

## COUNCIL ASSESSMENT REPORT

### SYDNEY SOUTH PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	<b>PPSSSH-188</b> DA2024/0612
<b>PROPOSAL</b>	Removal of trees and construction of a 4-storey residential flat building comprising a total of 42 affordable housing units on a vacant allotment, with basement parking for 19 vehicles, including associated site works, landscaping, fencing and lot consolidation with dedication of land for a public pathway
<b>ADDRESS</b>	Lots 7-12 DP 35640 1-13 Coleridge Street, Riverwood NSW 2210
<b>APPLICANT</b>	NSW Land and Housing Corporation
<b>OWNER</b>	NSW Land and Housing Corporation
<b>DA LODGEMENT DATE</b>	19 December 2025
<b>APPLICATION TYPE</b>	Crown DA
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	<p>Regionally significant development is defined in Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p>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). As regionally significant development it is to be determined by the regional planning panel</p>
<b>CIV</b>	\$25,638,104 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>LIST OF ALL RELEVANT s4.15(1)(a) MATTERS</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>State Environmental Planning Policy (Housing) 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Georges River Local Environmental Plan 2021</i></li> <li>• <i>Georges River Development Control Plan 2021</i></li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b>	16 individuals, a Petition with 38 names, letter from The Hon. Mr David Coleman, Federal MP for Banks
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Architectural plans</li> <li>• Landscape Plans</li> <li>• Traffic Impact Assessment Report</li> <li>• Stormwater Plans</li> <li>• Design Statement</li> <li>• Arboricultural Impact Assessment Report as amended</li> <li>• Acoustic Report</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	N/A
<b>PREVIOUS BRIEFINGS</b>	28 July 2025
<b>RECOMMENDATION</b>	Approval subject to Deferred Commencement
<b>DRAFT CONDITIONS TO APPLICANT</b>	Draft conditions were provided to the Applicant for review in August 2025
<b>SCHEDULED MEETING DATE</b>	1 September 2025
<b>PLAN VERSION</b>	27 June 2025 Version No B
<b>PREPARED BY</b>	Ruth Bennett, Principal Planner
<b>DATE OF REPORT</b>	5 August 2025

## EXECUTIVE SUMMARY

Development Application No. DA2024/0612 is referred to the Sydney South Planning Panel ('the Panel') for determination. The proposed development is 'regionally significant development', pursuant to Clause 2.19(1) of Chapter 2 and Clause 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the development is proposed by the Crown and has an estimated development cost of more than \$5 million.

The proposal seeks consent for the removal of 17 trees (including 7 exempt species) across the site, including one street tree, construction of a four storey residential flat building comprising forty-two (42) affordable housing units, basement carpark, and landscaping works, and consolidation of six lots into one lot to create the development site, and subdivision to provide for the creation of a public pathway from Coleridge Street through to Phillip Street Reserve, with land dedication to Council for this area which facilitates a public pathway.

The subject site is known as 1-13 Coleridge Street, Riverwood. The site is located at the end of the Coleridge Street cul-de-sac, and is 185m from the intersection of Coleridge Street and Belmore Road. It occupies an area of 2,911sqm. There are two existing driveways providing vehicle access points to the site. There are ten street trees situated in the Council reserve. The site is currently vacant and contains a number of trees and vegetation.

The site is located in the R4 High Density Residential zone under Clause 2.3 of the Georges River Local Environmental Plan 2021 (GRLEP 2021). To the west of the site is located the local centre. Adjacent to the site is a multi-dwelling development. There is range of development typologies within the street including single storey detached dwellings, multi-dwellings and residential flat buildings.

DA2024/0612 has been assessed against the principal planning controls relevant to the proposal, which include the following:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Georges River Local Environmental Plan 2021
- Georges River Development Control Plan 2021.

The proposal is inconsistent with various provisions of the planning controls including:

- Provisions of Chapter 4 of the Housing SEPP and the Apartment Design Guide including:
  - Public Domain and Public/Private Interface: design issues relating to front elevation e.g. driveway location, entries, internal lobby and corridors; insufficient information relating to future viability of street tree avenue
  - Visual Privacy/Building Separation: reduced setback to the proposed western side boundary
  - Solar Access: internal solar access
  - Apartment size and layout: relates to main bedroom size: some are less than 10sqm requirement

The proposal necessitated the requirement for referral to agencies for concurrence pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport and Infrastructure SEPP'). Referrals to Transport for NSW (Sydney Trains), APT Petroleum

Pipelines Pty Ltd t/a APA Group, and Ausgrid were made and no objections were raised by any agency. Concurrence and conditions of consent were provided.

The application was placed on public exhibition from 18 December 2024 to 6 February 2025, with multiple submissions being received. There were received 18 individual submissions, a petition with 38 individual names, and a letter from The Hon. Mr David Coleman, Federal MP for Banks re concerns raised by local resident re traffic and congestion issues, and the 'substantial consequences' that a 'development of this scale' will have on people who currently live on Coleridge Street [cul-de-sac]. Council's General Manager provided a response to the Honourable Member. There was a range of concerns raised by residents apart from traffic congestion and parking. The concerns raised are considered below in this report against *Community Consultation*.

### **RFI Letter and Applicant's response to RFI and meetings with Council**

Council sent an RFI letter to the applicant on 2 May 2025. The applicant requested a one month's extension to respond to the RFI letter. On 1 July 2025, amended plans from applicant were submitted. These contained two minor internal changes, e.g. doorway location; and amended the landscape plan to propose planting of one street tree, to replace one street tree proposed for removal.

Council had an online meeting with the applicant to discuss engineering concerns, and also advised the applicant of its urban design concerns, the public private interface, the community's submissions, and the impacts on the street tree avenue.

Amendments to engineering plans were submitted.

### **Panel Briefing – June 2025**

A briefing was held with the Panel on 23 June 2025 to discuss Council's concerns which it put in its RFI letter to the applicant issued on 2 May. A presentation was provided by the applicant. Matters were discussed between the applicant and Council during the briefing.

The key issues associated with the proposal and as noted by the Panel from the minutes of the briefing included the following:

#### **'KEY ISSUES DISCUSSED**

The panel notes the overview provided by Council of the matters raised in its RFI, issued on 2 May, the presentation provided by the applicant and the matters discussed with the applicant and council assessment planners during the briefing. In particular, the panel notes:

- Council met with the applicant in the week of the 16 June 2025 in relation to engineering matters, which are largely resolved.
- Submissions in response to notification of the application raised concerns regarding limited on street parking along Coleridge Street, resulting from use by the nearby station and town centre.
- The location of the driveway requires the removal of tree 3 (bottlebrush species), the applicant has investigated options to relocate the driveway, however, these would result in impacts on other trees and the design of the driveway access. The applicant has no objection to a condition requiring a replacement tree and council is to advise on an appropriate species.
- Council considers that as the proposal is for 42 units, visitor parking and a loading dock should be provided in accordance with its DCP, or that further justification is

required. However, the parking arrangements comply with SEPP Housing, which is the primary planning instrument, and the applicant explained that the parking requirements of the occupants of the development are substantially less than non-social housing. The applicant agreed to provide further information to demonstrate that the nature of occupants and visitors will not generate an unreasonable demand for on street visitor parking and that servicing of the development does not require a loading dock.

- The Panel noted that, in relation to the availability of on street parking for visitors, the site has a long street frontage and the additional spaces, that will result from the removal of multiple street cross overs, will provide extra on-street parking for this purpose. Further information on the availability of on street parking could be provided by the applicant, if needed.
- The applicant has sought to address the urban design issues raised in the RFI, in particular, by improving the legibility of the entrances to the building and its street presentation. The applicant explained that the provision of separate entrances to units, relocation of the garbage room and other services was not feasible.
- The applicant explained that the basement is within the front setback of the building above. The applicant has agreed to dedicate a three metre wide through site link to council along the western boundary of the site, even though this is not legally required to be provided. However, this area should be included in the calculations for setback and landscaped area. The applicant and council have different opinions on the amount of deep soil, and the applicant will provide information to demonstrate compliance and opportunities to provide deep soil that can accommodate canopy trees.
- The applicant will provide further information to demonstrate compliance with solar access and cross ventilation.
- The acoustic requirements can be included as conditions of consent.'

### **Panel Briefing – July 2025**

A briefing was held with the Panel on 28 July 2025 to discuss Council's concerns re design issues. Key issues are the public/private interface including the location of the driveway; proposed street tree removal and the viability of the street tree avenue; the impact of the design of the building's front elevation upon the public domain; internal solar amenity on the western elevation; internal circulation and the location and arrangement of the waste room; potential traffic and parking impacts, and lack of visitor parking and other features within the basement (EV charger and car wash bay).

The key issues associated with the proposal and as noted by the Panel from the minutes of the briefing included the following:

#### **'KEY ISSUES DISCUSSED**

- Council received a response to the RFI from the applicant on 1 July 2025, Council have re-referred the application internally, Council's outstanding concerns include:
  - Urban design – principally presentation to the street, internal circulation and solar access
  - Landscaping – amended landscape plan and arboricultural report under assessment
  - Parking – requirement of visitor parking recognising that this is not required in the Housing SEPP
  - Stormwater – Amended stormwater plans (Rev D dated 16 June) is satisfactory.

- In the briefing, the Applicant provided further information and justification in response to the above issues, including further information on the needs and management of social housing.
- Council to provide any further feedback on RFI response as soon as possible, and complete its assessment based on the current application, subject to minor clarifications/changes.

The applicant should submit the following additional information as soon as possible:

- Confirmation that units discussed comply with solar access requirements. If not, investigate minor amendments to design, and or explanation as to why non-compliance is acceptable.
- Clarification that the balconies of the ground floor units should be open and not fully enclosed.

#### Next Steps

- Council to upload assessment report by 18 August and provide draft conditions to the applicant prior to the determination.
- Council and the applicant to discuss any further matters that require clarification.

Tentative determination date scheduled for 1 September 2025.'

#### **Following Panel Briefing**

On 4 August 2025, Council sought an on-line discussion with the applicant to discuss Council's concerns, which the applicant declined.

The applicant provided Council with written justifications for its position not to amend in any way the proposal and provided a rebuttal to Council's suggestions (Urban Design and Planning); This document with Trim reference D25/2307867 Homes NSW was provided on 13 August 2025, which addressed Council's suggestion that the waste room, driveway and lobby should be amended.

The applicant also provided on 13 August 2025 document Trim reference D25/2307867 Homes NSW which addressed solar access to GF-U5, L1-U6, L2-U6, L3-U6 which receive less than 1sqm of direct sunlight from 1pm to 1.30pm; and provided further detail as to balconies on ground floor units clarifying that GF-U7, L1-U8, L2-U8, L3-U8 are not enclosed but have metal palisade balustrades and privacy screening.

These responses were referred to internal officers for their consideration and Council had internal discussions in regard to the above correspondence received.

Council then advised the Panel that it maintains its position in regard to matters put to the Panel Briefing, and that Council is of the view that it could not support the proposal without substantive design amendments to address concerns held by five sections within Council relating to design matters, that primarily relate to the public domain and the public/private interface.

Following consideration of the matters for consideration under Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979* ('the EP&A Act'), which included an assessment against the provisions contained within the relevant State and local environmental planning policies, Council is of the view that the proposal is only worthy of support, subject to design amendments to address concerns raised by the following Council sections: Urban Design, Traffic Engineering, Waste, Public Trees and Assets. These proposed design amendments are contained within deferred commencement conditions contained at **Attachment A** of this report.

Subject to these changes expressed in the deferred commencement conditions relating to desired design amendments (see Attachment A), it is considered that the development would not result in any unacceptable adverse environmental impacts and is not contrary to the public interest. Whilst the provision of additional affordable housing has merit, and will be operated by a highly respected public provider, it is Council's view that the proposed development does not adequately address the future desired character of the locality, and the context in which the area is undergoing transition. In order to achieve a better quality outcome in urban design terms, it is our position that the public/private interface, and impacts on the public domain have not been adequately resolved, and in particular, the driveway location which is not supported. There is also potential for possible long-term impacts on the street tree avenue from both the driveway location and the proposed path design at the street frontage. Council's Urban Designer has provided sketches to the applicant outlining Council's position. These propose the relocation of the driveway and waste room and redesign of the lobby area, and redesign of the public path at the front of the site. In the event that deferred commencement conditions were approved by the Panel, it is Council's view that in that instance the development would be suitable for the site and its surrounds, with the existing public street tree avenue retained and protected, and with the provision of a public pathway at the western boundary to link Coleridge Street with the Phillip Street Reserve. This would maintain and protect the amenity of the adjoining properties and provide additional public benefit through the provision of the through-link the public pathway provides.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the EP&A Act, DA2024/0612 is recommended for approval subject to the deferred commencement conditions contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

---

### **1.1 The Site**

The subject development site comprises six allotments legally described as Lots 7-12 in DP 35640, and is known as 1-13 Coleridge Street, Riverwood. The combined development site forms an irregular-shaped allotment comprising a total site area of 2,911sqm, with a frontage length of 115.3m on the northern boundary to Coleridge Street, west and south-east side boundaries of 35.3 and 74.9m, and a rear south-east boundary of 124.25m in length.

The development site is situated on the southern side of Coleridge Street, and is located at the eastern end of the Coleridge Street cul-de-sac. The rear boundary adjoins Council's Phillip Street Reserve, and the eastern side boundary of the site is immediately adjacent to the 'T8 Airport and South' railway line.

The development site is currently vacant and contains 17 trees and vegetation. Formerly on the site were six individual dwellings which have been removed. Within Council's road reserve are ten mature street trees within an avenue. The site has a north-east – south-west orientation, with a gentle cross-fall. The topography consists of a 4.2m fall across the site from RL 27.31 at the northeast corner to RL 23.09 at the northwestern boundary. There are no significant site constraints, noting the site is adjacent to the railway corridor and near the high pressure pipeline. There are no easements affecting the site.





Figure 1: Aerial view of 1-13 Coleridge Street, Riverwood, subject sites outlined in bold yellow.  
Source: Nearmap, April 2025

## 1.2 The Locality

The subject site is zoned R4 High Density Residential in accordance with the GRLEP 2021. To the west of the site is located a multi-dwelling housing development. Both residential flat buildings and single storey detached dwellings are located in the near vicinity. Phillip Street Reserve is located to the rear of the southern boundary. Belmore Road is located 185m to the west. Land to the west along Belmore Road is zoned E1 Local Centre.

The site is located in an established mixed density residential area consisting mainly of residential flat buildings to a maximum of four storeys, and some low density single storey dwellings. The existing built form is of varying architectural styles, typology and design. The development types in the immediate vicinity within 150m of the site are mostly similar to that proposed under the subject application, e.g. existing RFBs at 4-6, 8-12 and 14-18 Coleridge Street opposite; and existing RFBs at 15 and 17 Coleridge Street. Nearby are RFBs at 5 and 6 Phillip Street. Single storey dwellings are located at 20 and 22 Coleridge Street

The site is located near to public open space, educational institutions, public transport (train and bus), community facilities and services and religious institutions. Riverwood Plaza is 600m from the site; Riverwood train station is 300m away to the south-west, and bus stops are located 185m away to the west at the intersection of Coleridge Street and Belmore Road. Both bus stops on Belmore Road provide for 4 bus routes that stop at Westfield Hurstville, and have a frequency required by the Housing SEPP, which requires the site to be located in an 'accessible area'. This requirement is met due to the bus stops' location and frequency and the train station's location and frequency.



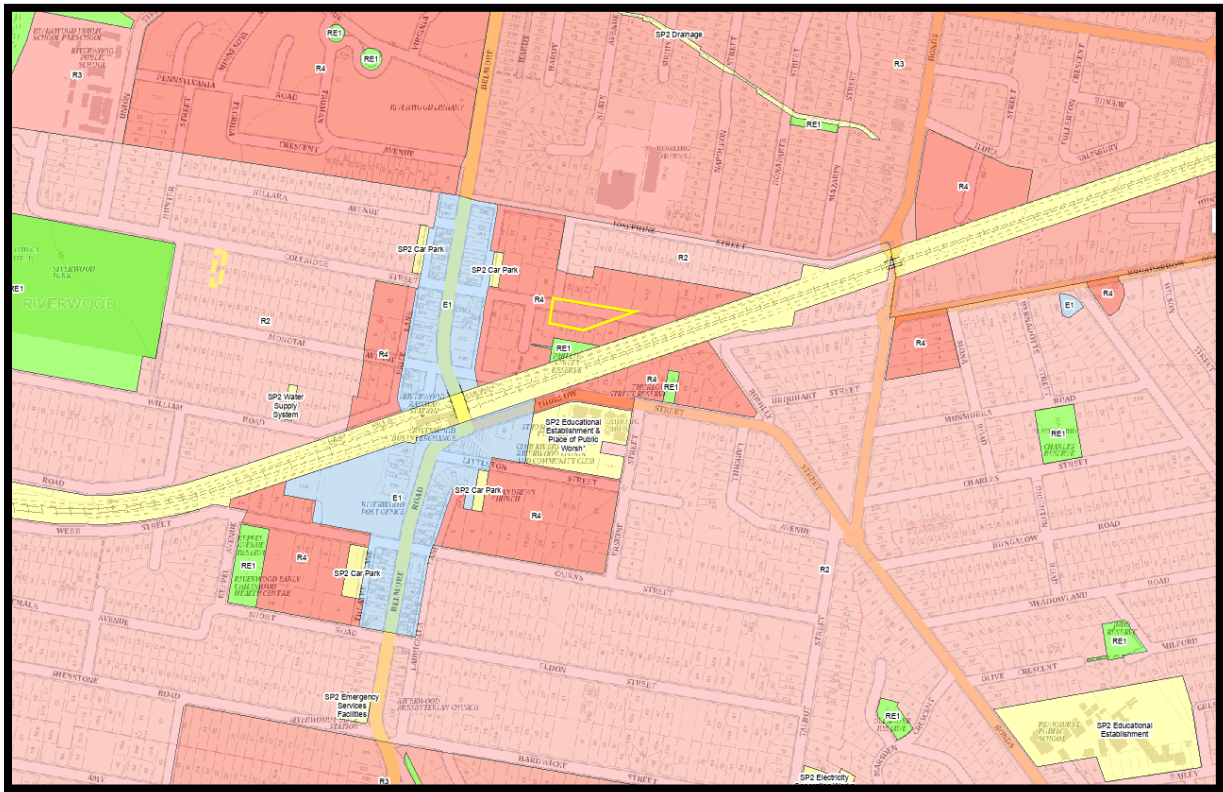


Figure 2: Zoning Map with site outlined in yellow, the immediate area zoned R4 and adjacent area zoned E1  
Source: NSW Planning Portal 2025

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

In accordance with Clause 4 under Schedule 6 of SEPP (Planning Systems) 2021, development carried out by or on behalf of the Crown that has an estimated development cost of more than \$5 million is considered 'regionally significant development'.

The proposal seeks consent for the construction of a 4-storey residential flat building development comprising a total of 42 affordable housing units, basement parking for 19 vehicles, associated site and civil works, tree removal, landscaping, and lot consolidation, and dedication of land, pursuant to the affordable housing provisions of the Housing SEPP. This application is for community infrastructure (affordable housing) and has a Capital Value greater than \$5 million, and therefore is subject to determination by the Sydney South Planning Panel.

The development comprises 22 x 1 bedroom apartments, and 20 x 2 bedroom apartments, which are distributed within the proposed 4-storey building as follows:

Level	4 Storey Building
Ground	4 x 1 bedroom units (units GF-02 06 07 09) 5 x 2 bedroom units (units GF-01 03 04 05 08)
Level 1	6 x 1 bedroom units (units L1-02 07 08 09 10 11) 5 x 2 bedroom units (units L1-01 03 04 05 06)

<b>Level 2</b>	6 x 1 bedroom units (units L2-02 07 08 09 10 11) 5 x 2 bedroom units (units L2- 01 03 04 05 06)
<b>Level 3</b>	6 x 1 bedroom units (units L3-02 07 08 09 10 11) 5 x 2 bedroom units (units L3- 01 03 04 05 06)

Specifically, the proposal involves:

- Consolidation of the six lots into one allotment
- Removal of 17 trees (including 7 exempt species) across the site, including two street trees impacted by the driveway location
- Construction of a 4-storey residential flat building containing 42 units
- Excavation for a one level basement, and OSD storage tank
- Basement car parking to accommodate 19 vehicles, including 5 accessible spaces, 19 bicycle parking spaces; storage cages 3.11-4.00sqm in size
- Services in basement include: fire services storage tank (15sqm), pump room (34sqm), CW pump (6sqm), services
- Construction of a new driveway for vehicular access to the site from Coleridge Street
- Provision of a photovoltaic solar system on the rooftop
- Private open space areas for each dwelling in the form of courtyards or balconies which are directly accessible off living areas
- Two pedestrian access points connected to a newly constructed footpath along Coleridge Street
- Bin room integrated into the 4 storey residential flat building at ground level with direct pedestrian access to Coleridge Street, and sized to accommodate waste bins
- OSD system: a 71m<sup>3</sup> underground on-site detention tank (OSD) to collect stormwater via a series of stormwater pits and pipes; OSD will connect to kerb inlet pit to west of site in front of 15 Coleridge Street
- Stormwater will be collected via a series of stormwater pits and pipes on site, connected to an 5000L rainwater tank within the basement
- rainwater tank is for landscaping/propagation and car washing reuse; RWT filter; sewer pump station
- Civil works including the provision of stormwater drainage, water metres, fire hydrant booster, substation, new driveway, and footpath to Coleridge Street, and footpath on public walkway
- Extensive landscaping scheme, including the provision of 932 sqm of deep soil planting area, including the provision of trees and a variety of shrub and groundcover plantings and landscaping structures across the site, including within planting structures.

The key development data is provided in **Table 1**, and the proposed development is illustrated in the images that follow.

**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	2,911sqm (as per survey plan) less land dedication = net developable area of 2,805sqm
GFA	3377sqm
FSR (residential)	1.16:1 proposed under Housing SEPP Chapter 2 Part 2

No of apartments	42
Max Height	14.85m proposed under Housing SEPP Chapter 2 Part 2]
Landscaped area	Deep soil zone 814sqm
Car Parking spaces	19 parking spaces contained within basement level
Setbacks	5m front setback to building 3m to the west side setback to area of land to be dedicated 6m rear setback
Cross ventilation	62% of units
Solar access	71% of units
Communal Open Space	932 sqm
Land dedication	Public pathway on area of land 3m x 35.3m
Street trees	Removal of one street tree - T3



*Figure 3a Photomontage of proposed 4 storey residential flat building – Street frontage  
1-13 Coleridge Street, Riverwood*

*Source: WMK Architects Drawing No. DA01, Revision A dated 24.10.2024*

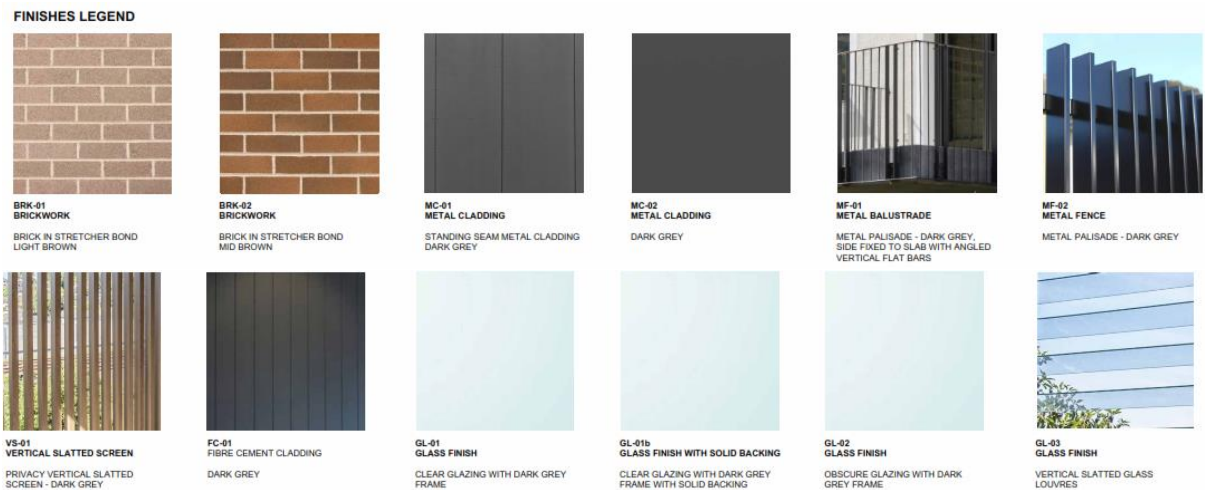




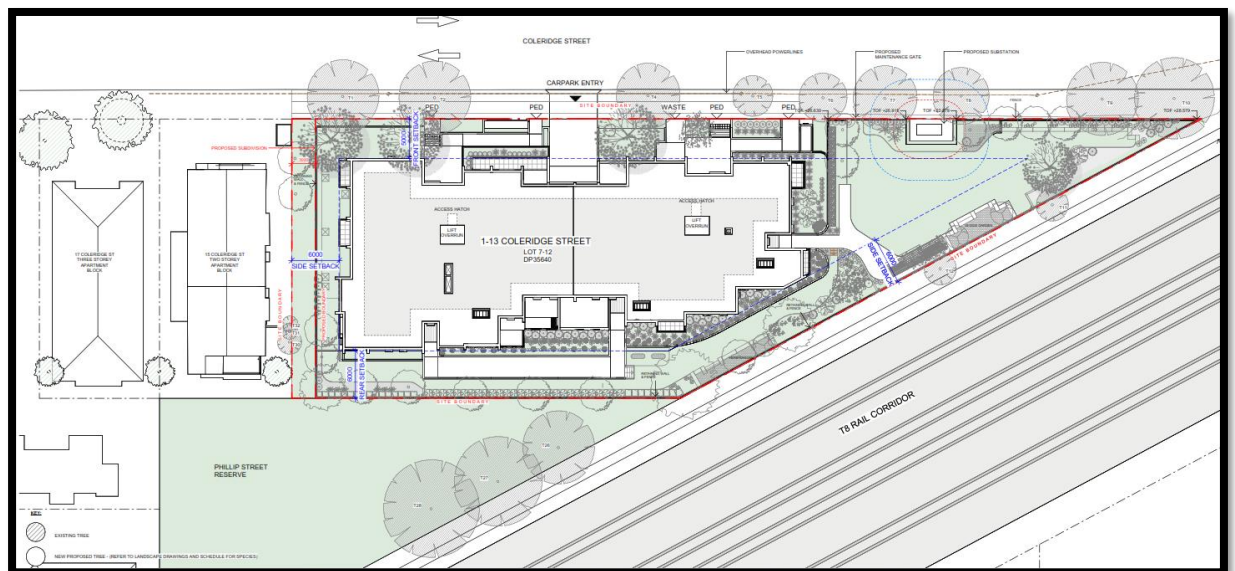
Figure 3b Photomontage of proposed residential flat building – Street frontage and public pathway  
1-13 Coleridge Street, Riverwood  
Source: WMK Architects Design Statement



Figure 4 North Elevation and South Elevation - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA500, Revision A dated 18.10.2024



*Figure 5 Finishes Legend - 1-13 Coleridge Street, Riverwood*  
Source: WMK Architects Drawing No. DA500, Revision A dated 18.10.2024



*Figure 6 Site Plan - 1-13 Coleridge Street, Riverwood*  
Source: WMK Architects Drawing No. DA004, Revision A dated 18.10.2024



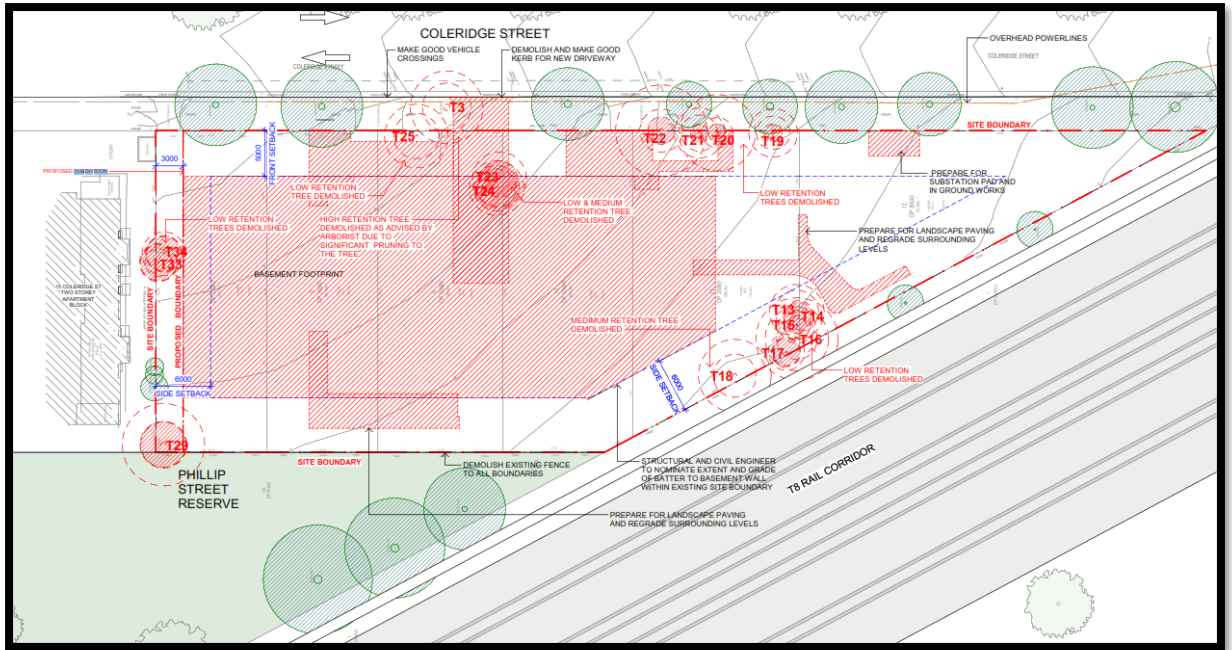


Figure 7 Demolition Plan - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA005, Revision A dated 18.10.2024

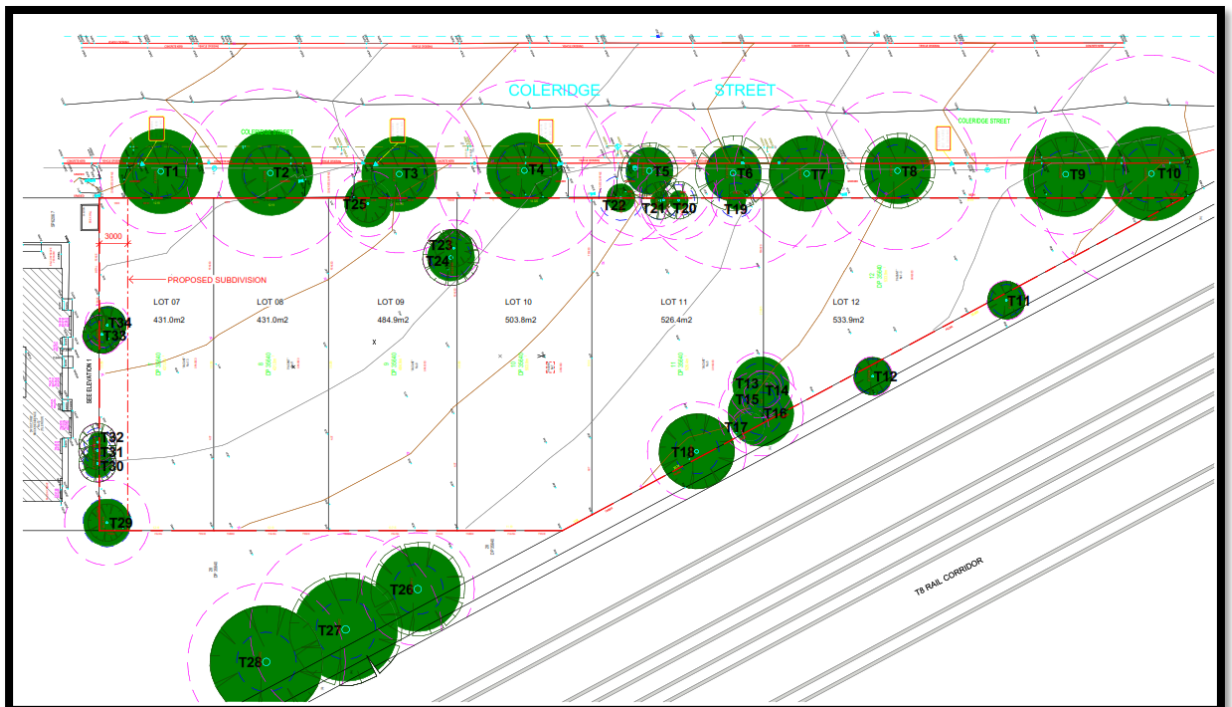


Figure 8 Survey Plan - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA002, Revision A dated 18.10.2024



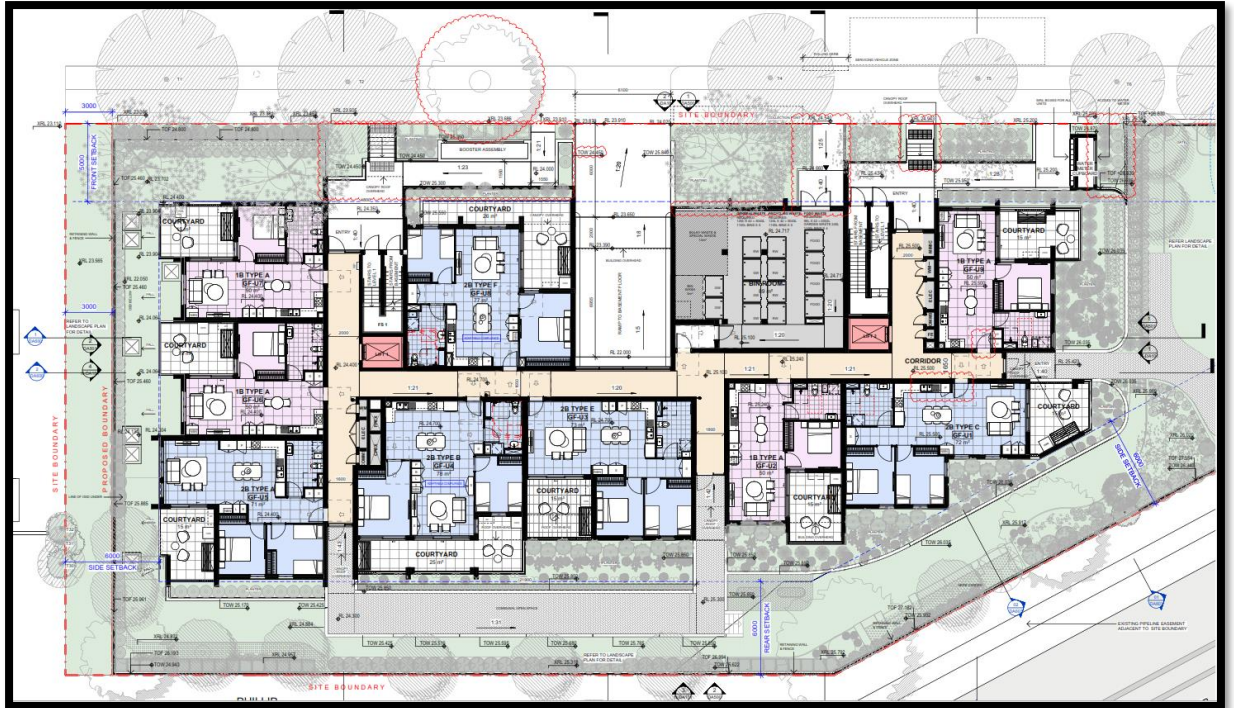


Figure 9 Ground Floor Plan - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA101, Revision B dated 27.06.2025

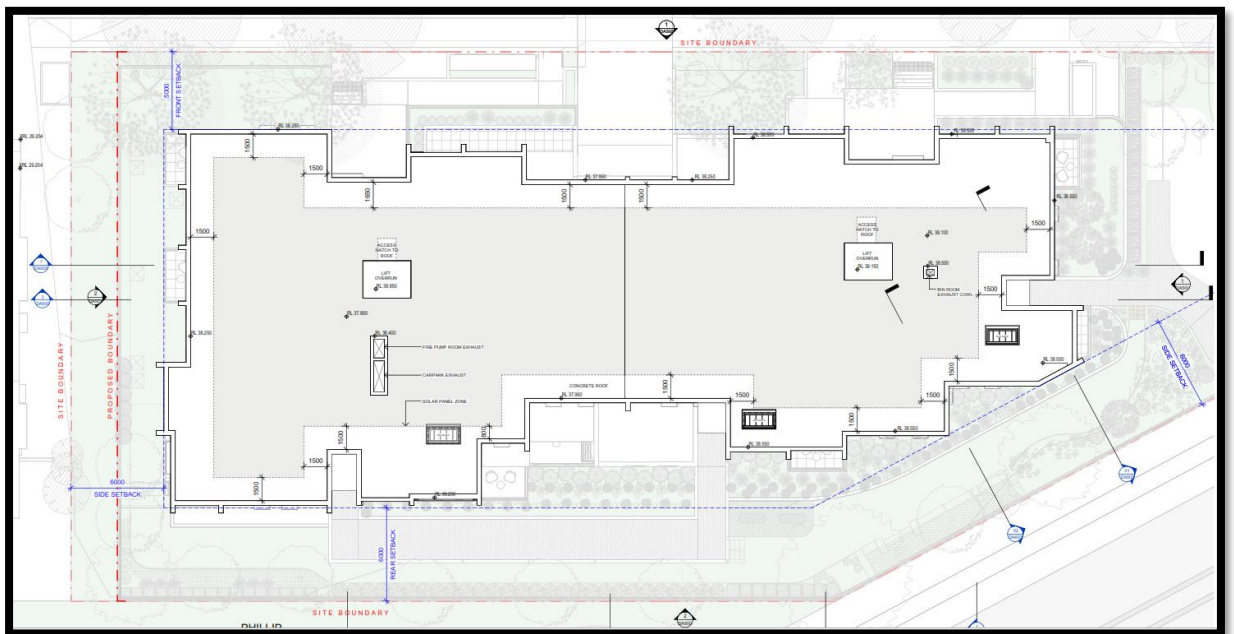


Figure 10 Roof Plan - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA105, Revision A dated 18.10.2024

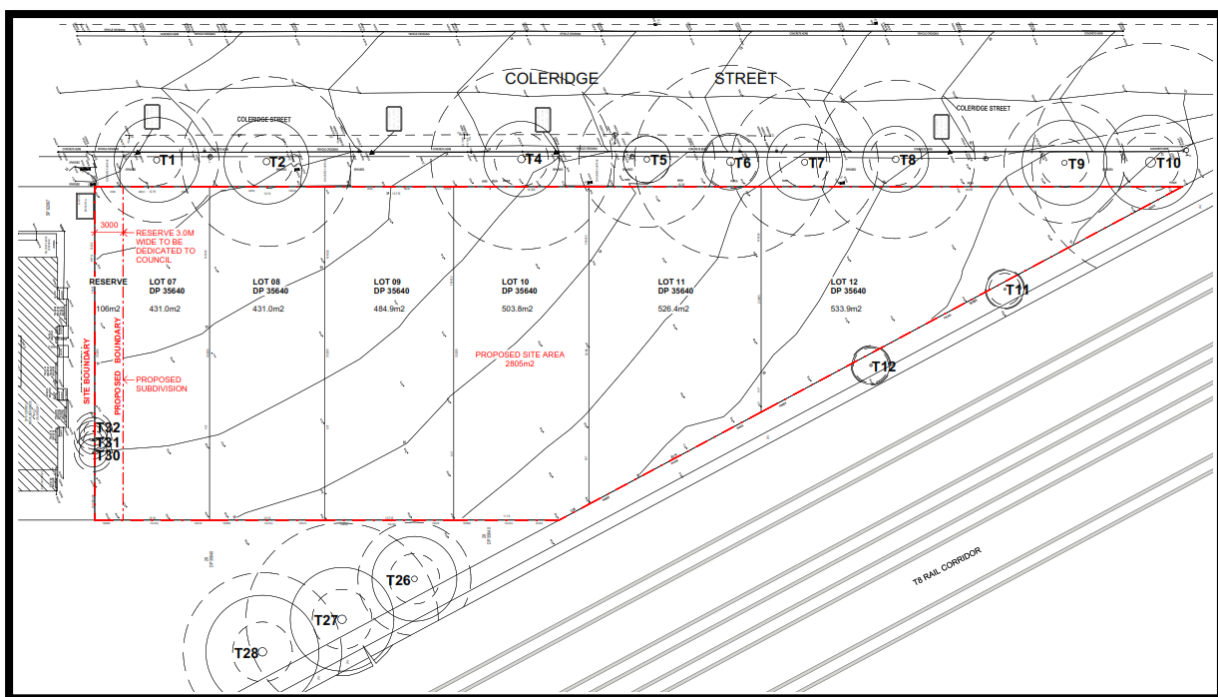


Figure 11 Subdivision Plan - 1-13 Coleridge Street, Riverwood  
Source: WMK Architects Drawing No. DA006, Revision A dated 18.10.2024

## 2.2 Background

The previous approvals for the subject site include:

- Complying development application for the demolition of dwelling, under CDC2021/0309, approved 22/07/2021.
- PRE2022/0057 for RFB Advice, given 1/02/2023
- A pre-lodgement meeting was held prior to the lodgement of the application. Advice was provided by Council on 1 February 2023 to the applicant where various issues were discussed including height, FSR, compliance with the ADG, driveway location and tree matters.
- DA2024/0599 for RFB, returned 16/12/2024 for environmental sustainability calculator.

Prior to the lodgement of DA2024/0599 which was returned on 16/12/2024 for environmental sustainability calculator, and the lodgement of DA2024/0612,

The development application was lodged on 19 December 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
<b>19 December 2024</b>	DA officially lodged with Council

<b>19 December 2024</b>	DA referred to internal Council officers
<b>19 December 2024</b>	DA referred to external agencies
<b>19 December 2024</b>	Exhibition of the application from 19 December 2024 until 6 February 2025
<b>22 February 2025</b>	Response letter received from Ausgrid with conditions
<b>28 February 2025</b>	Response letter received from Sydney Trains with conditions
<b>4 March 2025</b>	Site visit with Planning Panel and Council staff
<b>12 March 2025</b>	Response letter received from APA Petroleum Pipelines Pty Ltd with conditions
<b>24 March 2025</b>	Preliminary briefing with Panel
<b>2 May 2025</b>	Request for Information from Council to applicant
<b>6 June 2025</b>	Online meeting with applicant
<b>23 June 2025</b>	Panel briefing
<b>1 July 2025</b>	Amended plans from applicant in response to RFI letter Two minor internal changes, e.g. doorway; and amend landscape plan to replace one street tree of the two proposed to be removed Amended plans accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation')
<b>28 July 2025</b>	Final panel briefing
<b>15 August 2025</b>	Draft conditions sent to Homes NSW
<b>August 2025</b>	Response to Draft conditions received by Homes NSW
<b>1 September 2025</b>	Panel determination meeting

### 3. STATUTORY CONSIDERATIONS

---

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (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 authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *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*
  - (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,*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

It is noted that the proposal is a Crown DA (s4.33 of the EP&A Act) and written agreement from the Crown to the proposed conditions of consent must be provided. The proposed draft DA conditions were provided to Homes NSW for review.

It is noted that the proposal is considered to require concurrence/referral (s4.13 of the EP&A Act) from Transport for NSW (Sydney Trains), APA Group and Ausgrid. During the assessment process, the application was referred to these external agencies. Comments and conditions were subsequently provided and form part of the conditions of consent.

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant to the application and considered below:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Georges River Local Environmental Plan 2021;
- Georges River Development Control Plan 2021.

A summary of the key matters for consideration arising from these State and Local Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<ul style="list-style-type: none"> <li>Chapter 2: Vegetation in non-rural areas</li> <li>Chapter 6: Water Catchments</li> </ul>	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>Sustainable residential development assessed against the objectives and requirements of the Building Sustainability Index.</p> <p>No compliance issues identified subject to imposition of conditions on any consent granted.</p>	Y
State Environmental Planning Policy (Housing) 2021	<ul style="list-style-type: none"> <li>Chapter 2: Affordable Housing</li> </ul> <p>Division 5: Residential flat buildings-social housing providers, public authorities and joint ventures, Residential development—Land and Housing Corporation</p> <ul style="list-style-type: none"> <li>Chapter 4: Design of residential apartment development</li> <li>Schedule 9: Design Quality Principles</li> </ul>	N - ADG
State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> <li>Chapter 2: State and Regional Development</li> </ul> <p>Section 2.19(1) declares the proposal regionally significant development as it satisfies the criteria in Section 4 of Schedule 6 of the Planning Systems SEPP, as the proposal is development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million.</p>	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	<p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been considered and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> <li>Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>Division 5 Electricity transmission or distribution</li> <li>Division 15 Railways</li> <li>Clause 66C High Pressure Pipelines</li> </ul> </li> </ul>	Y
GRLEP 2021	<ul style="list-style-type: none"> <li>Clause 1.2 – Aims of plan</li> <li>Clause 2.3 – Zone objectives and land use table</li> <li>Cause 4.3 – Height of buildings</li> <li>Cause 4.4 – Floor space ratio</li> </ul>	N

	<ul style="list-style-type: none"> <li>• Cause 4.6 – Exceptions to development standards (noted)</li> <li>• Cause 6.2 – Earthworks</li> <li>• Cause 6.3 – Stormwater management and water sensitive urban design</li> <li>• Cause 6.9 – Essential services</li> <li>• Cause 6.15 – Design excellence</li> </ul>	
--	---	--

Consideration of the relevant EPI's is outlined in further detail below:

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The proposal has been assessed against the relevant aims and objectives of the policy which seeks to protect remaining native vegetation within urban areas. The site does not contain remnant native vegetation and is consistent with the aims of the policy.

#### *Chapter 2 Vegetation in non-rural areas*

The site contains a total of 17 trees. The proposed development seeks approval for the removal of 17 trees within the site and one street tree. An amended Arboricultural Impact Assessment report was submitted. The proposed development was referred to Council's Landscape/Arboricultural Officer and Public Tree section for assessment and was found to be supportable in regard to the removal of trees and works on site subject to compliance with the recommendations of the amended Arboricultural Impact Assessment report, which recommends replacement plantings on site. The proposed removal of street tree T3 is not supported. There is also a question as to the viability of the entire street tree avenue, without the redesign of the public path at the front of the site. Council's Public Tree section and Assets section have requested design amendment for a 1.2m wide permeable path at the front of the site, to be shifted to be located close to the front boundary of the site in order to protect the root zones of the existing ten street trees which are mature, with trunks of at least 300mm in width. Street Tree section is of the view that this redesign will ensure the long-term viability of the entire street tree avenue.

#### *Chapter 6 Water catchments*

The subject site is located within the Georges River Catchment; therefore Chapter 6 applies to the site as outlined by Clause 6.1(c). Chapter 6 requires Council to be satisfied that the proposal will satisfy the relevant requirements of the chapter that apply to the application, and these were considered as part of the assessment process.

Chapter 6 requires Council to be satisfied that the proposal will achieve the requirements of the following relevant clauses:

#### **6.6 Water quality and quantity**

- a. *In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—*
  - (a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
  - (b) *whether the development will have an adverse impact on water flow in a natural waterbody,*
  - (c) *whether the development will increase the amount of stormwater run-off from a site,*



- (d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- (e) *the impact of the development on the level and quality of the water table,*
- (f) *the cumulative environmental impact of the development on the regulated catchment,*
- (g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*
- b. *Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—*
  - (a) *the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and*
  - (b) *the impact on water flow in a natural waterbody will be minimised.*
- c. *Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.*

**Note—**

*Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.*

## **6.10 Total catchment management**

*In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.*

## **6.23 Demolition on certain land**

- (1) *This section applies to land—*
  - (a) *in a regulated catchment, and*
  - (b) *to which a local environmental plan that adopts the Standard Instrument does not apply.*
- (2) *Development that involves the demolition of a building or work may be carried out only with development consent.*

The site is not identified as flood liable land or situated within 100m of a watercourse. Coleridge Street at the front of the site is affected by 1 in 100 year flood. The documentation has been reviewed and it is considered that the development will not produce any unreasonable negative impact to the water quality, quantity or flooding within the Georges River Catchment. The stormwater design for the development includes the provision for on-site stormwater detention system. The proposal has been designed to ensure satisfactory stormwater management for the development and site that would not adversely impact adjoining properties. The stormwater design for the development seeks to provide an on-site detention system.

On the basis of the documentation submitted and reviewed by Council, the proposal is considered to satisfy the requirements of Chapter 6 of the SEPP. The proposal would not result in any adverse impact on the catchment as a result of the approval of the application, subject to compliance with the approved stormwater drainage design and the recommended conditions of consent.

## **State Environmental Planning Policy (Sustainability Buildings) 2022**

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No. BSX-27882M\_02 dated 29 October 2024 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the SEPP. The proposal is consistent with the SEPP subject to the recommended conditions of consent.

### **State Environmental Planning Policy (Housing) 2021**

The Housing SEPP seeks to facilitate development of affordable and diverse housing in particular areas and includes the planning provisions for certain development including residential flat buildings, which must be considered as part of the assessment of the application.

It is noted that in accordance with the Housing SEPP, residential development is taken to be for the purposes of affordable housing if the development is carried out by or on behalf of Homes NSW (Land and Housing Corporation).

The development application seeks consent to provide a total of 42 affordable housing units comprising 22 x 1 bedroom apartments, and 20 x 2 bedroom apartments.

An assessment against the relevant standards and requirements of the Housing SEPP is considered in **Table 4** below, and is found to be consistent with the relevant requirements.

**Table 4: Consideration of the Housing SEPP Controls**

<b>State Environmental Planning Policy (Housing) 2021</b>			
<b>Chapter 2 – Affordable Housing</b>			
<b>Division 1 In-fill affordable housing</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>15C</b>  Land to which Division applies	Clause 15C(1)(a)  This Division applies to residential development if –  (a) The development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another EPI and (b) The affordable housing component is at least 10%, and (c) All or part of the development is carried out (i) for development on land in the Six Cities Region ....., or	The development site is located with the Six Cities Region, and is 300m walking distance from the Riverwood train station which is situated to the south-west of the site, and 185m from bus stops in Belmore Road, which have frequent services.	Yes

	(ii) for development on other land – within 800m walking distance of land in a relevant zone or an equivalent land zone.		
	<p>Clause 15(2)</p> <p>Affordable housing provided as part of development because of a requirement under another chapter of this policy, another EPI or a planning agreement is not counted towards the affordable housing component under this division.</p> <p>Clause 15(3) In this section –</p> <p>Relevant zone means the following –</p> <ul style="list-style-type: none"> <li>(a) Zone E1 Local Centre</li> <li>(b) Zone MU1 Mixed Use</li> <li>(c) Zone B1 Neighbourhood Centre</li> <li>(d) Zone B2 Local Centre</li> <li>(e) Zone B4 Mixed Use</li> </ul>	N/A	N/A
<p><b>17</b></p> <p>Additional Floor Space Ratio</p>	<p>Clause 17(1)</p> <p>Additional FSR for relevant authorities and registered community housing providers</p> <p>(1) This section applies to resident development to which this division applies that is carried out –</p> <p>(a) by or on behalf of a relevant authority or registered community housing provider, and</p> <p>(b) on land with a maximum permissible floor space ratio of 2:1 or less.</p> <p>the maximum by a person who is carrying out the</p>	<p>The proposed development is for the purpose of residential flat buildings and is to be carried out by Homes NSW (Land and Housing Corporation), a public authority and community housing provider, being a relevant authority under Schedule 10 of Housing SEPP.</p> <p>The FSR for land under GRLEP 2021 is 1:1</p>	Yes

	development with a relevant authority		
	<p>(2) The maximum floor space ratio for the development is—</p> <p>(a) the maximum floor space ratio calculated in accordance with section 16, or</p> <p>(b) the maximum floor space ratio calculated in accordance with subsection (3).</p> <p>(3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for the land plus an additional floor space ratio of—</p> <p>(a) if the affordable housing component is at least 50%—0.5:1, or</p> <p>(b) if the affordable housing component is between 20% and 50%—Y:1,</p> <p>where— AH is the affordable housing component. Y is <math>AH \div 100</math></p>	<p>The proposal is for 100% affordable housing, to be managed by Homes NSW. Therefore, an additional FSR of 0.5:1 is applicable as a bonus under the incentive scheme.</p> <p>The maximum permissible FSR is 1.5:1.</p> <p>The development proposes an FSR of 1.16:1 in regard to site area of 2911sqm (not the net developable area of 2805sqm)</p>	Yes
	(4) If development to which this section applies uses the maximum floor space ratio under subsection (2)(a), section 16(3) also applies to the development.	Section 18(1)(b) applies.	
18 Affordable housing requirements for additional building height	<p>Clause 18(1)</p> <p>(1) This section applies to development that includes residential development to which this division applies if the development—</p> <p>(a) includes residential flat buildings or shop top</p>	The proposed development is for the purposes of a residential flat building and does not use the additional FSR under Section 16.	N/A

	housing, and (b) does not use the additional floor space ratio permitted under section 16.		
	<p>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> <p><i>affordable housing component = additional building height (as a percentage) ÷ 2</i></p>	<p>The maximum height of building under GRLEP 2021 is 12m.</p> <p>As the minimum affordable housing component exceeds 15%, the full bonus of 30% additional height is available.</p> <p>The maximum permitted building height is therefore 15.6m.</p> <p>The proposed building height is 14.85m measured from RL 38.85 to RL24.00.</p>	Yes
19 Non-discretionary development standards—the Act, s 4.15	<p>19 (1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note—</p> <p>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p>	Provisions of section 19 apply to the development.	Yes
	<p>19(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p> <p>(a) a minimum site area of</p>	<p>The net site area (post-dedication of land – area for public pathway) is approximately 2,805m<sup>2</sup>.</p> <p>Therefore, the minimum</p>	

	<p>450m<sup>2</sup>,</p> <p>(b) a minimum landscaped area that is the lesser of—</p> <ul style="list-style-type: none"> <li>• 35m<sup>2</sup> per dwelling, or</li> <li>• 30% of the site area,</li> </ul> <p>(c) a deep soil zone on at least 15% of the site area, where—</p> <ul style="list-style-type: none"> <li>i. each deep soil zone has minimum dimensions of 3m, and</li> <li>ii. if practicable, at least 65% of the deep soil zone is located at the rear of the site,</li> </ul>	<p>required landscape area is 30% (841.5m<sup>2</sup>) of the site area, as the lesser.</p> <p>43% of the net site area has been provided (1215m<sup>2</sup>).</p> <p>N/A as per subclause (3). Refer to ADG assessment below.</p>	
	<p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p>	<p>N/A as per subsection (3). Refer to ADG assessment below.</p>	<p>N/A</p>
	<p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <ul style="list-style-type: none"> <li>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</li> <li>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</li> <li>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</li> </ul>	<p>100% of the dwellings are used for affordable housing.</p> <p>Therefore, the total amount of parking spaces required is 19, as follows:</p> <p>22 1-bed X 0.4 = 8.8 (9) 20 2-bed X 0.5 = 10</p> <p>19 spaces provided, including 5 accessible spaces.</p>	<p>Yes</p>
	<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <ul style="list-style-type: none"> <li>(i) for each dwelling containing 1 bedroom—at least 0.5</li> </ul>	<p>100% of the dwellings are used for affordable housing.</p>	<p>N/A</p>



	<p>parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>		
	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies. Refer to s148 below.	Yes
	(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	The development is for an RFB.	N/A
	<p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</p> <p>i. for each dwelling containing 1 bedroom—65m<sup>2</sup>,</p> <p>ii. for each dwelling containing 2 bedrooms—90m<sup>2</sup>,</p> <p>iii. for each dwelling containing at least 3 bedrooms— 115m<sup>2</sup> plus 12m<sup>2</sup> for each bedroom in addition to 3 bedrooms.</p>	N/A	N/A
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies. Refer to s148 below.	Yes
20 Design Requirements	20 (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority	Subsection (1) does not apply as the development is for the purposes of an RFB.	N/A

	<p>has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</p> <p>(1) Subsection (1) does not apply to development to which Chapter 4 applies.</p> <p>(2) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>The subject site is zoned for R4 high density residential. The proposal is permissible in the zone, albeit it is of a greater bulk and scale than the existing surrounding development. The proposed scale of development for this part of Riverwood under the GRLEP 2021, is for an FSR of 1:1 and maximum building height of 12m. The site is located in an accessible precinct serviced by rail and bus public transport services and is near the town centre.</p>	Yes
21 Must be used for affordable housing for at least 15 years	<p>21 (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p>	<p>N/A – see subsection (2). The development is to be carried out by or on behalf of Homes NSW (formerly known as LAHC)</p>	N/A

	(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.		
22 Subdivision permitted with consent	Land on which development has been carried out under this division may be subdivided with development consent.	Noted. Lot consolidation will be conditioned; subdivision will include the area of the future public pathway being dedicated to Council.	Yes
<b>HOUSING SEPP - CHAPTER 4 Design of residential apartment development</b>			
<b>142</b>  Aims of chapter	<p>The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <p>(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—</p> <p>(i) providing socially and environmentally sustainable housing, and</p> <p>(ii) being a long-term asset to the neighbourhood, and</p> <p>(iii) achieving the urban planning policies for local and regional areas,</p> <p>(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</p> <p>(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,</p> <p>(d) to better satisfy the increasing demand for residential apartment development, considering—</p>	As demonstrated in the assessment of the report, the proposed development for the purpose of residential flat buildings meets the intent of the Aims of this chapter.	Yes

	<p>(i) the changing social and demographic profile of the community, and</p> <p>(ii) the needs of a wide range of people, including persons with disability, children and seniors,</p> <p>(e) to contribute to the provision of a variety of dwelling types to meet population growth,</p> <p>(f) to support housing affordability,</p> <p>(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,</p> <p>(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.</p>		
	<p>Clause 142(2)</p> <p>This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high-quality design.</p>	The requirements of the ADG and Design Principles under Schedule 9 have been considered in the design of the proposed development and are discussed separately in this report. Refer to ADG assessment.	Yes
<p><b>144</b></p> <p>Application of chapter</p>	<p>Clause 144(2)(a)</p> <p>This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings</p>	The proposed development is for the purpose of residential flat buildings.	Yes
	<p>Clause 144(3)</p> <p>This chapter applies to development only if—</p> <p>a) the development consists of—</p>	<p>The proposal is for a new development.</p> <p>The building comprises 4 storeys.</p>	Yes

	<p>(i) the erection of a new building, or</p> <p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p>	<p>The development contains a total of 42 dwellings (4-storey building containing 22 x 1-bedroom apartments and 20 x 2-bedroom apartments).</p>	
	<p>Clause 144(5)</p> <p>This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</p>	<p>The development involves a Class 2 and Class 7(a) building under the Building Code of Australia and is required to be a Type A construction.</p>	Yes
<p><b>145</b></p> <p>Referral to design review panel for development applications</p>	<p>(1) This section applies to a development application for residential apartment development, other than State significant development.</p> <p>(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p> <p>(3) This section does not apply if—</p> <p>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</p> <p>(b) a competitive design process has been held.</p>	<p>Whilst GRC does not formally have a DRP, the proposed development was referred to Council's Senior Specialist Planner (Urban Design), Landscape/Arboriculture Officer, Assets, and Public Trees section, and considered by Development Assessment team.</p> <p>As previously discussed in this report, Council recommended to the applicant that adjustments to the design be considered. These included relocation of the driveway further east to the existing driveway (as per recommendation at Pre-DA stage; amendments to the public/private interface; improvement to the public domain through the retention and protection of the street tree avenue; and internal features such as internal</p>	

		<p>lobby, corridors and circulation; waste room location and arrangements; provision of visitor parking.</p> <p>These comments were provided to the applicant in the RFI letter sent, and in further discussions with the applicant, and at the briefing sessions with the Panel.</p> <p>The applicant has declined to adopt any of these recommended design changes.</p> <p>As a result, in order to achieve the desired outcome Council seeks to maintain the future character of the area, and the desired quality of public/private interface, we request the Panel to consider requiring the proposed development to be amended via deferred commencement conditions to address these design amendments (raised by Council's internal sections: Urban Design, Planning, Traffic Engineering, Waste, Public Trees, Assets).</p> <p>Given that Council can not "refuse" the application, and does not support it in its current form, it is considered that in this way, if the Panel were so minded to consider favourably the suggested deferred commencement conditions included in the draft conditions, that this would result in plan revisions which would satisfactorily resolve these design issues.</p>	
<p><b>147</b></p> <p>Determination of development</p>	<p>Clause 147 (1) Consent must not be granted unless the following has been considered:</p>	<p>(a) Design Report provided which addresses the Design Principles, and the requirements and objectives</p>	<p>Yes – in part</p>



applications and modification applications for residential apartment development	<p>(a) quality of design evaluated in accordance with Schedule 9 (Design Principles);</p> <p>(b) the ADG;</p> <p>(c) advice from Council's experts</p> <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</p> <p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	<p>of the Apartment Design Guide.</p> <p>(b) Refer to ADG assessment.</p> <p>(b) As referenced above, Council's team have considered the design proposal. This advice has been provided to the applicant in writing, and in online meetings, and at the briefing.</p> <p>Council provided advice and recommended that minor adjustments to the proposal be considered (as referenced above).</p> <p>The applicant has not availed themselves of offered opportunities to enter into further discussion.</p> <p>As a result, in order to facilitate the design changes that Council recommends, deferred commencement conditions for design amendments have been proposed to ensure that the proposed development is amended to address the matters raised, and to reflect the public interest expressed in the many submissions that Council has received.</p> <p>The development is not State Significant Development as its CIV is less than \$75 million in the Greater Sydney area.</p>	
<b>148</b> Non-discretionary development standards for residential apartment	<p>Clause 148(1)</p> <p>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the</p>	<p>(a) Car parking for the development meets the Objectives of Part 3J of the ADG. Car parking has been provided in accordance with the car parking rates prescribed for Homes NSW</p>	Yes

<p>development-the Act, S 4.15</p>	<p>consent authority from requiring more onerous standards for the matters.</p> <p>Clause 148(2)</p> <p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, 1 bedroom – 50sqm minimum; 2 bedroom – 70sqm minimum</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide; 2.7m for habitable rooms, 2.4m for non-habitable rooms</p> <p>Clause 42(e) of the Housing SEPP requires the following parking rates:</p> <p>(e) for development on land in an accessible area—the development will result in the following number of parking spaces—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p>	<p>under Section 42 of the Housing SEPP (see note below). These rates have been adopted as they have been formulated specifically for Homes NSW developments in direct response to the specific needs of social housing tenants. Accordingly, 19 off street parking spaces are provided in a basement level car park.</p> <p>(b) Internal areas for the apartments are as follows, which meet the min. area requirements under Part 4D of the ADG:</p> <p>1 bedroom: 50m<sup>2</sup></p> <p>2 bedroom: 71m<sup>2</sup>-78m<sup>2</sup></p> <p>(c) The proposed development provides a minimum ceiling height of 2.7m for habitable rooms.</p> <p>NOTE:</p> <p>22 x 1 bed dwellings @ 0.4 spaces = 8.8 (9)</p> <p>20 x 2 bed dwellings @ 0.5 spaces = 10</p> <p>Total required = 19</p> <p>Total provided = 19</p>	
------------------------------------	---	---	--

	(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces.		
<b>149</b> Apartment Design Guide prevails over development control plans	<p>Clause 149</p> <p>(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <ul style="list-style-type: none"> <li>(a) visual privacy,</li> <li>(b) solar and daylight access,</li> <li>(c) common circulation and spaces,</li> <li>(d) apartment size and layout,</li> <li>(e) ceiling heights,</li> <li>(f) private open space and balconies,</li> <li>(g) natural ventilation,</li> <li>(h) storage.</li> </ul> <p>(2) This section applies regardless of when the development control plan was made.</p>	Refer to the ADG assessment.	Noted

### *Design Quality Principles*

Chapter 4 of the Housing SEPP applies to design of residential apartment developments and is therefore required to be considered when assessing this application. It aims to improve the design quality of residential apartment development across NSW and provides an assessment framework under the Apartment Design Guide (ADG) for assessing 'good design'.

The ADG provides consistent planning and design standards and criteria including general guidance about how development proposals can achieve the 9 design quality principles identified in Schedule 9 of the Housing SEPP.

Clause 29 of the Environmental Planning and Assessment Regulation, 2021, requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application. The statement addresses the design quality

principles and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved.

A design report was submitted by the applicant including an assessment of the design quality principles set out in Chapter 4 of the Housing SEPP. This assessed the design quality principles and whether the proposal responds appropriately to the context of the site. The assessment against the design quality principles submitted by the applicant can be found at **Attachment E**.

#### *Apartment Design Guide (ADG)*

In accordance with the requirements of the Housing SEPP, the proposal is required to be consistent with the ADG requirements. Refer to the ADG assessment in **Table 5** below which provides an assessment against the relevant design criteria.

**Table 5: Consideration of the ADG Design Requirements**

<b>Apartment Design Guide</b>			
<b>Section</b>	<b>Design Criteria</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 3 Siting the Development</b>			
<b>3C</b>  Public Domain Interface	<ul style="list-style-type: none"> <li>- Avoid long, high blank walls and fences</li> <li>- Direct access from the street to ground floor apartments and windows overlooking the street improve safety and social interaction</li> <li>- Key components to consider when designing the interface include entries, private terraces or balconies, fence and walls, changes in level, services location and planting</li> <li>- Safety considerations (real or perceived) and consideration of social interaction opportunities when viewed from the public domain</li> <li>- Terraces, balconies and courtyard apartments to have direct street level entry where possible</li> <li>- Changes in levels between ground floor and terraces to balance passive surveillance and privacy</li> <li>- Provide seating at building entries, letter boxes and private courtyards adjacent the street.</li> <li>- Multiple building entrances to be clearly defined through architectural detailing, changes</li> </ul>	<p>Windows and balconies of upper levels face and overlook the street.</p> <p>Front facing units at ground level have private enclosed open spaces that are appropriately screened. All access to units is provided via two main street facing entry points.</p> <p>The design of the lobby entry and length of corridors does not encourage social interaction with other residents.</p> <p>Visual permeable materials used.</p> <p>Height of solid walls along street frontage is limited to 1m in height.</p> <p>Design of development takes into account CPTED principles with no concealment opportunities within the front setback.</p>	<p>Yes - in part</p> <p>No – re waste room, lobby design, corridors, circulation, direct access from street to ground floor units</p>

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
	<p>in materials, plant species and colours</p> <ul style="list-style-type: none"> <li>- Concealment opportunities minimized</li> <li>- Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m</li> <li>- Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view</li> </ul>	<p>Mailboxes located close to the street forward of the building.</p> <p>Private courtyards are adjacent to the street.</p> <p>A substation kiosk is proposed at the eastern portion within the front setback along the street frontage – conditions from Ausgrid provided with no objection raised to proposed location of substation kiosk.</p> <p>Booster assembly and water meter cupboard have been screened.</p> <p>Waste room situated at ground level. Council has recommended that the design of lobby and corridors, and location of waste room be amended to provide for a better design outcome in terms of internal circulation and useability.</p> <p>Building services largely located within the basement level.</p>	
<b>3D</b> Communal and Public Open Space	Communal open space (COS) has a minimum area equal to 25% of the site. Total net site area is 2805m <sup>2</sup> , requiring a minimum 701.25m <sup>2</sup> and min. 6m dimension.	Total COS area proposed 932sqm with min. 6m dimension	Yes
	<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</p> <p>Note: there is no definition in ADG for 'principle usable area',</p>	POS is positioned to rear and eastern side of the building. The area nominated as the 'principal usable area' receives a minimum of 2 hours direct sunlight between 1pm and 3pm at mid-winter. This nominated area is a single	Yes

Apartment Design Guide					
Section	Design Criteria			Proposed	Complies
	however, the elected area by the applicant for the purpose of meeting the requirements of this clause is the area as discussed above.			consolidated area at the eastern side of the COS and is adjacent to a portion of the deep soil zone. Planters at the eastern side and rear provide for landscape treatments.  Landscaped buffers are provided at front and side boundaries and will assist in minimising potential amenity impacts on neighbours, and at the rear there is provided suitable screening to provide privacy with the public reserve and railway line to the rear.	
3E  Deep Soil Zones	Deep soil zones are to meet the following minimum dimensions:			Net site area = 2,805m <sup>2</sup>  7% x 2,805m <sup>2</sup> = 196.35m <sup>2</sup>  DSZ proposed is 932m <sup>2</sup> .  Min. 6m width dimension achieved for the DSZ area	Yes
	Site Area	Minimum	Deep Soil Zone (% of site area)		
	Less than 650m <sup>2</sup>	-	7%		
	650m <sup>2</sup> - 1,500m <sup>2</sup>	3m			
	Greater than 1,500m <sup>2</sup>	6m			
	Greater than 1,500m <sup>2</sup>	6m			
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:			4-storey building – ground level: <ul style="list-style-type: none"><li>• 5m front setback</li><li>• Minimum 6m side setback to eastern boundary</li><li>• Western side setback has only a 3m setback to the boundary with the public pathway (an area of 3m width, which will be dedicated to Council). It is noted that the adjoining building at 15 Coleridge</li></ul>	Yes in part
	Building Height	Habitable Rooms & Balconies	Non-habitable Rooms		

Apartment Design Guide					
Section	Design Criteria			Proposed	Complies
	Up to 12m (4 storeys)	6m	3m	Street also has a reduced side setback. • 6m rear setback	
	Section 2F –  Up to four storeys  • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms			It is noted that the intent of Objective 3F-1 is met through the design of the development by way of providing reasonable levels of external and internal visual privacy.	
3G Pedestrian Access and Entries	Multiples entries should be provided to activate the street edge.  Entry locations relate to the street and subdivision pattern / existing pedestrian network.  Building entries should be clearly distinguishable from private entries.  Building access areas (lift lobbies, stairwells and hallways) should be clearly visible from public domain and communal spaces.  Minimise ground floor and underground level changes along pathways and entries. Steps and ramps integrated into design.  Provide way finding maps for large developments. Electronic access and audio/video intercoms required.  Provide pedestrian links to streets and destinations with clear sight lines.			Scale of development allows for two main entry points from the street which is legible and activates the street.  Lifts are visible from building entry. There are steps and ramps at both of the two ground level entries.  Two pedestrian links provided from the front of the building and to the basement.  Landscaping within front setback provided and allows for visible entry and clear sightlines.	Yes
3H Vehicle Access	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 centre of the site. It is separate from the two pedestrian access points to the ground floor. There is landscaping within the front	Yes



Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		setback to soften the starkness of the hard surfaces.	
<b>3J</b>  Bicycle and Car Parking	Metro Sydney & centres in regional areas:  For development on sites in the following locations <ul style="list-style-type: none"> <li>On sites that are within 800 metres of a railway station in the Sydney Metro Area, or</li> <li>On land zoned within 400m of land zoned B3 or B4 or equivalent in a nominated regional centre, the minimum car parking requirement is set out within the Guide to Traffic Generating Developments (GTTGD) or Council's DCP parking requirements, whichever is the less.</li> </ul> Car parking needs for a development must be provided off street.  <u>Clause 42(e) of Housing SEPP controls for RFB's:</u>  (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.	The site is situated less than 300m from Riverwood station and is located within the Sydney Metropolitan Area.  The development is proposed with 19 car parking spaces within the basement level in accordance with the requirements of Clause 42(e) of the Housing SEPP. Under this section of the Housing SEPP, car parking rates are prescribed for Homes NSW developments on land in an 'accessible area'.  To have a basis for the provision of parking for the development, the applicant has applied the parking rate as stipulated under Clause 42(e) of the SEPP, which are as follows:  $22 \text{ (1 bed)} \times 0.4 = 8.8 \text{ (9)}$ $20 \text{ (2 bed)} \times 0.5 = 10$ Total required = 19  Total provided = 19  19 bicycle spaces provided in basement.  As noted below against the DCP assessment, this provision of parking is not considered adequate.	Yes
	The car parking needs for a development must be provided off street.	Car parking for the development is provided	Yes

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		<p>within a single basement level.</p> <p>A Traffic &amp; Parking Impact Assessment report has been submitted in support of the application and confirms that the driveway and basement car park has been designed in accordance with the design requirements of AS 2890.1.</p> <p>The report also details inadequate information in regard to the on-street parking, with the assessment having been done at 10.30am on a week day morning. The report also references a distant re traffic volumes that is not relevant, being 6km from the site, and does not address the immediate locality and traffic congestion issues, and current situation re Belmore Road, and the intersection of Coleridge Street.</p> <p>Council did request more detailed and accurate information which was not received.</p>	
<b>Part 4 Designing the Building</b>			
<b>4A</b> Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	42 units requires a min. of 29.4 units to receive min. of 2 hours solar access.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	<p>The submitted shadow diagrams and solar study confirms that a total of 30/42 (71%) units receive min. 2 hours solar access at mid-winter between 9am and 3pm.</p> <p>16% (7/42) of units do not meet this requirement.</p>	No

Apartment Design Guide				
Section	Design Criteria		Proposed	Complies
			It is noted that solar access to GF-U5, L1-U6, L2-U6, L3-U6 is less than ideal; the units receive less than 1sqm of direct sunlight from 1pm to 1.30pm.	
4B  Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartment at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		Total of 42 units will require a min. of 25.2 units to be cross ventilated.  26 out of the 42 units are demonstrated to be cross ventilated, i.e. 62% of units.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		N/A	N/A
4C  Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Minimum 2.7m habitable ceiling heights provided to all rooms	Yes
	Minimum Ceiling Height for Apartment and Mixed-Use Buildings			
	Habitable rooms	2.7m		
	Non-habitable	2.4m		
	For 2 storey apartments	2.7m main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area		
	These minimums do not preclude higher ceilings if desired.			
4D  Apartment Size and Layout	Apartments are required to have the following minimum internal areas:		All units have 1 bathroom each.  1 bedroom unit = 50m <sup>2</sup>  2 bedroom unit = from 71m <sup>2</sup> to 78m <sup>2</sup>	Yes
	Apartment Type	Minimum Internal Area		
	Studio	35m <sup>2</sup>		
	1 bedroom	50m <sup>2</sup>		
	2 bedroom	70m <sup>2</sup>		
	3 bedroom	90m <sup>2</sup>		

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.		
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Habitable rooms have windows with glass that is min. 10% of floor area of room	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height  (2.5m x 2.7m ceiling height = 6.75m)	All habitable room depth max. 6.75m	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Max. 8m depth measured to closest window for open plan units.  Main living spaces are oriented to the street, living areas and bedrooms are located on external face and have external windows.	Yes
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	All bedrooms for most part comply with the minimum size requirements.  Some master bedrooms have a minimum area of 9.92sqm excluding wardrobe space.	Yes in part
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have min. 3m dimension excl. wardrobes	Yes
	Living rooms or combined living/dining rooms have a minimum width of:  <ul style="list-style-type: none"> <li>3.6m for Studio and 1 bedroom apartments</li> </ul>	Minimum width dimensions of living/dining/kitchen is met.  1 bedroom – 3.6m 2 bedroom – 4.1-6.325m	Yes

Apartment Design Guide					
Section	Design Criteria			Proposed	Complies
	<ul style="list-style-type: none"><li>4m for 2 and 3 bedroom apartments</li></ul>				
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.			N/A	NA
4E  Private Open Space and Balconies	All apartments are required to have primary balconies as follows:			All units comply with min. area and depth requirements.	Yes
	Dwelling type	Minimum Area	Minimum Depth	1 bedroom units have min. 8m <sup>2</sup> and 2 bedroom units have min. 10m <sup>2</sup> balconies on upper floors  All balconies are designed to have usable areas with depths of min. 2m.	
	Studio apartments	4m <sup>2</sup>	-		
	1 bedroom apartments	8m <sup>2</sup>	2m		
	2 bedroom apartments	10m <sup>2</sup>	2m		
	3+ bedroom apartments	12m <sup>2</sup>	2.4m		
	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 private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.			Ground floor apartments are provided with an enclosed POS with a min. area of 15m <sup>2</sup> and minimum depth of 3m.	Yes	
4F  Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.			Each level is divided into two corridors (two lift cores). Each corridor provides access to: western side maximum of 6 units; eastern side maximum of 5 units.	Yes
4G  Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			At least 50% of storage is provided within the apartments.	Yes
	Dwelling type		Storage size volume	Additional storage cages are provided in the basement as shown on basement plan.	
	Studio apartments		4m <sup>3</sup>		
	1 bedroom apartments		6m <sup>3</sup>		
	2 bedroom apartments		8m <sup>3</sup>		

Apartment Design Guide				
Section	Design Criteria		Proposed	Complies
	3+ bedroom apartments	10m <sup>3</sup>		
	At least 50% of the required storage is to be located within the apartment.			
<b>4H</b> Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings / adjacent uses.</p> <p>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.</p> <p>Rooms with similar noise requirements are grouped together.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</p>		<p>Building separation from adjoining buildings is adequate. Glazing will be used to address noise conflicts where required as recommended in the submitted acoustic report.</p> <p>Living areas are positioned away from noisy access core.</p> <p>Corridor and internal pathways are centrally located away from adjoining properties.</p> <p>Lifts and access stairs adjoin bedrooms and bathrooms.</p> <p>Major services and plant rooms located in basement level.</p>	Yes
<b>4J</b> Noise and Pollution	<p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>		<p>A railway corridor is adjacent to the side and rear of the site. An acoustic report (prepared by WMK Architecture Pty Ltd, dated 1.11.2024 Version R3) is submitted in support of the development proposal which includes acoustic measures that are required to be included in the design of the building.</p> <p>Council's EHO has reviewed the acoustic report and recommends that it form part of the development consent.</p>	Yes

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		Appropriate conditions have been recommended.	
<b>4K</b> Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future	Apartment types provided are limited to 1 and 2 bedroom apartments.  This does not offer an extensive range, e.g. studio through to 3 bedrooms.	Yes
<b>4L</b> Ground floor apartments	Street frontage activity is maximised where ground floor apartments are located (design solutions include common circulation entrances to ground floor apartments, POS next to the street, doors and windows face the street). Direct street access should be provided to ground floor apartments.	Direct street access is not provided for the ground floor apartments (units GR-07, 08 and 09), rather are designed with private enclosed courtyards that form part of the front setback. Apartments were not designed with direct pedestrian access to/from via the POS and thus will not contribute to street activation. Entry into the apartments is via the two main front entry points.  The design of the POS for the ground floor apartments is acceptable and meet the intent of Objective 4L-2 by providing appropriate amenity for residents.  Windows that lead to the public domain have sill heights to minimise sight lines into apartments.	Yes
<b>4M</b> Facades	Facades provide visual interest by meeting design solutions. Building services should be integrated within the overall façade.  Building entries should be clearly defined.	The SEE states that the building design used various design strategies to minimise bulk and scale, including a 'recessed building footprint located at the mid-point of the building to break up the bulk and portray the building as	No

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		<p>being two separate components’.</p> <p>It also references the brick blade walls which ‘provide visual interest’ and ‘articulation’. The material palette it suggests ‘frame the different portions of the façade and break up the monotony of the brick materiality’. The colours selected are dark grey, light brown and mid brown.</p> <p>This will be recessive visually, and does not enliven the street in any way. To counter this Council’s Urban Designer recommended that public art be considered in the eastern section of the site.</p> <p>Notwithstanding the position put by the applicant, the building has a bulk and scale and massing that is not wholly relieved by these façade treatments and choice of materials. It is an overly large building for the context, with a massing that is out of proportion with the buildings around it which range from one storey to three storeys in height. No buildings in the near vicinity are of a similar size and length. None have the length of this building which will dominate the streetscape at approximately 56m in length, and a height of 14.85m, in a site context where the maximum height</p>	



Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		<p>of buildings under GRLEP 2021 is 12m.</p> <p>The building façade is not well resolved by the location of the driveway, the blade wall architectural elements, and the front elevation which is for the majority set back 5m and thus does not 'break up the bulk' as asserted in the SEE.</p> <p>Building services have been integrated into the design, with screening and cupboards, and located away from the main entry areas.</p> <p>The building entry is clearly designed with two entry points with steps and ramps. Services are satisfactorily integrated.</p>	
<b>4N</b> Roof Design	<p>Roof design relates to the street.</p> <p>Roof treatments integrated with building design.</p>	Roof elements and its design, including buildings services and lift overruns, are well integrated into the overall building design.	Yes
<b>4O</b> Landscape design	<p>Landscape is viable and sustainable and responds to existing site conditions.</p> <p>Plant selection should be endemic to the region.</p> <p>Ongoing maintenance plans should be prepared.</p>	<p>The proposal includes an acceptable landscape scheme for the development including native plantings. COS is appropriately landscaped.</p> <p>The consent includes a condition for a landscape management plan.</p>	Yes, subject to condition
<b>4P</b> Planting on structures	<p>Plants are suited to site conditions.</p> <p>Appropriate soil profiles provided.</p> <p>Ongoing maintenance plans should be prepared.</p>	Choice of plants are indigenous and drought tolerant and supported by irrigation and drainage systems (captured by rainwater).	Yes

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
		The consent includes a condition for ongoing landscape management.	
<b>4Q</b> 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>Adaptable units should be provided in accordance with relevant policy.</p>	<p>Access report is submitted in support of the application which certifies that all dwellings, including adaptable units, are designed to meet the silver level standards.</p> <p>5 out of 42 units are adaptable and 5 accessible car spaces are provided.</p>	Yes
<b>4U</b> Energy Efficiency	<p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</p> <p>Well located, screened outdoor areas should be provided for clothes drying.</p>	<p>The majority of apartments receive adequate natural light (refer to comments at Solar Access above). POS areas are provided which include sufficient area for clothes drying.</p> <p>A BASIX certificate has been provided, dated 29 October 2024 bearing certificate number BSX-27882M_02, which includes commitments for the development to meet.</p>	Yes
<b>4V</b> Water Management and Conservation	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.	OSD is utilised on site with a 5000L rainwater tank for landscape/propagation and car wash use.	Yes
<b>4W</b> Waste Management	<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. The storage areas to be well ventilated, designed for easy manoeuvring between storage and collection points.</p> <p>A waste management plan (WMP) should be prepared.</p>	Central waste room provided for development and is deemed satisfactory by Council's Waste officer subject to design amendment. Sufficient space within each unit to temporarily store waste / recycling. Waste cupboards are provided in	Yes in part

Apartment Design Guide			
Section	Design Criteria	Proposed	Complies
	All dwellings should have waste cupboard and recycling cupboard or temporary storage area of sufficient size to two days' worth of waste and recycling.	<p>the corridors; this will have amenity impacts.</p> <p>Waste management for the development is to be in accordance with the submitted WMP, subject to conditions for design amendments for the WMP to be updated WMP.</p> <p>As referenced earlier in this report, Council's Senior Specialist Planner (Urban Design) has recommended that the waste room be amended and relocated, in order to achieve a better design outcome for the entry area, corridors, and front section of the ground floor of the building. A design amendment condition has been included within the deferred commencement conditions.</p>	
<b>4X</b> Building Maintenance	Include design solutions to provide protection from weathering, ease of maintenance and choice of material selection to reduce ongoing maintenance costs.	<p>The building design solutions and materials include a high proportion of masonry, with face brick in two shades of brown, as well as metal screens, metal cladding and fibre cement cladding are proposed.</p> <p>The majority of these materials will have an ease of maintenance.</p>	Yes

As identified in the ADG compliance table above, the proposal is generally consistent with the ADG requirements. However in our view the proposal does depart from ADG design criteria with regard to *3C – Public Domain Interface*; *3F – Visual Privacy*; *4A – Solar Access*; *4W – Waste Management* and *4M – Facades*.

These departures from the objectives are briefly discussed under 'Key Issues' below in this report.

## **State Environmental Planning Policy (Planning Systems) 2021**

### *Chapter 2: State and Regional Development*

The estimated development cost of the proposed project is \$25,638,104 (excluding GST). The proposal is regionally significant development pursuant to Clause 2.19(1) as it satisfies the criteria in Section 4 of Schedule 6 of the Planning Systems SEPP, as the proposal is development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million. Accordingly, the application must be reported to the Sydney South Planning Panel for determination.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* are relevant to the proposal. Chapter 4 aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. Clause 4.6 of the Resilience and Hazards SEPP requires a consent authority, prior to granting consent to the carrying out of any development on that land, to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In order to consider this, a Preliminary Site Investigation is typically required. However, a review of the history of the site shows that previous uses have been limited to residential purposes and there is no evidence to suggest it has been used for purposes other than residential that could potentially involve contamination.

Council's Environmental Health Officer and Building Officers have considered the application and have not requested for any further contamination reports or investigations given the site was previously used for residential purposes. As such, a preliminary site investigation is not considered warranted in this particular instance.

Council's assessment concludes that the site is suitable for the proposed development and land use, and the application is consistent with SEPP (Resilience and Hazards) 2021, subject to relevant conditions of consent being imposed in relation to unexpected finds of contaminated material during site works.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### *Ausgrid - Concurrence*

Cause 2.48(2) of Division 5 of the SEPP requires development applications to be referred to the electricity supply authority for the provision of a substation. The proposed development involves the installation of a new substation and therefore the application was referred to Ausgrid.

Ausgrid have assessed the plans lodged in support of the application and advised that they have no objection to consent being granted to the proposed development subject to conditions relating to certain matters including managing any impacts on existing electricity network assets. The full set of conditions contained within Ausgrid's letter of concurrence is included in the recommended conditions of consent at **Attachment A**.

The relevant sections of the SEPP under Division 5 that were considered as part of the assessment of the application read as follows:

#### **Clause 2.48 Determination of development applications**

- (1) *This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*
  - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
  - (b) *development carried out—*
    - i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
    - ii. *immediately adjacent to an electricity substation, or*
    - iii. *within 5m of an exposed overhead electricity power line,*
- (2) *Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*
  - (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
  - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

#### **Transport for NSW – Sydney Trains - Concurrence**

A railway corridor is situated opposite the site to the north. In accordance with Section 2.99(4) and Section 2.97 of Division 15 of the SEPP, a referral to the rail authority is required for development adjacent to rail corridors and for impact of rail noise or vibration on development.

The DA was referred to Transport for NSW who are delegated to act as the rail authority for the rail corridor operated by Sydney Trains. Concurrence was subsequently granted by Transport for NSW subject to Council imposing operational conditions, which form part of the recommended conditions of consent at **Attachment A**. The conditions also include compliance with the recommendations of the acoustic report which was prepared in support of the application.

The relevant section of the SEPP under Division 15 that was considered as part of the assessment of the application reads as follows:

#### **Clause 2.99 Excavation in, above, below or adjacent to rail corridors**

- (1) *This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
  - (c) *within, below or above a rail corridor, or*
  - (d) *within 25m (measured horizontally) of a rail corridor, or*
  - (e) *within 25m (measured horizontally) of the ground directly below a rail corridor, or*
  - (f) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must—*

- (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) *take into consideration—*
  - iv. *any response to the notice that is received within 21 days after the notice is given, and*
  - v. *any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.*
- (3) *Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.*
- (4) *In deciding whether to provide concurrence, the rail authority must take into account—*
  - (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—*
    - i. *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
    - ii. *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) *The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—*
  - (a) *the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or*
  - (b) *in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.*

**Clause 2.100 Impact of rail noise or vibration on non-rail development**

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
  - (a) *residential accommodation,*
  - (b) *a place of public worship,*
  - (c) *a hospital,*
  - (d) *an educational establishment or centre-based child care facility.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
  - (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
  - (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

**APA Group (High Pressure Pipeline) - Concurrence**

Division 12A(2) of the SEPP (Transport and Infrastructure) 2021 requires development applications to be referred where the site is located in the vicinity of the high pressure pipeline.



The relevant section of the SEPP under Division 12A that was considered as part of the assessment of the application reads as follows:

**Clause 2.77 Determination of development applications**

- (1) *Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—*
- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
  - (b) take those risks into consideration, and*
  - (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
  - (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*

The application was referred to APA Group during the assessment of the application. No objection was raised to the proposal subject to the imposition of conditions, as contained at **Attachment A**.

Georges River Local Environmental Plan 2021

The relevant local environmental plan applying to the site is the *Georges River Local Environmental Plan 2021* ('the LEP'). The aims of the LEP include the following:

Clause 1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Georges River in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows –*
- (aa) To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
  - (a) To provide for housing choices to cater for changing demographics and population needs,*
  - (b) To provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,*
  - (c) To promote and facilitate an ecological and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realized,*
  - (d) To provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,*
  - (e) To protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas,*
  - (f) To promote a high standard of urban design and built form,*
  - (g) To protect, preserve and enhance the natural landform vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,*
  - (h) To protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,*
  - (i) To facilitate infrastructure to support new development,*

- (j) *To promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.*

The proposed development provides for the orderly and economic use of the land that is consistent with the desired future character of the area. It aims to provide opportunities for affordable housing that will meet community need. Whilst the application is in line with the controls, bonuses and incentives offered under the Housing SEPP, we note that the proposal is not compliant with the height and FSR development standards under the LEP. The proposal is for the most part an appropriate design response for the site, with the exception of its front elevation and driveway location which provides an insufficient response to the public private interface and the public domain generally, including the requirement to preserve the viability of the existing street tree avenue. The built form and bulk and scale are sought under the provisions of the Housing SEPP, which have been discussed above, and provide for a development which exceeds the maximum height of building standard and maximum FSR under the GRLEP 2021, due to the provisions enabled in the Housing SEPP to override the LEP development standards.

### Clause 2.3 Zoning and Permissibility

The site is located within the R4 – High Density Residential Zone under the Georges River Local Environmental Plan 2021, pursuant to Clause 2.2 of the LEP.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of Residential Flat Building which is a permissible use with consent in the Land Use Table in Clause 2.3. The definition of a “residential flat building” is *“a building containing 3 or more dwellings, but does not include an attached dwelling or multi-dwelling housing”*. The proposal for a residential flat building is also permissible under the SEPP Housing, as discussed above in this report.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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 enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *To enable other land use that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity*
- *To encourage development that maximises public transport patronage and promotes walking and cycling.*

The proposed development is considered to meet the objectives of the R4 zone, despite the departures from the various development standards and controls as discussed in this report, by way of the following:

- The development is considered to provide a building bulk and layout that exceeds the built scale within the immediate vicinity, and is markedly greater in scale than the two storey apartment building located at 15 Coleridge Street. A proposed new public pathway which will link Coleridge Street with Phillip Street Reserve located behind the site and next to the rail corridor, will provide a degree of separation and transition between the four storey RFB, and the existing two storey RFB. This will reduce the amenity impact to the adjoining property at the side of the site, noting that both the development and 15 Coleridge Street have a reduced side setback.
- The built form is not entirely compatible with the density of the properties on Coleridge Street opposite the site, as these range from one-storey to three storeys in height. This

is the first application within the street for a development under SEPP (Housing) which seeks to utilise the bonus incentive scheme offered by the State Government for affordable housing development. It is noted that the area is in a period of transition from lower to higher densification.

- The type of housing proposed by Homes NSW include housing types which comprise 1 and 2 bedroom units, rather than a full range of unit size ranging from bachelor through to 3 bedroom units. This is due to the intent of Housing NSW to provide for social housing needs and demand within the locality.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal will provide for housing needs in the locality in a manner consistent with development typical within the R4 zone
- A variety and mix of units are provided (one-bedroom and two-bedroom units). These have a variety of internal configurations. Five are 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 areas.
- The development will encourage and promote public transport use, and walking and cycling.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

**Table 6: Georges River Local Environmental Plan - Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	1000sqm	Consolidation of six lots; subdivision for land dedication – public pathway Net lot for site created is 2,805sqm	Yes
Height of buildings (CI 4.3(2))	12 metres	Proposes a height of 14.85m under the provisions of s.17(2) of the Housing SEPP, which provides for a maximum height of 15.6m.	Refer to discussion - Housing SEPP above
FSR (CI 4.4(2))	1:1	Proposes 1.16:1 (on a site area of 2911sqm), under the provisions of s.18(2) of the Housing SEPP.  It is noted that s.8(1) of the Housing SEPP states <i>“Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning</i>	Refer to discussion - Housing SEPP above

		<p><i>instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency”.</i></p> <p>Given that the Housing SEPP provisions override the LEP controls, no clause 4.6 variation request has been submitted to address the variation from the LEP development standard.</p>	
Heritage (CI 5.10)	Not an item and not located within a Conservation Area	An AHIMS certificate has been submitted showing there is no affectation on the site.	N/A
Acid sulphate soils (CI 6.1)	Site classification to be considered re foundation design and construction.	Due to the AMC present and fill greater than 400mm, the site is classified as a problem site. Recommendations have been given in order that the site may be reclassified as Highly Reactive (H2). Suitable conditions of consent have been provided.	Yes
Flood planning (CI 6.3)	Whilst the site is not mapped as flood prone it is noted that the road in front is subject to 1 in 100 flood.	This has been considered as part of the engineering review.	Yes
Stormwater Management (CI 6.4)	Satisfactory stormwater management is required, with a suitable stormwater design so that the site does not adversely impact adjoining properties.	This has been considered as part of the engineering conditions recommended. An on-site stormwater detention system will be provided.	Yes

The proposal is considered to be generally consistent with the LEP.

#### **Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no applicable draft environmental planning instruments.

## Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- Georges River Development Control Plan 2021 (GRDCP 2021)

The proposal needs to address and satisfy the relevant provisions of Part 3 General Planning Considerations and Part 6.3 High Density Residential Controls as part of the GRDCP. These provisions are addressed in detail in the Table 7 below.

### Part 3: General Planning Considerations

Part 3 of GRDCP provides general planning considerations and is discussed in the table below:

Table 7: GRDCP 2021 - Consideration of the DCP Controls: Part 3		
3.6 Contaminated Land		
1. Each development is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination	The property has a lengthy history of residential use, and no known past land uses likely to cause contamination.	Yes
3.10 Water Management		
Stormwater Management		
1. Development must comply with Council's Stormwater Management Policy 2020 which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	The stormwater drainage plans have been reviewed by Council's Drainage Engineer and have been found to be satisfactory subject to conditions	Yes
3.11 Ecologically Sustainable Development		
Residential Buildings		
1. All BASIX affected development must comply with SEPP (Sustainability Buildings) 2022	The application is accompanied by a BASIX certificate which confirms compliance with the minimum requirements	Yes

### Part 6.3: Residential Flat Buildings and residential components of shop top housing (High Density)

Part 6.3 provides specific planning controls for Residential Flat Buildings and is discussed in the tables below:

Table 7: GRDCP 2021 - Consideration of the DCP Controls: Part 6.3		
3.3 Landscaping		
Control	Proposal	Compliance

<p>1.Landscaping on site should be incorporated into the site planning of a development to (where appropriate):</p> <ul style="list-style-type: none"> <li>i. Reinforce the desired future character of the locality;</li> <li>ii. Maintain significant landscape features;</li> <li>iii.Be consistent with any dominant species in the adjoining area of ecological significance;</li> <li>iv.Incorporate fire resistant species in areas susceptible to bushfire hazard;</li> <li>v.Provide planting within setback zones;</li> <li>vi. Soften the visual impact of buildings, carparks and roads;</li> <li>vii.Cater for outdoor recreation areas;</li> <li>viii.Separate conflicting uses;</li> <li>ix.Screen undesirable elements;</li> <li>x.Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation;</li> <li>xi.Consider the future maintenance requirements of landscaped areas;</li> <li>xii.Protect the effective functioning of overhead surface level or underground utilities; and</li> <li>xiii.Improve the aesthetic quality of the development.</li> </ul>	<p>The landscaping to the site is located on the ground level and root top common open space and will be appropriately landscaped. Council's Landscape/Arboricultural Officer has reviewed the landscape plan for the site works and raises no concerns subject to conditions.</p>	<p>Yes</p>
<p>2.Landscape [planting should achieve a mature height in scale with the structures on the site.</p>	<p>The proposed landscaping is of an appropriate scale relative to the proposed structures.</p>	
<p>3.Where landscaping is required, this should incorporate locally indigenous plants listed in the GRDCP 2021 Backyard Biodiversity Guide and Council's Tree Management Policy.</p>	<p>The proposal suitably incorporates locally indigenous species.</p>	
<p>3.5.1 Earthworks</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>3.Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.</p>	<p>Habitable rooms are located above existing ground level.</p>	<p>Yes</p>

8.Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	The earthworks proposed do not impact adversely on stormwater or flood with regard to impacts on adjoining properties.	Yes
3.10 Water Management		
Stormwater Management		
Control	Proposal	Compliance
1.Development must comply with Council's Stormwater Management Policy	The proposal has been reviewed by Council's Development Engineer and has been found to be satisfactory with regards to this clause.	Yes
2.Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention, landscaping and within the overall design of the development.	Conditions suggested by Council's Engineer have been applied.	
Water Quality		
Control	Proposal	Compliance
6.Measures to control pollutants in stormwater discharge from development sites are to be included in any development. 7. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	The proposal includes a sediment control plan, and is otherwise satisfactory with regard to the relevant parts of the clause.	Yes
3.11 Ecologically Sustainable Development		
Residential Buildings		
Control	Proposal	Compliance
1.All BASIX affected development must comply with SEPP (Sustainable Buildings) 2022.	A BASIX Certificate has been provided. See SEPP (Sustainable Buildings) 2022 assessment.	Yes
3.12 Waste Management		
Control	Proposal	Compliance
1.Development must comply with Council's Waste Management requirements regarding	The proposal has been reviewed by Council's Waste Officer who has provided conditions requiring	Yes subject to conditions



construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	amendments to the Waste Management Plan and the Waste arrangements.	
3.15.1 Infrastructure		
Control	Proposal	Compliance
3.The public domain should be improved by new street plantings and footpath improvements.	Design amendment conditions have been provided by Street Tree section and Asset section to address viability of existing mature street trees, and for the public paths in front of and along the western side of the site which provides for a through-link.	Yes
3.17 Universal/Accessible Design		
Control	Proposal	Compliance
3.Accessways for pedestrians and vehicles to be separated.	Achieved	Yes
3.19 Crime Prevention/Safety and Security		
Control	Proposal	Compliance
1.Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The proposed development incorporates windows of habitable rooms which overlook active space enabling casual surveillance of the public domain.	Yes
4. Building entries are to be clearly visible and identifiable from the public domain.	Deferred conditions of consent have been included to amend the building entry due to the relocation of the driveway.	Yes subject to conditions

## GRDCP 2021 - Part 5 – Residential Locality Statements

Development is required to consider the future character statement for the locality, in addition to the requirements within other parts of this DCP as shown on the map in Part 5 of the DCP.

The assessment of character for the applicable locality is provided below:

5.1 Riverwood Locality Statement	
Future Desired Character	Consistency with Desired Character
<ul style="list-style-type: none"> <li>- Low density residential suburban, transitioning to a mix of medium and high-density residential character towards</li> </ul>	<p>The proposal is consistent with the future desired character of the precinct for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is a new residential flat building for affordable housing in an area of transition</li> </ul>

<p>Riverwood commercial centre.</p> <ul style="list-style-type: none"> <li>- Encourage tree planting and landscaping within the front setback space to enhance the existing leafy streetscape character.</li> <li>- Encourage the retention of treetop bushland views towards the west of the locality, overlooking Salt Pan Creek.</li> </ul>	<ul style="list-style-type: none"> <li>- Tree planting and landscaping is proposed within the setbacks.</li> <li>- The built form displays articulation</li> <li>- The proposed landscaping allows opportunity for large trees to be grown within the deep soil areas on the site</li> <li>- Extensive plantings are proposed within planter structures in the communal open space.</li> <li>- The proposal is sited appropriately and reflects a consistent setback with adjoining development.</li> <li>- Council's Landscape Officer has reviewed the proposed landscaping design within the front setback and raises no concerns subject to conditions.</li> </ul>
--	--

## Part 6 – Residential Controls

### 6.3 – Residential flat buildings and residential components of shop top housing

Part 6.3 provides objectives and specific planning controls for residential flat building and the residential components of shop top housing and mixed use developments in the R4 High Density Residential zone. The following table summarises the proposal against the relevant controls:

<b>Table 7: GRDCP 2021 - Consideration of the DCP Controls: Part 6.3</b>		
<b>6.3.1 Minimum Site Requirements</b>		
1.Minimum lot width is 24m	The development site frontage is well over 24m in width.	Yes
<b>6.3.2 Site Isolation &amp; Amalgamation</b>		
1.Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposed development will not result in any site isolation. Six lots will be amalgamated to create the development site.	Yes
<b>6.3.3 Building Setbacks and Street Interface</b>		
Building setbacks establish the minimum separation distances between buildings, site boundaries and the public domain. The setbacks provide opportunities for the provision of private and communal areas of open space, landscaping, view sharing and	Overridden by ADG controls. See the assessment in the table above.	N/A

<p>opportunities to manage visual and acoustic privacy. The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment, neighbouring properties and the public domain. Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the location and orientation of balconies, windows/doors and solid elements. The separation between buildings is also important and determines the urban form of the building, the rhythm of buildings in the streetscape and the character. Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building. Building setbacks are measured from the site boundaries to the façade of the building.</p>		
<b>6.3.4 Basement Setbacks</b>		
<p>1. Basements are to be:</p> <ul style="list-style-type: none"> <li>i. Located within the building footprint (refer to Figure 5), or</li> <li>ii. Setback a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).</li> </ul>	<p>Overridden by ADG controls. See the assessment in the table above.</p>	N/A
<p>2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.</p>	<p>Sufficient deep soil is provided on the site.</p>	Yes
<p>3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.</p>	<p>Driveway crossing is located in the centre of the frontage.</p>	Yes
<p>6. Basements fronting the primary street address are not to project</p>	<p>The basement level is wholly below ground level.</p>	Yes

above ground level (existing) at the street setback alignment.		
6.3.5 Façade treatment and street corners		
Control	Proposal	Compliance
<p>2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.</p> <p>4. 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 connects between the private and public domain for pedestrians.</p> <p>6. 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.</p>	<p>Achieved</p> <p>Achieved</p> <p>Achieved</p>	Yes
7. 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.	Achieved	
8. 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.	Achieved	
9. Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that satisfy the requirements for habitable rooms in accordance with Department of Planning, Industry and Environment's 'Development	Achieved. See SEPP (Transport and Infrastructure) 2021 for further assessment.	

Near Rail Corridors and Busy Roads – Interim Guideline’ and the requirements of Clause 102(3) of SEPP (Transport and Infrastructure) 2021 need to be considered.		
6.3.6 Landscaped Treatment and Private Open Space		
Control	Proposed	Compliance
Deep soil is to be provided within the setback areas as required in Figures 3, 4, 5, and 6 and consistent with Part 3E of the NSW State Government’s Apartment Design Guide	Consistent with ADG requirements.	Yes
6.3.7 Communal Open Space		
Control	Proposed	Compliance
Communal open space to a minimum area of 25% of the site area and with a minimum dimension of 5m is to be provided.	Yes The total communal open space provided is 932sqm or 33% of the total site area.	Yes
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.	In excess of 50% of the communal open space will achieve the minimum sunlight requirement.	Yes
6.3.8 Solar Access		
Control	Proposal	Compliance
Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to primary living areas must receive a minimum of 3 hours sunlight between 9am – 3pm on the winter solstice (21 June).	Complies as previously detailed.	Yes
6.3.9 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
Residential flat buildings and shop top housing: <ul style="list-style-type: none"> <li>- 1 space per 1 and 2 beds</li> <li>- 2 spaces per 3 beds or more</li> </ul>	Does not comply with the DCP requirements, and no visitor car parking is provided.	See ADG above

- 1 visitor space per 5 units or part thereof and 1 designated car wash bay which may also be a visitor space.	A total of 19 car spaces is proposed for the 42 unit development. 19 bicycle parking spaces is provided.	
--	---	--

#### *Developer Contributions*

It is noted that in accordance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, development that involves public housing provided by or on behalf of the Land and Housing Corporation is exempt from the Housing and Productivity Contribution. There are also no local contributions that would be relevant to this application involving Crown development.

#### ***Planning Agreements***

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.

#### ***The Regulations***

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.

#### ***Likely Impacts of Development***

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 impact on the natural environment. The 17 trees and vegetation on the site are to be removed as outlined in the Arboricultural Impact Assessment Report. The trees are not considered significant, and Council's Landscape Arboriculture Officer raises no concerns. The trees within the Council road reserve are proposed to be protected by a tree protection zone.

A landscape plan has been prepared by a quality landscape architect for the development which shows suitable landscaping to the communal open space at the ground floor, front setbacks, and with in the rear and side communal open space on the site.

The proposed excavation of the site is for the purpose of providing one level of basement for car parking. The excavation is consistent with that required to be able to provided parking for this development, in line with the requirements of the Housing SEPP for affordable housing.

##### *Built Environment*

The proposed redevelopment will enable lot consolidation of six lots, and the creation of a site and public pathway link. This will contribute to the availability of social housing within the area. The siting, scale, bulk and massing is consistent with the Housing SEPP controls, albeit differs from the controls under the GRLEP 2021, due to the bonus available under height and FSR for affordable housing provision.

The building whilst overly long and of a scale and massing which markedly differs from the immediate locality, does provide for a modulated and articulated façade on the front and rear elevations. The appearance of the building could be improved to better suit the context and locality, and public art could also be considered.

The site has a public reserve located behind the rear of the site. As a result of the development, a public pathway will be created which will link from Coleridge Street to Phillip Street Reserve.

The proposed development incorporates various design elements which have been outlined in the Design Statement. These are a response to address potential for amenity impacts to adjoining properties. It is noted that the reduced setback to the western boundary with the public pathway in combination with the existing reduced setback of 15 Coleridge Street to not meet the objectives of visual privacy and building separation.

Council's Urban Designer has proposed minor design amendments to the proposal, including the location of the driveway, the two pedestrian links, and minor internal changes. These have been discussed and correspondence entered into. These recommendations have not been taken up by the applicant in any way over the past four months.

We also note that in relation to the traffic and parking matters raised with the applicant, which are the majority of the submissions received in public consultation, that the applicant has not met its own Guidelines for Crown Development to provide additional information or undertake additional studies. Instead it has relied upon a traffic report that is sorely found wanting, as outlined above. Thus meaningful consideration of the public's concerns has not been given, but rather disregarded.

### *Social Environment*

The proposed development is of a scale and form that is consistent with modern development, providing for a housing need, and is unlikely to result in adverse social impacts, and has incorporated CPTED design.

### *Economic Environment*

The proposed development will have an economic benefit to the locality, in providing construction employment in the immediate term, and within the finished development providing affordable housing to be managed by Housing NSW, who manage an expanding portfolio of social housing. The proposal will also restore and increase employment associated with the management and use of the site.

### *Suitability of the Site*

It is considered that the proposed development is of a scale and design that is suitable for the site. It is a permissible use in the zone. 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. Planning issues raised by Council officers are proposed to be addressed by way



of design amendment conditions to address urban design, traffic engineering, waste and public tree concerns.

There are no prohibitive constraints posed by adjacent developments, noting the site is adjacent to the railway corridor, and at the rear is located a public reserve. As part of the proposal, a public link through the site will be created. Thus taking these changes for proposed design amendments into consideration, this will enable the proposal to fit into the locality and provide a suitable design response to the public domain and contribute positively to the streetscape, within a context of a site with attributes which are conducive for the development.

## REFERRALS

### *Agency Referrals and Concurrence*

The development application has been referred to various agencies for concurrence and referral as required by the EP&A Act and outlined below in **Table 8**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 8: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
Rail authority for the rail corridor	Clause 2.99(4) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposal involves the excavation of ground to a depth of at least 2m below ground level (existing) on land within, below or above a rail corridor. The application was referred to TfNSW-Sydney Trains during the assessment of the application. No objection was raised to the proposal and concurrence has been granted, subject to the imposition of operational conditions as contained at <b>Attachment A</b> .	Y
<b>Referral/Consultation Agencies</b>			
Electricity supply authority	Clause 66C – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Development is located near electrical infrastructure. A referral to Ausgrid was made during the assessment of the application. No objection was raised to the proposal, subject to the imposition of conditions as contained at <b>Attachment A</b> .	Y

High Pressure Pipeline – Moomba to Sydney	Division 12A(2) Clause 2.77 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposal is located in the vicinity of the high pressure pipeline. The application was referred to APA Group during the assessment of the application. No objection was raised to the proposal, subject to the imposition of conditions as contained at <b>Attachment A</b> .	Y
---	--	---	---

### Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 9**.

**Table 9: Consideration of Council Referrals**

Officer	Comments	Resolved
Development Engineer	Council's Development Engineer has reviewed the submitted stormwater concept plan and proposed drainage design (as amended). No objection is raised, subject to recommended conditions imposed on any consent granted, as contained in <b>Attachment A</b> .	Y (conditions)
Traffic Engineer	<p>Council's Traffic Engineer has reviewed the proposed development, and no objection is raised, subject to recommended deferred commencement conditions requiring design amendment to be imposed on any consent granted, as contained in <b>Attachment A</b>.</p> <p><u>Planner's note:</u> Please refer to comment elsewhere in this report relating to the deficiencies in the Traffic Impact Assessment which did not adequately or accurately address the on street parking situation within the cul-de-sac, and provided insufficient information on traffic volumes.</p>	Yes (deferred commencement conditions)
Waste Officer	Council's Waste Officer has reviewed the proposed development, and no objection is raised, subject to recommended conditions requiring design amendment, and conditions pertaining to the effective management of waste imposed on any consent granted, as contained in <b>Attachment A</b> .	Yes (deferred commencement conditions)
Urban Design	Council's Senior Specialist Planner (Urban Design) has reviewed the proposed development, and objection is raised to the final design of the front elevation of the proposal in terms of the public/private interface and the public domain, the location of the driveway, the location of the waste room, the internal design of the entry lobby and circulation areas, and the lack of features such as public art.	No – Design amendment required (deferred commencement conditions)

	Deferred commencement conditions have been provided to address concerns raised, and these are included in the recommended conditions to be imposed on any consent granted, as contained in <b>Attachment A</b> .	
Landscape and Arboriculture	Council's Landscape and Arboricultural Officer has reviewed the proposed development, and no objection is raised to the final design, subject to recommended conditions imposed on any consent granted, as contained in <b>Attachment A</b> .	Yes (conditions)
Public Tree Officer	Council's Public Tree Officer has reviewed the proposed development, and no objection is raised, subject to recommended deferred commencement conditions requiring design amendment to be imposed on any consent granted, as contained in <b>Attachment A</b> .  Public Trees is in support of the retention of the entirety of the public street avenue, and has supported the relocation of the driveway, and the design of the public path in order to achieve this.	Yes (deferred commencement conditions)
Asset Design and Maintenance	Council's Senior Design Engineer, City Technical Services has reviewed the proposed development, and no objection is raised, subject to recommended deferred commencement conditions requiring design amendment	Yes (deferred commencement conditions)
Building Surveyor	Council's Building Surveyor has reviewed the proposed development, and no objection is raised, subject to recommended conditions imposed on any consent granted, as contained in <b>Attachment A</b> .	Yes (conditions)
Environmental Health Officer	Council's Environmental Health Officer has reviewed the proposed development, and no objection is raised, subject to recommended conditions pertaining to environmental health, as contained in <b>Attachment A</b> .	Yes (conditions)
Office of General Counsel	Council's Senior Solicitor has reviewed the proposed development, and no objection is raised, subject to recommended conditions pertaining to environmental health, as contained in <b>Attachment A</b> .	Yes (conditions)
Strategic Property	Council's Head of Strategic Property has reviewed the proposed development, and no objection is raised, subject to recommended conditions pertaining to environmental health, as contained in <b>Attachment A</b> .	Yes (conditions)

The outstanding issues raised by Council officers are considered in the 'Key Issues' below in this report.

#### **Section 4.15(1)(d) - Public Submissions**

These submissions are considered below under Community Consultation.

#### **Section 4.15(1)(e) - Public interest**

The proposed development provides social housing to meet community needs and will provide significant economic and social benefits to the residents of the development. The residential flat building is to be managed by Housing NSW and will contribute to meeting the growing need for social housing in the Georges River LGA, and will benefit Housing NSW in its expansion of its portfolio. This outcome is in line with the NSW Government's Future Directions for Social Housing in NSW.

Furthermore, the development would assist Homes NSW to improve the amenity of accommodation for its tenants, by providing new, more appropriate housing aligned with housing need. The development improves environmental sustainability through housing provision which has improved solar access, natural ventilation, thermal performance, energy, and water efficiency.

The potential impacts on the amenity of adjoining properties have been partly addressed through the maintaining of privacy and solar access, and providing a building scale and form that reflect the high density residential zone. However the appearance of the front elevation and the potential for impacts on the viability of the street tree avenue will create adverse impacts on the streetscape and locality which have not been mitigated through design of the public/private interface.

The development would not result in any unacceptable adverse environmental impacts and is demonstrated to be a suitable development for the site despite these departures. These may be addressed via suitable conditions for design amendments to address concerns raised in regard to urban design re impacts on the public domain, and the desired public/private interface. Having regard to the matters discussed in this report, approval of the proposed development would not contravene the public interest, subject to design amendments being conditioned by way of deferred commencement conditions.

## Community Consultation

The proposal was placed on public exhibition in accordance with the Council's Community Participation Plan, for 28 days. Due to the Christmas period notification ran for 43 days, from 18 December 2024 until 6 February 2025. The notification included the following:

- A sign placed on the site.
- Notification and plans published on the NSW planning portal.
- Notification letters sent to adjoining and adjacent properties, within a 50m radius
- Notification on the Council's website
- Advertisement in the paper.

The application was notified to adjoining properties and residents were given a six week period in which to comment. Notification procedures were conducted in accordance with Council's requirements. 18 individual submissions were received. A petition with the names of 38 individuals including the head petitioner was received. Council also received a letter from the Federal MP for Banks.

The Council received a total of 18 unique submissions, all comprising objections to the proposal, and a petition with 38 names. The issues raised in these submissions are considered in the table below.

Issue	Comment
-------	---------

Increased traffic congestion on local streets.	Council's Traffic Engineer raised concern with the impact of the development on the local road network. Concern was also raised in that the Traffic report tendered by the applicant contained traffic data from a location which was 6km from the site. It also examined parking data limited to a time of 10.30am when residents are generally at work, study or leisure activities.
Traffic Safety and Pedestrian Safety	Council's Traffic Engineer has reviewed this aspect of the proposal and raises no concerns with the proposal with respect to traffic safety.
Insufficient parking spaces provided in the development.	Whilst the proposal provides the required number of parking spaces for the number of units in the development pursuant to SEPP (Housing) 2021/2022, the proposal does not meet with the GRDCP 2021 parking requirements, which requires 29 car parking spaces for residents, and a provision of 5 visitor parking spaces.
Impacts on availability of on-street parking	Concern was raised relating to on street parking within this cul-de-sac given the street configuration and limited opportunity for on street parking. It is noted that the traffic report provided insufficient information to address this matter.
Decrease in property value	There is no evidence that the proposal will result in a decrease in property values to adjoining properties. Property value is not a factor under consideration under the EPA Act 1979.
Possibility for increase in crime, trespassing etc.	Apart from addressing CPTED, this is not a factor under consideration under the EPA Act 1979.
Street Character – 'out of character, way too big, poor visual appearance and lack of greenery'	Council's Landscape Officer has provided suitable conditions of consent.
Risks from construction phase: disrupt traffic flows, noise etc	Suitable conditions of consent have been recommended.

## KEY ISSUES

As identified in the ADG compliance table above, the proposal is generally consistent with the ADG requirements. However in our view the proposal does depart from ADG design criteria with regard to *3C – Public Domain Interface*; *3F – Visual Privacy*; *4A – Solar Access*; *4W – Waste Management* and *4M – Facades*. These provide the key areas where Council is at variance with the position of the applicant. These key issues are relevant to the assessment of this application, having considered the relevant planning controls and the proposal in detail.

### *Public Domain Interface*

Whilst it is argued that various design strategies were used to minimise bulk and scale, including a 'recessed building footprint' it is apparent that the building is bulky, overly long, and out of context with the immediate vicinity. I

It is constructed of durable materials, with colours in dark grey, light brown and mid brown. The recessive appearance and lack of enlivening features e.g. public art, will result in it detracting rather than benefitting in a positive way visually to the streetscape.

The street tree avenue is also important to the public/private interface, and Council seeks to retain it, and ensure its long-term viability.

Resolution: Deferred commencement conditions are proposed that form part of the recommended consent at **Attachment A**.

#### *ADG: 3F – Visual Privacy (Building Separation)*

Objective 3F of the ADG sets out the minimum required separation distances from adjacent development.

Variance in regard to the setback to the future side boundary of the development. The site setback to this western boundary is proposed to be 3m, rather than 6m, which would have enabled provision for additional deep soil area along this side setback.

It is also noted that the adjoining development at 15 Coleridge Street also maintains a reduced side setback.

Resolution: The issue has not been resolved.

#### *ADG 4A – Solar Access*

There is a reduced amount of light available that impacts four units.

Resolution: The issue has not been resolved.

#### *ADG: 4D – Apartment Size and Layout*

Apartments are required to provide a minimum area of 10sqm for a master bedroom. There are a small number of instances where this has been varied to 9.92sqm for example.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft deferred commencement conditions at **Attachment A**.

## **CONCLUSION**

The proposed development, whilst designed in accordance with the Housing SEPP and the associated ADG, fails to adequately respond and contribute positively to the existing and emerging character of the locality, and fails to provide a high quality public/private interface and adequate public tree retention and protection. It is noted that the proposal will provide much needed social housing to meet the needs of the community, assisting Homes NSW to meet the growing demand for social housing in the Georges River local government area and surrounding areas.

Careful consideration has been given to the specific characteristics of the site, including topography, lot orientation, and the adjacent railway corridor, and Phillip Street Reserve. The development has addressed with care the lot orientation and site characteristics, although on the western elevation there is a reduced solar amenity internally in contrast with the front and eastern elevations, and a reduced side setback on the western elevation. For the most part, with the exception of the front elevation, the proposed development is considered suitable for

the site and its surrounds as it complies with the height and FSR development standards of the Housing SEPP, and presents a suitable appearance on the sides and rear elevations to the railway corridor and adjacent two storey dwelling at No. 15 Coleridge Street. Whilst the scale of the proposal fits into the locality, and the built form provides for tenant amenity, the relationship of the proposal with surrounding properties and streetscape does not fully address the amenity requirements of the EPA Act, due to the design of the front elevation including the location of the proposed driveway, the footpath design, and public tree avenue, which in sum will provide a poor response and contribution to the street frontage.

It is Council's view that in regard to the design of the front elevation and its interface with the public domain, there are impacts to the urban character and streetscape within the locality, and impacts on public tree retention.

The proposal does not adequately address the public/private interface of the front elevation of the building in terms of design and appearance, and the proposal would also impact on the viability of the existing street tree avenue of ten mature trees. Thus in order to mitigate these negative impacts, proposed conditions of consent have been provided with a deferred commencement which include requirements for design amendments to address concerns from Urban Design, Planning, Traffic Engineering, Waste and Public Tree sections of Council. These deferred commencement conditions are included to ensure that the proposed development will sufficiently provide a positive contribution to the streetscape and not detract from the neighbourhood character and will also meet the objectives of the locality statement.

## **RECOMMENDATION**

That the Development Application No. DA2024/0612 for the removal of trees and construction of a 4-storey residential flat building comprising a total of 42 affordable housing units on a vacant allotment, with basement parking for 19 vehicles, including associated site works, landscaping, fencing and lot consolidation with dedication of land for a public pathway, at the properties known as Nos. 1-13 Coleridge Street, Riverwood, be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent with deferred commencement, attached to this report at **Attachment A**.

## **DETERMINATION AND STATEMENT OF REASONS**

The reasons for this recommendation are:

- The proposed development generally 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, subject to suitable design amendments.

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported, subject to deferred commencement conditions being imposed to address necessary design amendments relating to urban design, planning matters, traffic engineering, waste and public tree protection.

## **ATTACHMENTS**

The following attachments are provided:

- Attachment A: Draft Conditions of deferred commencement consent
- Attachment C: Architectural Plans
- Attachment D: Landscape Plans
- Attachment E: Statement of Environmental Effects
- Attachment E: Design Report
- Attachment F: Traffic Impact Assessment Report
- Attachment G: Acoustic Report
- Attachment H: Arboricultural Impact Assessment Report