</b></p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<b>Yes</b>
<p><b>Clause 4.6 Exceptions to development standards</b></p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<b>Not applicable – the eastern elevation shows a height breach, however this roof form</b>

	<b>is setback and when reviewed against the survey levels there is no height breach in the location of this portion of the roof.</b>
<b>Special Infrastructure Contributions</b>  Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b>  Have draft conditions been provided to the applicant for comment?	<b>Yes – Crown Development</b>  <b>Draft conditions were provided to the Applicant for review on 29 October 2019.</b>

## Executive Summary

### Proposal

Council received a development application (DA2018/0473) seeking consent for demolition works, lot consolidation and construction of a three storey residential flat building comprising fifteen (15) units, basement carpark and landscaping works.

The proposal includes basement car parking for a total of sixteen (16) vehicles including two accessible spaces, bicycle parking, storage cages, and a bin storage room.

The ground floor contains five (5) units (1 x 1B unit and 4 x 2B units) and a communal open space terrace. The first and second floors have an identical layout and each contain five (5) units (1 x 1B unit and 4 x 2B units).

Vehicular access to the site is provided via a driveway from Lawrence Street and the main pedestrian access is provided from Trafalgar Street. Four (4) of the five (5) ground floor units also have independent pedestrian access from Trafalgar Street or Lawrence Street.

The application was considered by the Design Review Panel on 11 April 2019. The Panel was generally in support of the proposal subject to the resolution of some design issues. The applicant submitted amended plans on 1 July 2019 in response to the Panels comments.

A briefing for the Sydney South Planning Panel was held on 14 August 2019, during which the following key issues were discussed and required further resolution:

- Visitor car parking shortfall to satisfaction of Council;
- SEPP 55 issues including asbestos management; and
- Consideration of rooftop communal open space.

In response, the applicant submitted a Detailed Site Investigation Report on 25 September 2019; however the parking and communal open space designs remain unchanged. Further discussion is provided within this report on these matters.

The proposed development will contribute to Land and Housing Corporation's (LAHC) implementation of the State Government's *Future Directions for Social Housing* which requires growth of the social housing portfolio that is fit for purpose, well located, and offers a better tenant experience.

The proposed development is consistent with the Greater Sydney Commission's (GSC) *Greater Sydney Region Plan and South District Plan* by accelerating the supply of housing in suitable locations and contributing to the housing supply target of 23,250 homes by 2021.



**Figure 1** Photomontage of the proposed development when viewed from Lawrence Street

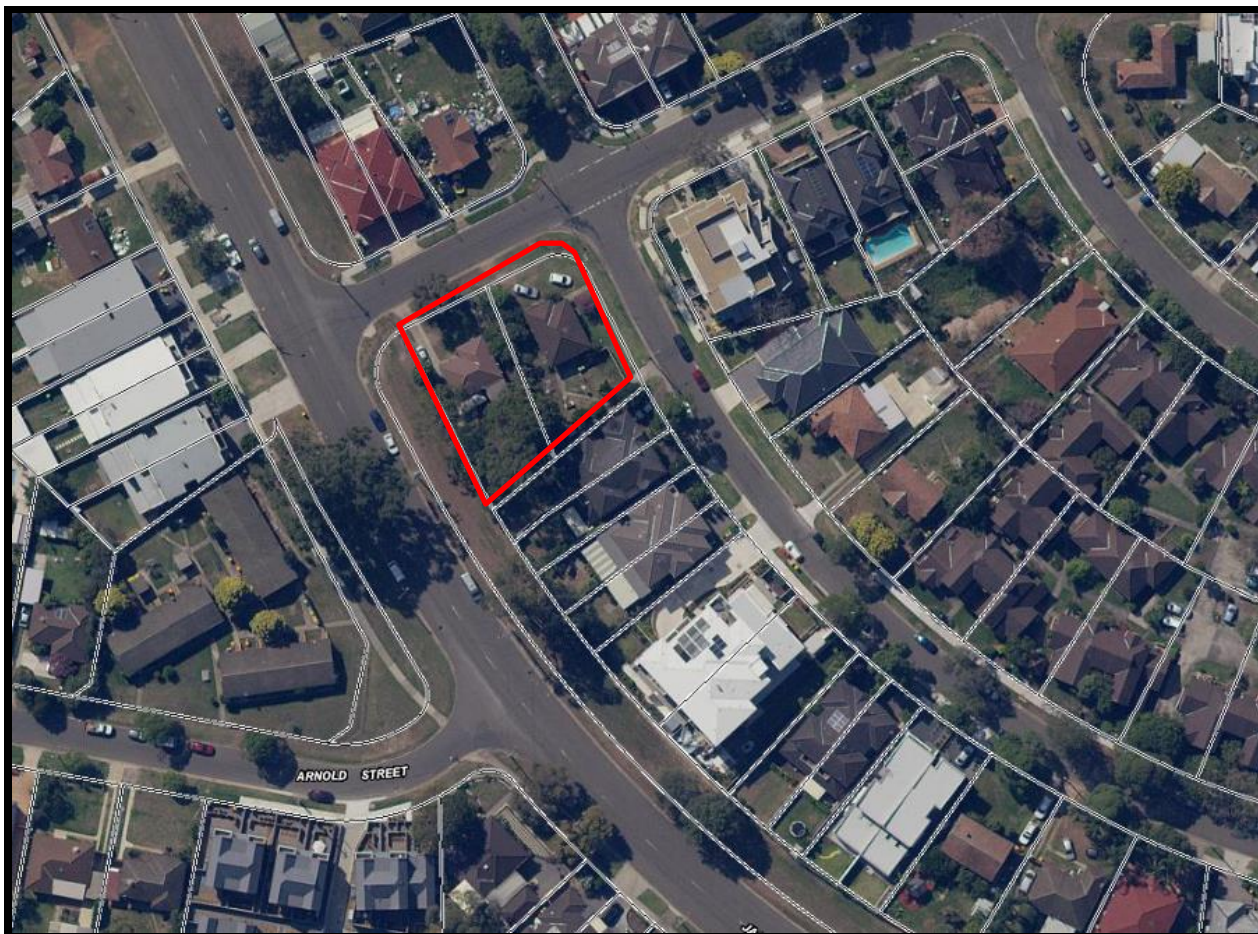


**Figure 2** Photomontage of the proposed development when viewed from Jacques Avenue

### **Site and locality**

The subject site comprises of two (2) individual allotments each containing a detached dwelling house. In combination, the site is a corner allotment having street frontages to Trafalgar Street, Lawrence Street and Jacques Avenue (the land between Jacques Avenue and the site boundary is council-owned land, zoned RE1 Public Recreation), giving a total site area of 1,352.7sqm.





**Figure 3** Aerial photo showing the site location and site boundaries in red (courtesy of sixmaps 2019)

The site is located within an area that is transitioning from a low scale residential environment to an area accommodating medium density development in private and public ownership.

The site adjoins a two storey dual occupancy to the south-east and the character of the immediate neighbourhood is a mix of single dwellings, dual occupancies and 3 and 4 storey residential flat buildings and boarding houses. The site is well located within close proximity to Peakhurst Park and is 700m from Riverwood Town Centre.

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### **State Environmental Planning Policy**

The proposal has been considered to be satisfactory in regards to the following policies which have been considered in respect to the application:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy (State and Regional Development) 2011.

- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Building and Sustainability Index: 2004).
- State Environmental Planning Policy (Infrastructure) 2007.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Draft State Environmental Planning Policy – Remediation of Land.
- Draft Environment State Environmental Planning Policy

The proposal satisfactorily complies with the provisions of these policies and a detailed assessment of the proposal against the provisions of these policies is provided in the body of this report.

### **Zoning and Hurstville LEP 2012 (HLEP) Compliance**

The site is as zoned R3 Medium Density Residential pursuant to the provisions of the Hurstville Local Environmental Plan 2012.

The proposal meets the definition of a “residential flat building” (RFB) which is “*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*”. An RFB is permissible with consent in ~~within~~ the zone. The proposal also satisfies the R3 zone objectives.

The site has a height limit of 12m in accordance with the provisions of Clause 4.3 of the HLEP. The proposal complies with the 12m height limit.

The floor space ratio (FSR) for the site is 1:1 in accordance with Clause 4.4 of the HLEP and the proposal complies having an FSR of 1:1.

### **Hurstville Development Control Plan No.1 (Amendment No 6)**

The provisions of Part 4 (Specific Controls for Residential Development) specifically Part 4.1 Residential Flat Buildings (RFB's) is applicable to the proposed development. A detailed assessment of the proposal against these standards is provided later in this report.

The proposal is considered to be an acceptable urban design and planning outcome for the Site and generally satisfies the applicable provisions contained within the Hurstville Development Control Plan.

### **Crown Development Application**

In accordance with Division 4.6 of the Environmental Planning and Assessment Act, 1979 (as amended), the application is a Crown Development Application and in accordance with subclause 4.33 a consent authority (other than the Minister) “*must not*

*refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.”*

In accordance with the provisions of the Act, Draft conditions of consent were issued to the Land and Housing Corporation on 29 October 2019. Comments at the time this report was loaded to the portal had not been provided to Council.

## **Submissions**

The application was notified to owners and occupiers in the immediate locality in accordance with the provisions of the Hurstville Development Control Plan. In response, no submissions were received.

## **Level of Determination**

The proposal has a CIV of \$5,532,823. The development application is to be determined by the South Sydney Planning Panel due to the Capital Investment Value (CIV) exceeding \$5 million for Crown development pursuant to the definition of regionally significant development contained within Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies the Development Application.

## **Conclusion**

Having regards to the matters for consideration Section 4.15 and Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposed application, DA2018/0473 is recommended for approval subject to the conditions referenced at the end of this report.

## **Full Report**

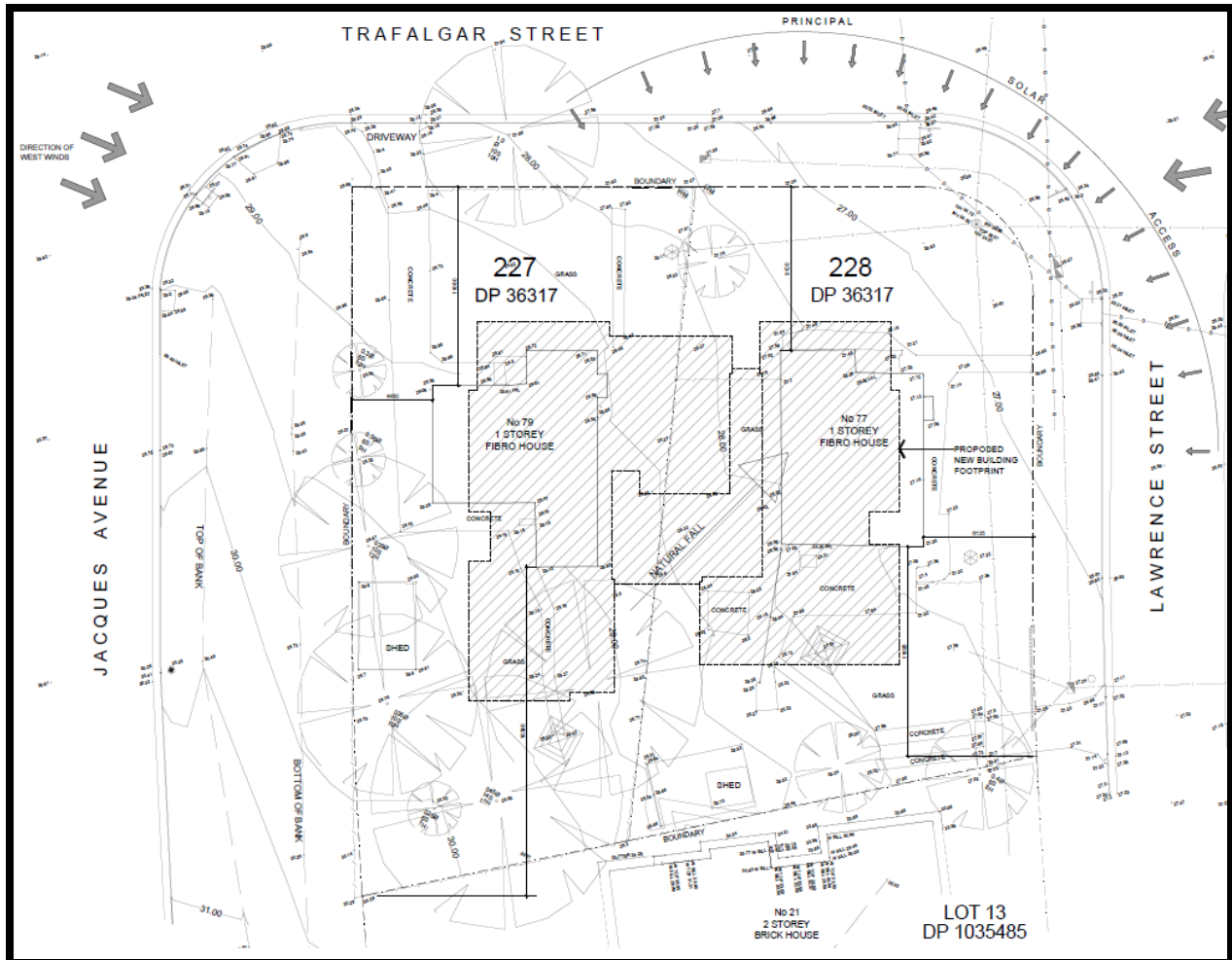
### **Site and Locality**

The subject site comprises of two (2) lots which are legally identified as follows;

- 77 Trafalgar Street – Lot 228 in DP 36317  
This site has an area of 697.6sqm and contains a single storey detached fibro cottage.
- 79 Trafalgar Street – Lot 227 in DP6317  
The site has an area of 655.1sqm and contains a single storey detached fibro cottage with a driveway along the western side boundary.



Refer to the survey plan at Figure 4 below which shows the siting and location of the existing structures on the development site. The properties are social housing and are outdated and run down. They are not recognised as having any heritage significance.



**Figure 4** Extract from the Survey Plan of the subject site showing the configuration of properties, structures and existing vegetation

The allotments combined have a frontage to Lawrence Street, Trafalgar Street and Jacques Avenue, however there is no legal access to the site from Jacques Avenue as the land between the site boundary and the street is council-owned land with a zoning of RE1 Public Recreation. The development site has a combined site area of 1,352.7sqm. Photos of the existing dwellings are provided at Figures 5, 6 and 7.



**Figure 5** The site as viewed from the intersection of Trafalgar Street and Lawrence Street Peakhurst



**Figure 6** No. 79 Trafalgar Street Peakhurst





**Figure 7** No. 77 Trafalgar Street Peakhurst

The site is adjoined by a two storey dual occupancy to the south-east, known as Nos. 21 and 21A Lawrence Street Peakhurst (Figure 8). The dwellings are oriented north-east to the street and the private open space areas are located on the south-western side of the dwellings.

On the opposite side of Lawrence Street is a three storey residential flat building over basement parking at No. 75 Lawrence Street Peakhurst (Figure 9). Access to the basement parking level is from Trafalgar Street.

To the north of the site on the opposite side of Trafalgar Street is a two storey dual occupancy at Nos. 28 and 28A Trafalgar Street Peakhurst and a single storey dwelling at No. 26 Trafalgar Street Peakhurst (Figure 10).



**Figure 8** No. 21 and 21A Lawrence Street Peakhurst (south-east of the site)



**Figure 9** No. 75 Trafalgar Street Peakhurst (north-east of the site)





**Figure 10** View from Jacques Avenue Peakhurst to the north showing Nos. 26, 28 and 28A Trafalgar Street Peakhurst

## Proposal

The proposal seeks demolition of all existing structures including two single storey fibro dwelling houses and a garden shed, lot consolidation and the construction of a 3-storey residential flat building (RFB) containing fifteen (15) residential apartments and basement car parking for sixteen (16) vehicles and landscaping works.

The proposed RFB is not enabled in planning terms by any specific provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH) (e.g. Division 1 “In-fill affordable housing”, Division 5 “RFBs – social housing providers, public authorities and joint ventures” or Division 6 “Residential development – Land and Housing Corporation”) on the basis that the site is not within an “accessible area” and RFBs are a permitted development form with consent under Hurstville Local Environmental Plan 2012 (HLEP 2012) and the proposal exceeds the 8.5m height control of the SEPPARH. As such, the DA relies on relevant provisions of HLEP 2012 for assessment.

The proposal has been designed as a single built form albeit with split floor levels utilising a centrally located staircase and lift core. Driveway access is provided in the eastern corner of the site off Lawrence Street.

A more detailed breakdown of the building is provided below:



Basement level:

- 16 car parking spaces including 2 accessible spaces;
- Residential storage room;
- Garbage bin storage room;
- Single lift core; and
- Bicycle parking.

Ground Floor:

- Communal Open Space terrace;
- 1 x 1 bedroom unit with terrace;
- 4 x 2 bedroom units with terraces;
- 2 x lobby areas, one on each side of the lift and stair core;
- Communal open space in the front setback on Trafalgar Street; and
- Communal open space in the rear setback on the southern side of the building.

Levels 1 & 2 contain the following

- 1 x 1 bedroom unit with balcony
- 4 x 2 bedroom units with balconies
- 2 x lobby areas, one on each side of the lift and stair core

The proposed 15 residential apartments comprise the following unit mix:

- 3 x 1 bedrooms (20%), and
- 12 x 2 bedrooms (80%).

**Background**Pre-lodgement application

The proposed development was the subject of a Pre-lodgement Application (PRE2018/0024). The design of the proposal was similar to the current application.

The pre-lodgement advice issue by Council provided general comments on the following:

- Tree removal and retention;
- Stormwater management;
- Compliance with the Apartment Design Guide;
- Car parking provision; and
- Urban design comments.

The application has satisfactorily addressed the comments provided by Council at the Pre DA stage.

Sydney South Planning Panel

The Sydney South Planning Panel was briefed of this matter at their meeting held on 14 August 2019, during which the following key issues were discussed and required further resolution:

- Visitor car parking shortfall to satisfaction of Council;
- SEPP 55 issues including asbestos management; and
- Consideration of rooftop communal open space.

The applicant submitted a Detailed Site Investigation Report (SEPP 55) on 25 September 2019; however the parking and communal open space designs remain unchanged. Further discussion is provided within this report on these matters.

### **Statutory framework**

#### **Environmental Planning and Assessment Act 1979 (EP&A) Act 1979**

The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the objects of the EP&A Act, and the principles of ecologically sustainable development as follows:

#### **Objects of the EP&A Act**

Consent authority is required to consider the objects in Section 1.3 of the EP&A Act when making decisions under the Act. Council Officers have considered the objects of the EP&A Act in the Table below and is satisfied that the proposal complies with all objects.

<b>Objects of the EP&amp;A Act</b>	<b>Proposal</b>	<b>Compliance</b>
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal is urban infill development of a residential flat building within a residential precinct that is currently in transition from low to medium density housing. The provision of additional social housing in the locality is desirable.	Yes
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment</i>	The design considers the principles of ESD. The building has been designed to comply with all BASIX commitments.	Yes
<i>(c) to promote the orderly and</i>	The development has been designed to satisfy the key	Yes

<i>economic use and development of land</i>	planning controls for this site and the built form as proposed is considered to reflect the desired future character for development within the locality and for this precinct.	
<i>(d) to promote the delivery and maintenance of affordable housing</i>	The proposal provides affordable housing for low income people unable to rent privately.	Yes
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>The site is located within a residential area that is transitioning to medium density development.</p> <p>The proposal is not considered to result in adverse impacts on any threatened and other species of native animals and plants, ecological communities and their habitats. There are no significant species mapped within the Site or its immediate vicinity.</p>	Yes
<i>(f) to promote the sustainable management of built and cultural heritage</i>	The Site is not a designated Heritage Item nor is it located within a Heritage Conservation Area.	Yes
<i>(g) to promote good design and amenity of the built environment</i>	<p>This report assesses the proposal's design and amenity against State Environmental Planning Policy 65, the Apartment Design Guide Guidelines and Hurstville Development Control Plan.</p> <p>The amended design is considered to satisfactorily address the key development and design controls.</p>	Yes
<i>(h) to promote the proper construction and</i>	The proposal will achieve this objective by complying with the	Yes

<i>maintenance of buildings, including the protection of the health and safety of their occupants</i>	recommended consent conditions relating to the construction phase of the development, subject to the agreement of the Land and Housing Corporation as they are a Crown authority.	
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The proposal is a regionally significant development given the cost of works exceeds 5 million dollars and is proposed by the Crown and therefore the Sydney South Planning Panel is the consent authority.	Yes
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	The application was notified to neighbours. No submissions were received.	Yes

## Section 4.15 Assessment

***(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

***(a) the provisions of:***

***(i) any environmental planning instrument***

The proposal has been considered under the relevant statutory provisions as per below:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy (State and Regional Development) 2011.
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Building and Sustainability Index: 2004).

- State Environmental Planning Policy (Infrastructure) 2007.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Draft State Environmental Planning Policy – Remediation of Land.
- Draft Environment State Environmental Planning Policy.
- Hurstville Local Environmental Plan 2012.

### **Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment**

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment. The proposal, including the disposal of stormwater, is considered to be consistent with the Council's requirements for the disposal of stormwater in the catchment.

All stormwater from the development will be managed by the proposed stormwater system and will be treated in accordance with Council's Water Management Policy and would therefore satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment. Stormwater is to be gravity fed to Lawrence Street. Council's Development Engineers have not raised any issues with the proposed method of stormwater disposal subject to the imposition of standard conditions.

### **State Environmental Planning Policy no. 55 – Contamination of Land (SEPP 55)**

SEPP 55 applies to the land and Clause 7 stipulates that a consent authority must not consent to the carrying out of any development on land unless it has considered matters for consideration contained in Clause 7.

The application is accompanied by a Detailed Site Investigation report prepared STS GeoEnvironmental Pty Ltd and dated September 2019. The report concludes:

*"Based on the findings of this investigation, STS consider that the site is suitable for the proposed medium-density residential development provided that the development is constructed in accordance with the proposed architectural drawings. Should the proposed landscape design change, specialist advice regarding the selection of vegetation species should be sought, and remedial actions may be warranted.*

*Due to the presence of fibre-cement sheeting within the building fabrics of some structures on-site, a hazmat survey should be undertaken prior to their demolition. Recommendations in the hazmat report should include safe management and removal of all ACM from the site in accordance with the current relevant guidance such as SafeWork NSW, codes of practice and standards.*



*A clearance certificate should be issued once all hazardous materials are removed prior to demolition taking place including the removal of any loose fragments that may be near the structures from previous damage. A final clearance certificate should be issued post-demolition to ensure there is no ACM remaining on the ground surface.*

*STS recommend due care during the construction phase of the development and especially for intrusive work activities, by way of implementation of an Unexpected Finds Protocol (UFP) upon construction commencement. In the event potentially contaminated soil, that is, materials suspected to contain asbestos, buried waste, materials with offensive odours and hydrocarbon stained soils are encountered within an area of the site, all work activities in that area should cease. Access to the area should be prohibited until a suitably qualified consultant advises on the need for investigation, remediation or any other action deemed appropriate.”*

A standard condition is recommended regarding any unexpected finds during the excavation and construction phase.

#### **State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 (SEPP BASIX) 2004**

The objectives of this Policy ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

A BASIX (Building Sustainability Index) certificate No. 956117M was prepared on 16 October 2018 and assessed the proposal against the provisions of BASIX and found the proposal to be compliant. The BASIX commitments are shown on the development plans

#### **State Environmental Planning Policy – State and Regional Development 2011 (SRD SEPP)**

The proposal is a regionally significant development pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is a Crown development that has a Capital Investment Value (CIV) of more than \$5 million in accordance with the SRD SEPP. As such, the Sydney South Planning Panel is the consent authority for the subject development application.

#### **State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017 (Vegetation SEPP)**

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

- a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

The proposal requires the removal of 12 trees across the site, and the retention of five (5) trees. An Arboricultural Impact Assessment prepared by Advanced Treescape Assessment and dated 6 November 2018 accompanied the application. This report assessed the significance of each existing tree within its landscape and considers its sustainability (retention value) and longevity.

Council's Consultant Arborist has reviewed all the relevant documentation and plans and has concurred with the proposed landscaping outcome. Conditions are recommended to ensure protection of the existing trees onsite, on the adjoining site and the street tree and ensure that the landscaping is implemented during construction in accordance with the proposed plans.

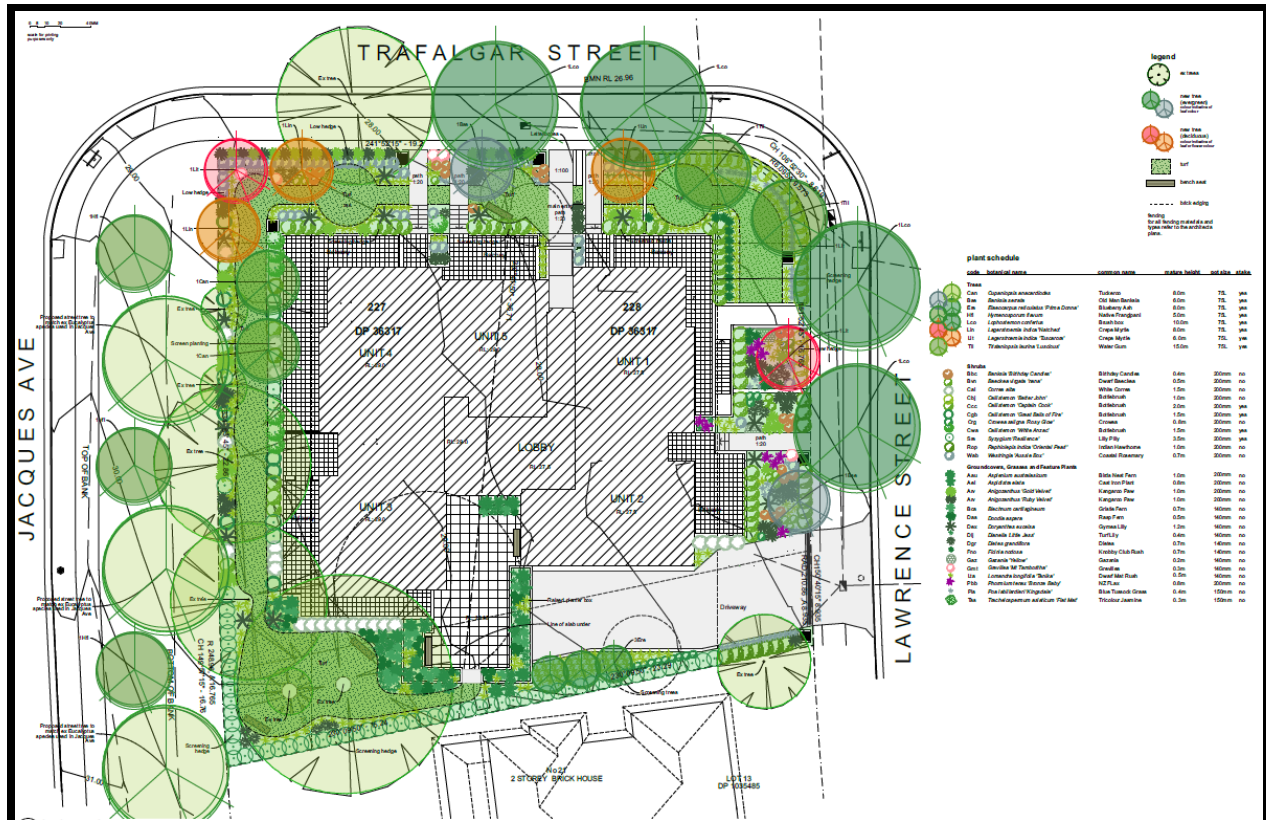


Figure 11 Reduced Landscape Plan (courtesy InView Design).

## State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65)

SEPP 65 is applicable to the proposed development and the extent to which the proposal complies with the controls and principles of the SEPP and the Apartment Design Guide are outlined in the Tables below.

Table 1: Compliance with Part 1 - Application of SEPP 65

Clause	Standard	Proposal	Complies
<b>3. Definitions</b>	Complies with definition of "Residential Apartment Development" (RAD)	The proposed development complies with the definition.	Yes
<b>4. Application of Policy</b>	Development involves the erection of a new RFB (at least 3 storey's and contains more than 4 dwellings),	The proposal is the erection of a new residential flat building which satisfies the definition of the policy as it is 3 storeys in height with a total of 15 apartments.	Yes

<b>5. Development Applications</b>	Design verification statement provided by qualified designer  Registered Architect Name and Registration No.	A Design Verification Statement has been provided by Registered Architect John Perry (Nominated Architect No.8846).	Yes
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The DRP reviewed the Development Application plans at its meeting held on 11 April 2019. Table 2 below summarises the comments from the DRP meeting.

**Table 2: Design Review Panel comments 11 April 2019**

Principle	Comments	Design Response
<p><b>Context and Neighbourhood character</b></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those</i></p>	<p>The site is fronted by three (3) roads, Lawrence and Trafalgar Streets which are local roads and Jacques Avenue which is a busier road. It has a substantial slope up to the south west of approximately 3.5m.</p> <p>There are a number of very large established trees evident including large gum trees in the south western corner of the site. These are between 10m and 18m in height and contribute to the surrounding neighbourhood amenity.</p> <p>There are several large trees to the south and north of the site within the Jacques Avenue verge. There is a large Paperbark Tree on the Trafalgar Street verge.</p> <p>The site is currently occupied by two (2) single storey post-war cottages.</p> <p>The area is undergoing transition from low density single family dwellings to medium density, approximately three (3) - four (4) storey high development.</p>	<p>The proposal is a suitable response to the site and its context.</p>

<p><i>undergoing change or identified for change.</i></p>		
<p><b>Built Form and Scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>The appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The proposal is for a three (3) storey development with a stepped floorplate building that aligns to the site slope. Driveway access is proposed on Lawrence Street and pedestrian access from Trafalgar Street.</p> <p>The scheme proposes retention of the existing trees adjacent to Jacques Avenue and a cluster of three (3) trees at the rear of the lot adjacent to 21 and 21A Lawrence Street. Retention of these trees is supported as these substantial trees contribute to neighbourhood character and local amenity.</p> <p>Although Tree Protection Zones have been shown on the plan, there appears to be breaches that may impact on tree survival. This requires further investigation to ensure these trees are sufficiently protected. This may require modification to the basement car park as well as further investigation of the tree canopy to ensure adequate clearance from the building.</p> <p>The plan is generally very well considered, complying with setback requirements from the three streets and the common boundary to the south, and results in good standard amenity for all the residential units.</p> <p>The following concerns should be addressed:</p>	<p>Internal layout changes have been made to address the Panel's concerns listed.</p> <p>The proposed built form and scale of the building is suitable of the site and in keeping with recent RFB development in the locality. High quality landscape design will further enhance the streetscape presentation of the development.</p> <p>Direct access from the Jacques Avenue frontage cannot be used as there is public land in this location to traverse which is zoned RE1.</p>



	<ul style="list-style-type: none"> <li>• The entrance corridor is somewhat narrow and uninviting and there is no natural lighting to the lift lobby.</li> <li>• The communal area is not readily accessible for all units and being to the south is substantially overshadowed.</li> <li>• It is recommended that Unit 2 be modified to delete Bedroom 1 and to extend communal area to the front of the main lobby to allow for views to rear yard and easy access to the communal open space.</li> <li>• It should be noted that the possible extended communal open space could be on two (2) levels (about 1.5m difference). This should be explored at detailed design level.</li> <li>• It is also recommended that further capping be provided above the entrance driveway at a slightly raised level to minimise noise and other impacts from vehicles using the ramp.</li> <li>• An additional communal space should be provided at the entrance area adjacent to the letterboxes which would have good sunlight, provided with buffer planting to the adjacent units, attractive paving and seating.</li> <li>• Provide a separate entrance directly to Unit 3 from Jacques Avenue, similar to the other ground</li> </ul>	
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	level units which already have their own direct entrances.	
<p><b>Density</b></p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	Acceptable	The proposal complies with the permitted FSR for the site.
<p><b>Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil</p>	<p>Refer comments above under 'Built Form' relating to tree protection. See comments below in 'Landscape' related to additional tree planting.</p> <p>It is strongly recommended that solar panels be provided for energy collection and rainwater be recycled for irrigation of landscaping.</p>	<p>The proposal is BASIX compliant and a high quality landscape design is proposed.</p> <p>Solar panels have not been incorporated.</p>

zones for groundwater recharge and vegetation.		
<p><b>Landscape</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</i></p>	<p>The scheme provides generous landscape spaces that will contribute to residential and neighbourhood amenity.</p> <p>The following additional recommendations are made:</p> <ul style="list-style-type: none"> <li>• More trees be provided in Jacques Avenue verge. It is recommended that the existing species (gums) that have been planted to the north be extended along the frontage of the development.</li> <li>• Additional street trees be provided to Trafalgar Street and Lawrence Street. The species shown (Brushbox) should be extended around both frontages.</li> <li>• Consideration given to the configuration of lawn areas, particularly on the western boundary. It may be preferable to provide additional shrub planting to the interface of ground floor balconies and lawn areas located along the boundary to improve safety and privacy.</li> <li>• It would be desirable to provide a clearer boundary between public and private space. This could be achieved via denser planting or a low fence.</li> </ul>	<p>A high quality landscape design is proposed, retaining 5 site trees and proposing 7 additional street trees.</p> <p>Three new eucalypt trees are proposed in the Jacques Avenue verge</p> <p>Four new Brush Box street trees are proposed along Trafalgar Street and Lawrence Street.</p> <p>Shrubs and trees are proposed along the western boundary in addition to the lawn area and groundcovers.</p> <p>Dense shrub and ground cover planting is proposed along the frontages to Lawrence Street and Trafalgar Street to delineate private property and the public domain.</p>

<p><b>Amenity</b></p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>Generally of excellent quality.</p> <p>See comments under 'Built Form' relating to communal open space.</p>	<p>The communal open space is located on the ground floor and exceeds the requirements of the ADG with respect to the minimum area required, 25% of the site area is required and 60% of the site area is provided as COS. The COS area provides landscaped gardens and an outdoor terrace.</p>
<p><b>Safety</b></p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are</i></p>	<p>There is inadequate definition of public and private space as stated above, and there is a concern about security of the ground level units. See comment above in relation to denser planting or low fencing.</p>	<p>The relationship between public and private areas is suitably treated with landscaping and dense shrub and ground cover planting is proposed along the frontages to Lawrence Street and Trafalgar Street to delineate private property and the public domain.</p>

<i>easily maintained and appropriate to the location and purpose.</i>		
<p><b>Housing Diversity and Social Interaction</b></p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>Provision of social housing in this location is strongly supported.</p> <p>See comments above regarding enhancement of communal spaces and facilities.</p>	<p>A suitable mix of units is proposed and the design of the development provides high quality communal spaces for resident interaction.</p>
<p><b>Aesthetics</b></p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well-designed apartment development</i></p>	<p>Overall of high standard.</p>	<p>The proposal is a high quality design and will improve the streetscape.</p>



<i>responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>		
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### Consideration of Apartment Design Guide (ADG) under Clause 30 of SEPP 65

**Table 3: Compliance with Design Provisions in Part 3 and Part 4 of the ADG**

<b>ADG Compliance Table</b>		
<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
<b>3D – Communal Open Space (COS)</b>		
Provide COS at least 25% of the site area (338sqm)	60% (492sqm).	Yes
Located on a podium or roof if it can't be located on ground level	COS is located on ground level.	Yes
At least 50% direct sunlight to the principal usable part of the COS for at least 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The primary useable area of COS will receive a minimum 2 hours to at least 50% of the area.	Yes
<b>3E – Deep Soil Zones</b>		
Site area is 650sqm - 1,500sqm = 3m min dimensions		
Min deep soil area of 7% (94sqm)	259sqm – the area used in the calculations are greater than 3m wide.	Yes
<b>3F – Visual Privacy</b>		
Minimum separation to side and rear boundaries:  Up to 12m (4 storeys): 3m non-habitable rooms 6m habitable rooms & balconies	All habitable rooms or balconies (with the exception of the communal area) are setback greater than 6m from the southern boundary.	Yes
<b>3G – Pedestrian Access and Entries</b>		
Building entries and pedestrian access connects to and addresses	One common entry is provided from Trafalgar	Yes

the public domain	Street.	
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge	Units 1, 2, 4 and 5 on the ground level also have direct access to Trafalgar Street or Lawrence Street providing activating the street frontages	Yes
<b>3H – Vehicle Access</b>		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The access driveway to the basement is located in the south-eastern corner of the site off Lawrence Street and is separate from the pedestrian access points to the ground floor. Both sides of the driveway are to be landscaped to soften the starkness of the hard surfaces.	Yes
<b>3J – Bicycle and Car Parking</b>		
Car parking provided in accordance with RMS Guide To Traffic Generating Development  (Applies to sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area)	Not applicable – site is more than 1km from Riverwood Station and therefore the Development Control Plan (DCP) rates apply to the proposal:  <u>Required:</u>  1 space/1B or 2B (15) = 15 spaces  1 visitor space/4 units = 4 spaces  <u>Proposed:</u>  16 resident spaces  No visitor spaces provided.	NA          No - refer to discussion in DCP compliance table.
<b>4A – Solar and Daylight Access</b>		

Living rooms and private open space receive 2 hours direct sunlight between 9am and 3pm in midwinter for 70% of apartments	12 of 15 units (80%) receive greater than 2 hours.	Yes
Max. 15% of apartments receive no direct sunlight between 9am and 3pm in midwinter	All units receive some direct sunlight.	Yes
<b>4B – Natural Ventilation</b>		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	12 of 15 units (80%) are naturally cross ventilated.	Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	All apartments comply.	Yes
The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	4 of 5 units on each level are dual aspect units.	Yes
<b>4C – Ceiling Heights</b>		
Minimum ceiling heights measured from FFL to finished ceiling level:  Habitable rooms = 2.7m  Non-habitable rooms = 2.4m	All rooms have 2.7m internal ceiling height.	Yes
<b>4D – Apartment Size and Layout</b>		
Minimum internal areas: 1br: 50sqm 2br: 70sqm 3br: 90sqm	All apartments meet minimum internal sizes for all the one and two bedroom units.	Yes
(Add 5sqm if second bathroom proposed)	N/A	N/A
Each habitable room must have a window in an external wall with a total minimum glass area of at least 10%	Each habitable room has a suitably sized window.	Yes

of the floor area of the room.		
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	All rooms are compliant.	Yes
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All units are compliant.	Yes
Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	All bedrooms meet the minimum internal sizes (excluding wardrobe space).	Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms meet the minimum dimensions excluding wardrobe space as specified.	Yes
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments	All living rooms comply.	Yes
Internal width of cross-over or cross-through apartments are at least 4m	All such apartments meet the minimum width requirement.	Yes
<b>4E – Private Open Space and Balconies</b>		
Minimum primary balcony sizes: 1br: 8sqm area, 2m depth	All 1 bedroom units are compliant.	Yes
2br: 10sqm area, 2m depth	All 2 bedroom units are compliant.	Yes
3+br: 12sqm area, 2.4m depth	NA	NA
The minimum balcony depth to be counted as contributing to the balcony area is 1m		
For apartments at ground level or on a podium or similar structure, a	All ground floor units comply with the minimum depth and	Yes

private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m	width requirements.	
<b>4F – Common Circulation Areas</b>		
Maximum 8 apartments off a circulation core on a single level	5 apartments are located on each level.	Yes
<b>4G – Storage</b>		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:  1br: 6m <sup>3</sup> 2br: 8m <sup>3</sup> 3+br: 10m <sup>3</sup>  At least 50% of storage is located within the apartment	All units comply. All units comply. There are no 3 bedrooms units proposed.  All units comply with the exception of Units 2, 7 and 12 which have storage lockers in the basement only.	Yes Yes N/A  Acceptable on merit.
<b>4H – Acoustic Privacy</b>		
Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.	The proposal complies with Section 3F – Visual Privacy.	Yes
Window and door openings are generally orientated away from noise sources	The site is not located close to any noise sources other than roads and other residential development.	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	Achieved	Yes
Storage, circulation areas and non-	Generally achieved where practicable.	Yes



habitable rooms should be located to buffer noise from external sources		
<b>4J – Noise and Pollution</b>		
<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> <li>• physical separation between buildings and the noise or pollution source</li> <li>• residential uses are located perpendicular to the noise source and where possible buffered by other uses</li> <li>• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer</li> <li>• landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry</li> </ul>	The site is not located in close proximity to any noise or pollution sources.	Yes
<b>4K – Apartment Mix</b>		
<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>Each floor contains 1 x 1 Bedroom and 4 x 2 Bedroom units.</p> <p>No 3 bedroom provided.</p> <p>Units 1 and 2 nominated as adaptable.</p>	Yes
<b>4L – Ground Floor Apartments</b>		
<p>Street frontage activity is maximised where ground floor apartments are located</p>	<p>All ground floor units have frontage to a street which allows for increased casual surveillance and activity. Units 1, 2, 4 and 5 have their own pedestrian access directly from the street.</p>	Yes
<p>Design of ground floor apartments delivers amenity and safety for residents</p>	<p>Each ground floor unit has an elevated street-facing terrace and a landscaped</p>	Yes

	garden to allow for casual surveillance. Screen planting and porch entries identify individual apartments and are separated from the communal entry on Trafalgar Street.	
<b>4M – Facades</b>		
Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	All facades are articulated and relate well to the street frontages and neighbouring southern property.	Yes
<b>4N – Roof Design</b>		
Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised.	Clean, simple roof form with the lift overrun centralised within the building.	Yes
Incorporates sustainability features	The building is BASIX compliant.	Yes
<b>4O – Landscape Design</b>		
Landscape design is viable and sustainable, contributes to the streetscape and amenity	The landscape design is of a high quality and will soften the built form, retains a number of existing trees and provides screening to the adjacent residential property to the south.	Yes
<b>4P – Planting on Structures</b>		
Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	Planter boxes are an appropriate depth.	Yes

<b>4Q – Universal Design</b>		
Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs. Benchmark of 20% liveable dwellings.	No liveable dwellings proposed but two ground floor units (Unit 1 and Unit 2) are nominated as adaptable.	Yes
<b>4R – Adaptive Reuse</b>		
Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse.	N/A –as the building is new.	N/A
<b>4U – Energy Efficiency</b>		
Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	Appropriate building orientation, natural ventilation, passive solar design, results in the development exceeding the BASIX target for energy efficiency.	Yes
<b>4V – Water Management and Conservation</b>		
Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design	Stormwater is to be managed by on site detention system, with the water discharging to Trafalgar Street. Council's Development Engineers have reviewed the plans and raised no objection, subject to conditions of consent.	Yes
<b>4W – Waste Management</b>		
Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	An adequately sized bin store room is proposed in the basement.	Yes

<b>4X – Building Maintenance</b>		
Building design provides protection from weathering	Suitable materials and finishes are proposed including face brick, rendered and painted masonry and metal screens in neutral colours.	Yes
Enables ease of maintenance, material selection reduces ongoing maintenance cost		

## **Draft State Environmental Planning Policies**

### **Draft State Environmental Planning Policy – Remediation of Land**

The Department of Planning and Environment ('DPE') has announced a Draft Remediation of Land SEPP ('**Draft SEPP**') which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land ('**SEPP 55**').

The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land.

The application is accompanied by a Detailed Site Investigation report prepared STS GeoEnvironmental Pty Ltd and dated September 2019. The report concludes:

*“Based on the findings of this investigation, STS consider that the site is suitable for the proposed medium-density residential development provided that the development is constructed in accordance with the proposed architectural drawings. Should the proposed landscape design change, specialist advice regarding the selection of vegetation species should be sought, and remedial actions may be warranted.*

*Due to the presence of fibre-cement sheeting within the building fabrics of some structures on-site, a hazmat survey should be undertaken prior to their demolition. Recommendations in the hazmat report should include safe management and removal of all ACM from the site in accordance with the current relevant guidance such as SafeWork NSW, codes of practice and standards.*

*A clearance certificate should be issued once all hazardous materials are removed prior to demolition taking place including the removal of any loose fragments that may be near the structures from previous damage. A final clearance certificate should be issued post-demolition to ensure there is no ACM remaining on the ground surface.*

*STS recommend due care during the construction phase of the development and especially for intrusive work activities, by way of implementation of an Unexpected Finds Protocol (UFP) upon construction commencement. In the event potentially contaminated soil, that is, materials suspected to contain asbestos, buried waste, materials with offensive odours and hydrocarbon stained soils are encountered within an area of the site, all work activities in that area should cease. Access to the area should be prohibited until a suitably qualified consultant advises on the need for investigation, remediation or any other action deemed appropriate.”*

A standard condition is recommended regarding any unexpected finds during the excavation and construction phase and what the builder is to do if this arises.

### **Draft Environment SEPP**

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal requires the removal of 12 trees across the site, and the retention of five (5) trees. An Arboricultural Impact Assessment prepared by Advanced Treescape Assessment dated 6 November 2018 accompanied the application. This report assessed the significance of each existing tree within its landscape and considers its sustainability (retention value) and longevity.

Council's Landscape Officer has reviewed all the relevant documentation and plans and has concurred with the proposed landscaping outcome. Conditions are included to ensure protection of the existing trees onsite, on the adjoining site, the street trees

whilst ensuring the landscaping is implemented during construction in accordance with the landscaping plan approved.

## **Local Environmental Plan**

### **Hurstville Local Environmental Plan 2012**

#### **Zoning**

The subject site is zoned R3 Medium Density Residential under the provisions of the Hurstville Local Environmental Plan (HLEP) 2012. Refer to Figure 12 below.

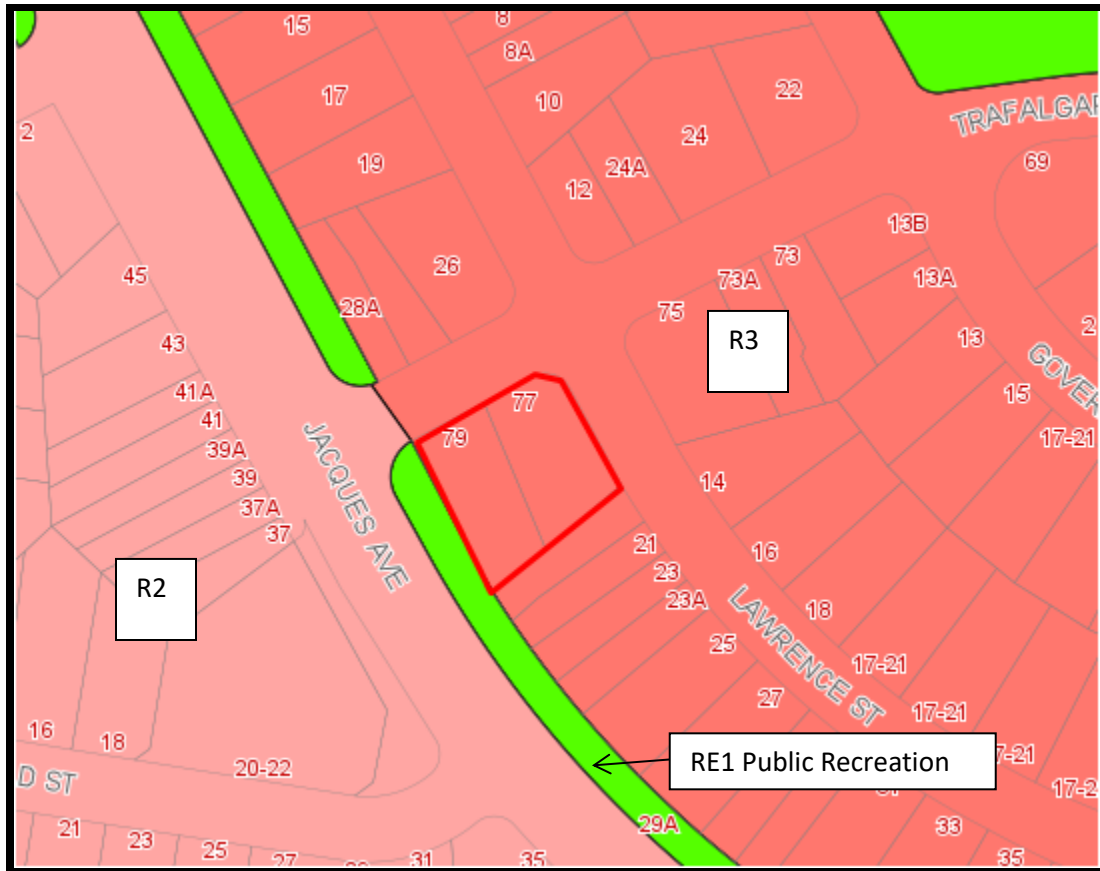
The proposal generally satisfies the objectives of the zone which include;

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for a range of home business activities, where such activities are not likely to adversely affect the surrounding residential amenity.*

The proposed development is consistent with the objectives of the R3 zone as follows:

- The proposed design enables the development to provide for the housing needs of the locality in a manner that is consistent with that typically found within the R3 zone.
- A variety and mix of housing types are proposed, in that one and two bedroom apartments are proposed with a variety of internal configurations. Two (2) have been nominated as adaptable.
- The proposal would not prevent surrounding sites from providing facilities or services that could meet the needs of local residents.
- A high level of residential amenity will be achieved and maintained, both for residents on the subject site and those within surrounding sites.
- While facilities have not been provided to accommodate home businesses, the configurations of the apartments could allow for some home business activities to occur (i.e. a home office) without disturbing surrounding residential amenity. The proposal does not prevent surrounding properties from accommodating home businesses.
- The development is providing for much needed social housing in the area.





**Figure 12** Zoning map extract from HLEP 2012 (site edged red)

The extent to which the proposal complies with the relevant standards of the HLEP 2012 is outlined in the table below.

**Table 4: HLEP Compliance Table**

Clause	Standard	Proposal	Complies
<b>2.3 Zone objectives and land use table</b>	R3 Medium Density Residential  Residential Flat Buildings (RFB) are permissible.	A three storey storey Residential Flat Building (RFB) is proposed and is permissible.	Yes
<b>4.1 Minimum subdivision lot size</b>	450sqm	No subdivision is proposed.  Site consolidation is proposed.	Yes
<b>4.3 Height of Buildings</b>	Maximum 12m height limit	Maximum 11.65m	Yes

<b>4.4 Floor Space Ratio</b>	"N" designates a maximum FSR of 1:1	1:1	Yes
<b>4.5 Calculations of Floor space and Site area</b>	Maximum of 1352.7sqm of Gross Floor Area is permitted	1,283.3sqm in GFA is proposed.	Yes
<b>4.6 Exceptions to Development Standards</b>	Not applicable.	N/A	N/A
<b>5.10 Heritage Conservation</b>	Not an item and not located within a Conservation Area.	Satisfactory - no local heritage items or conservation areas are within the vicinity of the Site.	Yes
<b>6.1 Acid Sulphate Soils (ASS)</b>	Mapping does not identify the Site being affected by ASS	N/A	N/A
<b>6.2 Riparian land and watercourses</b>	The site is not mapped as "sensitive" or containing any riparian land or trees of any biodiversity.	N/A	N/A
<b>6.9 Airspace Operations</b>	Not applicable to this site and the development as it is medium density, lower scale development.	N/A	N/A

**(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent**

Council has implemented the Georges River Interim Policy DCP. The aim of the Interim Policy is to address current inconsistencies in development controls. The Interim Policy will give certainty to the community that Development Applications are being assessed on a more consistent basis. The Interim Policy came into effect on 22 July 2019 and shall be considered in the assessment of all applications from this date.

The Policy establishes some more generic and consistent controls for dwelling houses, dual occupancies and residential flat buildings. In respect to this proposal there is no change to the currently applied controls (24m frontage width, Apartment Design Guide provisions and statutory height and Floor Space Ratio controls) and therefore the proposal satisfies the Interim guidelines.

**(iii) any development control plan, and**

The applicable Development Control Plan relating to the proposed development is:

**Hurstville Development Control Plan No.1**

A detailed assessment of the development against the relevant sections of HDCP is contained in the DCP compliance table below. This assessment identifies car parking as an area of non-compliance which is discussed within the table.

**Compliance Table – Hurstville Development Control Plan No. 1**

<b>Development</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.1 Vehicle Access and Parking	<p>DS1.5 Refer to AS 2890.1 2004 and AS2890.2 Part 2 for the design and layout of parking facilities. DS1.6</p> <p>A designated car washing area (which may also be a designated visitor car space) is required for service stations and residential developments of four or more dwellings.</p>	<p>Turning and manoeuvring into and out of car spaces, the driveway grades and transitions together with the isle widths are in accordance with the Australian Standard.</p> <p>A car wash bay has not been nominated, however could be accommodated.</p>	<p>Yes</p> <p>One of the proposed resident spaces has been conditioned to be nominated as a visitor/car wash space.</p>
Numerical parking controls	<p><u>Residential Accommodation</u></p> <p>Dwelling (1-2 bedrooms):</p> <p>1 space per dwelling</p> <p>Dwelling (3 bedrooms and over):</p> <p>2 spaces per dwelling</p> <p>Visitor spaces:</p>	<p><u>Required:</u></p> <p>1 space/1B or 2B (15) = 15 spaces</p> <p>1 visitor space/4 units = 4 spaces</p> <p><u>Proposed:</u></p> <p>16 resident spaces</p>	<p>Shortfall of 3 spaces.</p> <p>Supported on merit – see discussion below.</p> <p>One of the proposed resident spaces has been</p>

	1 space per 4 dwellings (or part thereof)		conditioned to be nominated as a visitor/car wash space.
<p><b><u>Comment on parking provision</u></b></p> <p>The proposal has a parking shortfall of 3 visitor spaces.</p> <p>The Statement of Environmental Effects submitted with the DA states:</p> <p><i>“Although there is a shortfall of 3 spaces, it is noted that the provision of car parking exceeds that which would be required for a development which is not within an accessible area under the ARH SEPP. Under the SEPP, 13.5 spaces would be required.</i></p> <p><i>The Traffic Report at Appendix F compares the numerical parking requirements under the DCP, RMS Guidelines and ARH SEPP and finds that 13 to 17 resident parking spaces are required, with 3 to 4 visitor spaces. In consideration of the above, the report considers that the proposed 16 spaces is appropriate, also noting that the site is in a unique location by way of three frontages that can accommodate kerbside parking.</i></p> <p><i>Although under the circumstances the provisions of the ARH SEPP do not apply, it is accordingly requested that Council give consideration to the intent of the development, being for the delivery of much needed 1 and 2-bedroom dwellings by the LAHC.”</i></p> <p>The proposal is for a residential flat building which is permissible under the HLEP 2012 and subject to the provisions of the Apartment Design Guide, HLEP 2012 and the Hurstville DCP No. 1. Not being located within 800m of a railway station, the DCP parking rates are applicable to the development. The applicant is seeking a variation to the control for 3 visitor parking spaces.</p> <p>The objectives of the parking controls in the DCP are:</p> <ul style="list-style-type: none"> <li>- <i>Caters for the needs of the residents and visitors,</i></li> <li>- <i>Minimises visual impact on scenic quality or streetscapes,</i></li> <li>- <i>Ensures the safe movement of vehicles and pedestrians.</i></li> </ul> <p>The request to vary the DCP parking rate is supported in this case as the proposal meets the objective of the control for the following reasons:</p> <ul style="list-style-type: none"> <li>- Adequate on street parking is available for visitors as the site has three street frontages (two spaces on Trafalgar Street, two spaces on Lawrence Street and four spaces on Jacques Avenue) and</li> <li>- The design of the parking area meets the relevant safety standards.</li> <li>- A condition has been recommended nominating a visitor space doubling as a wash bay.</li> </ul>			

As such the variation to the parking requirement is supported on merit.			
3.3 Access and Mobility	<p>In developments containing five or more dwellings, a minimum of one adaptable dwelling, designed in accordance with relevant Australian Standards must be provided for every ten dwellings or part thereof.</p>	<p>15 units are proposed; therefore two adaptable units are required.</p> <p>Units one (1) and two (2) are nominated as adaptable apartments as required.</p>	Yes
	<p>Access for all persons through the principal entrance and access to any common laundry, kitchen, sanitary or other common facilities in accordance with relevant Australian Standards.</p>	<p>In general, access through the building for people with a disability has been catered for and lift access has been provided to all levels.</p> <p>It is noted the 2 adaptable entry pathways have stairs.</p> <p>There is therefore no pedestrian access from the public domain only via the basement.</p>	Yes
3.4 Crime Prevention through Environmental Design	<p>Ensures that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety.</p>	<p>The design of the building generally complies with the objectives and controls, appropriate consideration as been given through the design and the built form layout</p>	Yes
	<p>Ensures that private and public spaces are clearly delineated</p>	<p>Dense perimeter landscaping around private courtyards delineates private and public areas at the ground level.</p>	Yes
	<p>Ensures that the design of the development allows for natural surveillance to and from</p>	<p>All ground floor units are oriented to the street frontages to allow for casual surveillance.</p>	Yes

	the street and between individual dwellings or commercial units within the site		
3.5 Landscaping	<p>Site layout and design, including buildings, structures and hardstand, ensures the long term retention and health of existing significant trees and vegetation.</p> <p>Where significant trees or vegetation are required to be removed to allow for site development, they are to be replaced with the same or similar species achieving the same coverage at maturity.</p>	<p>19% of the site is deep soil area. All areas used in this calculation exceed 2m in width.</p> <p>Five existing trees are being retained as part of the development and 14 new trees are proposed within the site and within the street frontages.</p>	<p>Yes</p> <p>Yes</p>
3.6 Public Domain	Development contributes to the creation of attractive, comfortable and safe streets that comprise consistent and high quality paving, street furniture and street tree plantings.	The building design and landscape scheme creates a high quality interface at all three street frontages.	Yes
3.7 Stormwater	A development application is supported by a concept stormwater management plan showing how surface and roof waters are to be discharged by gravity to the street or easement and the size of all pipes.	Council's Engineers have reviewed the proposed drainage and stormwater arrangement and have raised no objection subject to the imposition of conditions.	Yes



<b>4.1 Residential Flat Buildings</b>			
Site Frontage	Min street frontage 24m	The site has street frontages of 32m to Trafalgar Street and 25m to Lawrence Street.	Yes
Height	In accordance with HLEP 2012 and 3 storeys.	The maximum height is 11.65m. The building is 3 storeys.	Yes Yes
Excavation	The maximum excavation for any building's finished ground floor level facing a public street is 0.5m below natural ground level.	The ground floor level is located above natural ground level. Excavation is proposed for the basement which is acceptable subject to recommended conditions	Yes
Front Setback	The minimum setback to a primary or secondary street is 6m.	A minimum 6m to the building façade.	Yes
Landscaped Area	Minimum amount of landscaped area of open space is 20% of the Site area Min dimension of landscaped open space is 2m	19% of the site is deep soil area. All areas used in the calculation exceed 2m in width.	Complies with the ADG control.
Solar Access	Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.	The adjoining property to the south will continue to receive more than three hours direct sunlight on 21 June.	Yes
Noise	Windows of adjacent dwellings are separated by a distance of at least 3m	Minimum 6m separation provided to the southern development.	Yes
Streetscape	Development creates a high quality interface between the public and	The building design and landscape scheme creates a high quality interface at	Yes

	private domain	all three street frontages.	
Fencing	Provides appropriate levels of privacy, security and noise attenuation	Front fencing is not proposed.	N/A
Site Facilities	Development provides space for the storage of recyclable goods, either in the curtilage of each dwelling or in a central storage area in larger developments.	Compliant with ADG controls.	Yes

**(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and,**

Comment: there are no planning agreements that pertain to this site.

**(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

Comment: There are no further prescribed matters under the Regulations apart from compliance with the National Building Code of Australia (BCA) and meeting the Australian Standards for parts of the design.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

### **Natural Environment**

The proposed development is unlikely to result in adverse impacts to the natural environment. Five trees will be preserved as part of the development and an additional seven street trees are proposed. In addition 14 new trees are proposed on the site.

The proposed landscape solution for this larger, integrated development aims to create a coherent and formal landscaping design that aims to improve the visual quality of the immediate environment, the streetscape and the site itself.

### **Built Environment**

The proposed development is unlikely to result in adverse impacts to the built environment. In fact the architectural design, use of high quality materials and finishes

will create an interesting and vibrant built form. The development will create a positive contribution to the streetscape and will enhance the public domain.

### **Social Impact**

The proposed development will have no adverse social impact, in fact it will fulfil a much needed housing requirement in the area by providing more social housing and affordable accommodation..

### **Economic Impact**

The proposed development will have no adverse economic impacts in fact it will benefit the longer term viability and the sustainability of the adjoining small neighbourhood commercial centre of Riverwood. Also through the construction process the development will ensure employment in this industry in the short term if this development is approved.

#### **(c) the suitability of the site for the development,**

Comment: The site has no impediments that would preclude it from being suitable for the proposed development. The site is zoned to permit medium density residential development.

#### **(d) any submissions made in accordance with this Act or the regulations,**

Comment: No submissions were received during the neighbour notification period.

#### **(e) the public interest.**

Comment: The proposal satisfies the applicable Environmental Planning Instruments's and objects of the Act and accordingly is considered to be within the Public interest. The development will not adversely affect the amenity of immediately adjoining properties and will not negatively affect the character and nature of the neighbourhood.

Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed.

### **Environmental Planning and Assessment Regulations 2000 (EP&A) Regs 2000**

The proposed development satisfies the relevant matters for consideration for development under the Regulations.

### **Development Contributions**

The proposed development requires payment of development contributions which have been levied accordingly.

### **SUBMISSIONS AND THE PUBLIC INTEREST**

The application was notified to immediately adjoining properties and they were given a 14 day period in which to comment (between the period of 20 November to 4 December 2018). Notification procedures were conducted in accordance with Council's requirements. No submissions were received.

## **REFERRALS**

### **Council Internal Referrals**

#### Senior Building Officer (Major Projects)

Council's Senior Building Officer has raised no objection subject to conditions of consent being attached to any consent granted.

#### Development Engineer

Council's Development Engineer has raised no objection subject to conditions of consent being attached to any consent granted.

#### Traffic Engineer

Council's Traffic Engineer has examined the application and has raised no objection to the development in principle subject to conditions of consent requiring the car spaces to comply with the Australian Standards.

#### Environmental Health Officer

Council's Environmental Health Officer has raised no objection subject to conditions of consent being attached to any consent granted.

#### Coordinator of Environment Sustainability and Waste

Council's Coordinator of Environment Sustainability and Waste reviewed the proposal and has raised no objection subject to conditions of consent being attached to any consent.

#### Council's Consultant Arborist

Council's Consultant Arborist has raised no objection subject to conditions of consent being attached to any consent granted.

### **External Referrals**

#### Ausgrid

The application was referred to Ausgrid in accordance with the provisions of Clause 45 of the Infrastructure SEPP. No response has been received at the time of writing this report (26 October 2019).

## CONCLUSION

The application has been assessed having regard to the Matters for Consideration under Clause 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.

The application seeks approval for the consolidation of two allotments, demolition works and construction of a three storey residential flat building comprising of 15 units and basement car park for 16 vehicles associated landscaping and site works.

The proposed development application was lodged on the 8 November 2018 with a capital investment value of \$5,532,832.00 which classifies the development as Regionally significant. Therefore, the Sydney South Regional Planning Panel is the consent authority.

The subject site occupies one three street frontages with a total site area of 1,352.7sqm.

The site is Zoned R3 – Medium Density and the proposed residential land use is permissible with an applicable FSR of 1.1:1 for this development and maximum height control of 12m.

The immediate area is experiencing an urban renewal transition from low to medium density development whereby Council is in receipt of numerous applications for new Residential Flat Building's in the locality.

The proposal has been reviewed by the Design Review Panel. The development has been designed to satisfy the key provisions of the Apartment Design Guide and it is considered that the built form and design is considered to be compliant and satisfactory.

The development has been assessed against the requirements of the relevant planning instruments and development control plans and is consistent with those requirements. Following detailed assessment it is considered that Development Application No DA2018/0473 be approved subject to the conditions referenced at the end of this report.

## DETERMINATION AND STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposal has been designed to generally satisfy the key provisions of the Apartment Design Guide (ADG).
- The proposed design has been sensitively considered to be consistent with the anticipated, desired future character for development in this area.
- The proposal aims to provide a high-quality building that will establish a positive urban design, architectural and planning precedent in the area.

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the South Sydney Planning Panel, grant development consent to Development Application DA2018/0473 for the consolidation of two allotments, demolition works and construction of a three storey residential flat building comprising of 15 units and basement car park for 16 vehicles associated landscaping and site works on Lots 227 and 228 in DP 36317, and known as 77-79 Trafalgar Street, Peakhurst subject to the following conditions of consent: