

Statement of Environmental Effects

Staged Development Application for
Subdivision and the Construction of a
Multi-Unit Housing Complex

11-27 Jennifer Street
LITTLE BAY

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1.0 Introduction

This report examines the issues associated with an application for a staged development consent, under the terms of Section 83B of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to be submitted to Randwick City Council for the subdivision of land at 11-27 Jennifer Street, Little Bay, into three (3) allotments and for the construction of a two (2) storey multi-unit housing complex on the land.

The Stage 1 development for which consent is sought involves:

- the subdivision of the land into the following three (3) allotments:
 - Lot 1, which is to contain the Stage 1 multi-unit housing complex;
 - Lot 2, for which staged consent is sought for the Stage 2 housing complex; and
 - Lot 3, for which staged consent is sought for the retention and management of the land for *Eastern Suburbs Banksia Scrub (ESBS)*, an “endangered ecological community” listed under the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Environmental Protection & Biodiversity Conservation Act 1999 (EPBC Act)*; and
- the construction the Stage 1 multi-unit housing complex comprising three (3) x two (2) storey buildings containing a total of twenty-four (24) town houses.

Further development applications are to be submitted for approval for the Stage 2 and 3 developments on Lots 2 and 3 of the proposed subdivision.

Pre-application consultations were held with Council’s Design Review Panel on 7 May 2012 and with its Development Assessment Committee on 25 June 2012.

The application, as presented, has been formulated in terms of the outcomes of these discussions.

The proposal and its design are justified on the basis of:

- the opportunities and constraints offered by the site and its setting;
- increasing the variety of housing types available in this locality to meet emerging market demands; and
- the consistency of the proposal with the future development context for the area, as expressed through the town planning controls for its redevelopment.

This report:

- examines the issues associated with the proposed development;
- analyses the impact of the proposal in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details

2.1 The Site

The site known as 11-27 Jennifer Street, Little Bay, is situated on the eastern side of Jennifer Street, between Dawes Street and Marconi Parade.

A locality plan is shown on **Figure 1**.

The site, which was formerly owned by the La Perouse Aboriginal Land Council, comprises all of the land contained in Lot 5250, DP 822223.

The land is generally rectangular in shape and has:

- a frontage of some 110.755m to Jennifer Street;
- a depth varying from 80m along its northern side boundary and 110m along its southern side boundary; and
- an area of some 11,610m².

The land is predominantly vacant, largely containing native bushland areas.

Part of the eastern section of the land is used in conjunction with Cullen's Golf Range, which is located immediately to the east of the site for purposes including:

- a metal and fibro building and shipping containers used for management and storage facilities associated with the golf driving range;
- mown practice areas; and
- an informal car park.

The native vegetation on the land includes *ESBS*.

There are a number of large Coral trees located in the north-western corner of the land.

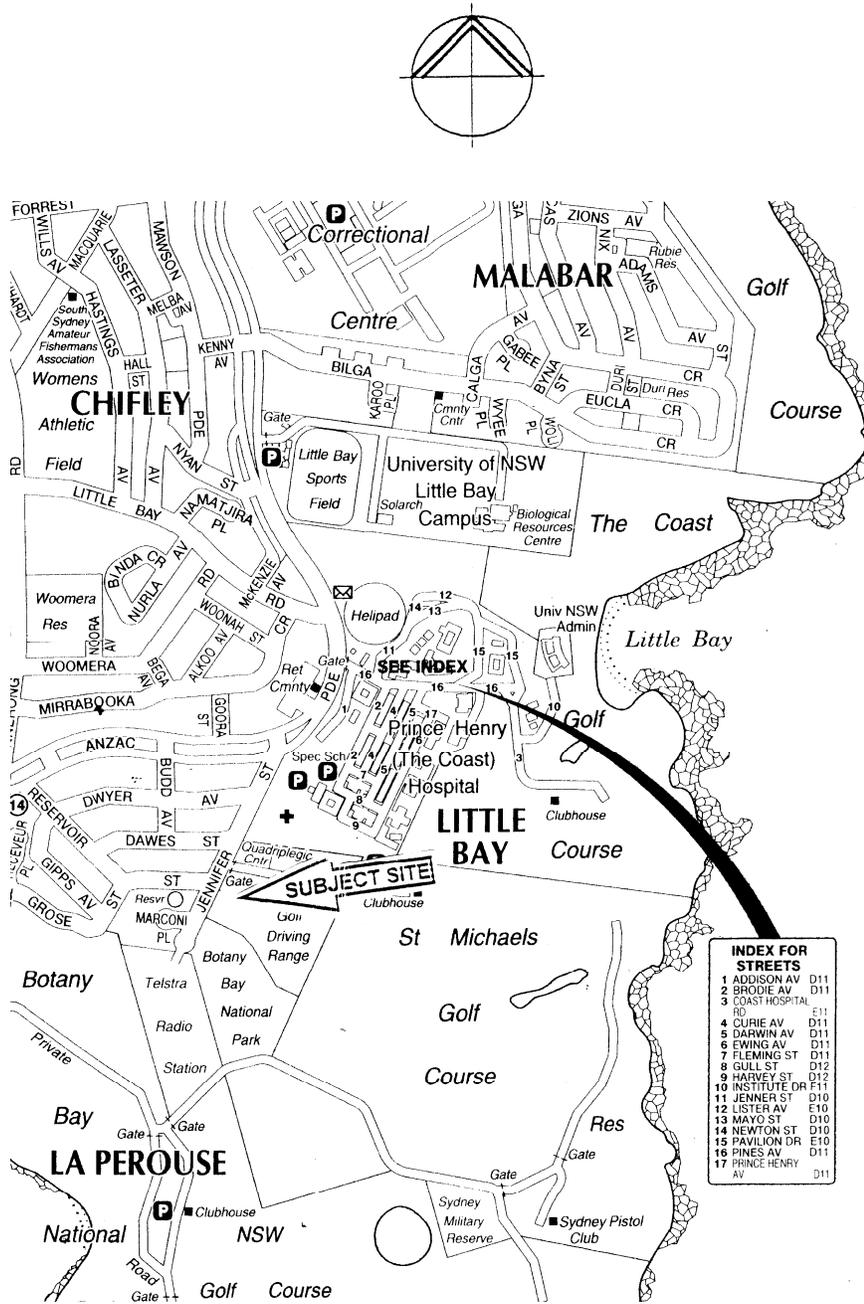
The vegetation on the land has been identified in a survey undertaken by the Ecology Division of SLR Consulting Australia Pty Ltd and a flora and fauna assessment report prepared by that Company is to be submitted with the application.

There is currently no vehicular access to the site from Jennifer Street and informal access to it is available via its northern boundary from a bitumen-sealed driveway serving Cullen's Golf Range and St. Michael's Golf Club, which are located to the east of the site.

The land experiences a moderate fall from its Jennifer Street boundary toward its eastern rear boundary.

The northern section of the site falls by up to 2.6m, at a grade of some 1 in 36, or 2.7%.

A survey plan prepared by RGM Property Surveys indicating the topography and buildings on the land is to be submitted with the application.



**Figure 1
Locality Plan**

2.2 Site Context

The land is situated in a largely residential/recreational precinct.

The land immediately to the east of the site comprises the land contained in Lot 7318, DP 1147787 and is used by Cullen's Golf Range as a golf practising facility.

This land is accessed via its northern boundary from a bitumen-sealed driveway serving St. Michael's Golf Club, which is located further to the east.

The land immediately to the north of the site comprises the land known as 9-9A Jennifer Street which forms part of St. Michael's Golf Club.

This land contains the bitumen-sealed driveway which provides access to the Club's extensive car parking area.

The land further to the north comprises the property known as 1 Jennifer Street.

This property contains a complex of single storey brick and weatherboard buildings used for offices and ancillary purposes by Spinal Cord Injuries Australia.

The land immediately to the south of the site comprises land which is part of the Botany Bay National Park.

This land contains native vegetation areas.

The land to the west, on the opposite side of Jennifer Street, comprises the properties known as 2 Marconi Place, 14-16 Jennifer Street and 40 Reservoir Street.

These properties contain contemporary two (2) storey brick dwelling houses, with the exception of 16 Jennifer Street which is vacant.

The land generally to the west of Jennifer Street comprises residential properties fronting Dawes Street, Reservoir Street and Marconi Place.

The properties in these streets have been developed for one (1) and two (2) storey detached dwelling houses.

In a wider context, land formerly part of the Prince Henry Hospital to the north and north-east of the site is currently being redeveloped.

This redevelopment includes higher density residential apartment buildings, the three (3)/part four (4) storey Aboriginal Health College at 35 Harvey Street and areas set aside for the retention of natural vegetation between St. Michael's Golf Club and Harvey Street.

The area is well serviced by bus routes in both a district and regional context, with routes using Anzac Parade and Bunnerong Road to connect La Perouse to the Sydney CBD and intervening suburbs.

In summary, the area:

- has a predominantly residential/recreational character with a degree of diversity in the nature, character, scale and style of development;
- is in close proximity to the recreation and leisure facilities; and
- is conveniently located to public transport and the arterial road network, both in a district and regional context.

The land is eminently suitable for the development of multi-unit housing of the nature proposed in this application.

3.0 The Proposal

3.1 The Proposal

This application seeks a staged development consent, under the terms of Section 83B of the *EP&A Act*, for the subdivision of the land into three (3) allotments and for the construction of a two (2) storey multi-unit housing complex on the land.

The Stage 1 development is to involve:

- the subdivision of the land into three (3) allotments reflecting the three (3) development stages; and
- the construction of the Stage 1 multi-unit housing complex containing twenty-four (24) town houses on Lot 1, the proposed allotment abutting the site's northern boundary.

The Stage 2 development is to involve the construction of a multi-unit housing complex containing seven (7) town houses on Lot 2, the proposed southern allotment fronting Jennifer Street.

The Stage 3 development is to involve the retention and management of the remainder of the site as a habitat for *ESBS*.

The Stage 2 and 3 developments are to be subject to subsequent development applications to be submitted to Council in accordance with Section 83B(1) of the *EP&A Act* and may be carried out concurrently.

3.2 Stage 1 Development

3.2.1 Subdivision

The application seeks development consent for the subdivision of the land into the following three (3) allotments.

Lot No.	Area	Frontage to	Remarks
1	5,520.9m ²	54.291m to Jennifer Street	This irregular shaped allotment is to contain the Stage 1 multi-unit housing development for which consent is sought in this application
2	2,074.8m ²	56.466m to Jennifer Street	This generally rectangular shaped allotment is to contain the Stage 2 multi-unit housing development
3	4,016.6m ²	Botany Bay National Park	This generally rectangular shaped allotment is to contain the Stage 3 development involving the retention and management of land as a habitat for <i>ESBS</i>

A reduced scale copy of the plan of proposed subdivision, prepared by RGM Property Surveys, is contained in **Figure 2**.

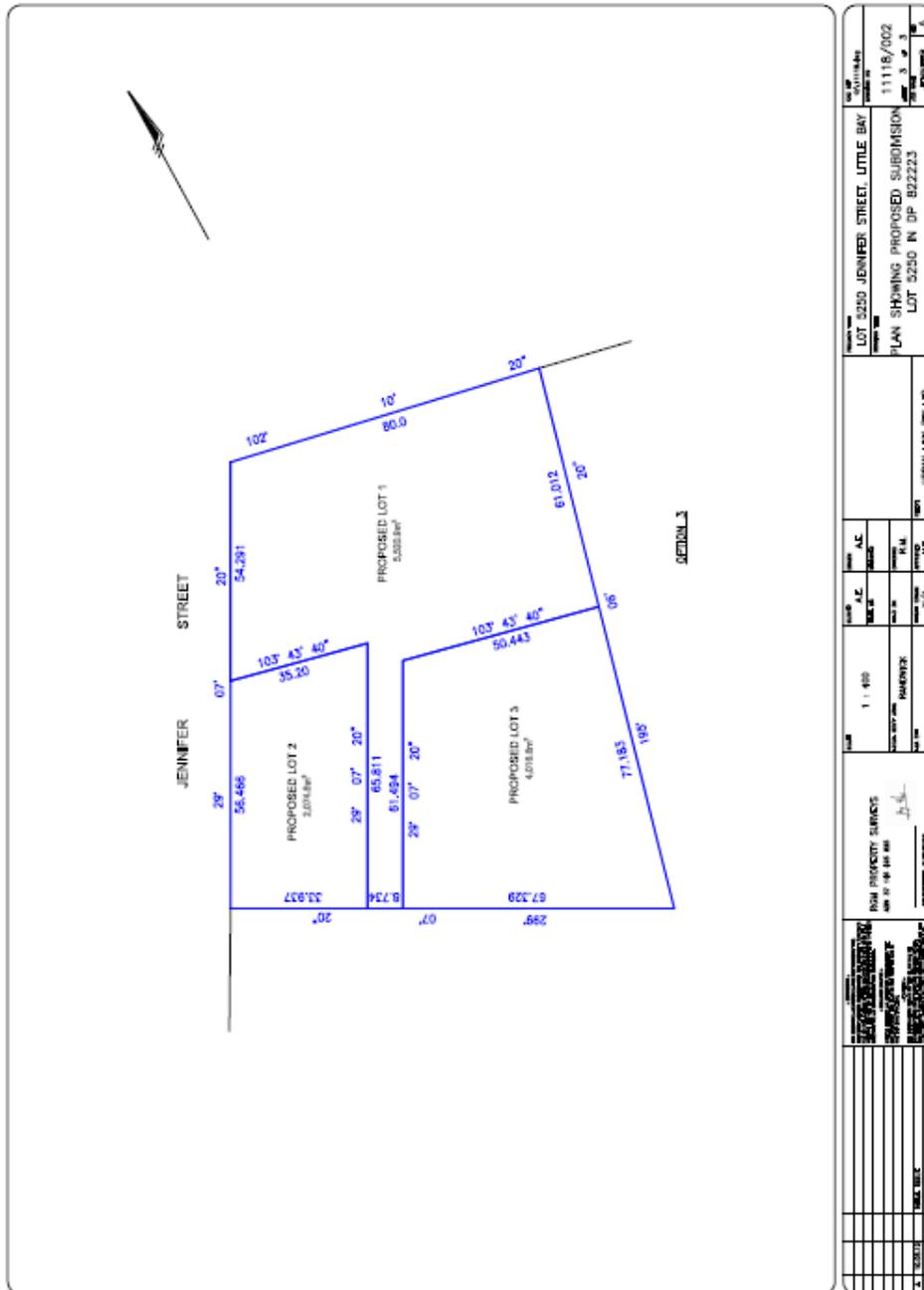


Figure 2
Plan of Subdivision

The strata subdivision of the multi-unit housing to be constructed on the land under the *Strata Schemes (Freehold Development) Act 1973* is “complying development” under Clause 6.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, as such, does not require development consent.

3.2.2 Multi-unit Housing Complex

The application seeks development consent for the construction of a two (2) storey multi-unit housing complex comprising three (3) buildings on Lot 1 of the proposed subdivision and is to contain a total of:

- twenty-four (24) x 3-bedroom town houses;
- fifty-four (54) off-street car parking spaces in a basement level under the buildings; and
- a car wash bay in the basement level.

Pre-application consultations were held with Council’s Design Review Panel on 7 May 2012 and with its Development Assessment Committee on 25 June 2012.

The application, as presented, has been formulated in terms of the outcomes of these discussions.

The development has been designed by Urban Link Pty Ltd and details of the complex are contained on Plan No.12-006, Drawings No.DA-101 to DA-106; DA-201 to DA-205; DA-211, DA-214, DA-301 and DA-401.

The buildings are to be modulated, articulated and detailed to establish interesting and attractive facades and streetscape elements.

The main walls of the buildings are to be setback as follows.

- Jennifer Street - between 3.5m and 5.2m
- North Side boundary - between 2.55m and 5.5m
- South Side boundary - a minimum of 15m
- East Rear boundary - 6m

Town houses are to have gross floor areas ranging from 140.5m² to 158.2m² and have private open space areas attached to them.

The buildings are to have a gross floor area of some 3,406.8m², which represents a floor space ratio of 0.62:1 when related to the area of 5,520.9m² of Lot 1, the allotment to contain the Stage 1 development.

The buildings are to have a maximum overall height of well below 9.5m and are to have a maximum wall height of 7m.

The details of the materials and finishes to be used in the construction of the buildings, prepared by the Project Architects, are to be submitted with the application.

A total of fifty-four (54) off-street car parking spaces are to be provided in a basement level under the buildings comprising:

- forty-eight (48) resident car parking spaces; and
- six (6) visitor spaces.

The car parking area has been designed in accordance with Australian/New Zealand Standard *AS/NZ 2890.1-2004 - Parking Facilities - Part 1: Off-Street Car Parking*.

In addition, a car wash bay is to be provided in the basement level and there is to be adequate space for bicycle parking.

Access through the car parking area involves a one-way drive-through system, with one driveway located adjacent to the site's southern boundary and the other centrally on the site.

A 1.35m wide pathway is to be provided adjacent to the site's northern side boundary and the entry driveway to St. Michael's Golf Club to provide pedestrian access to the town houses.

Stormwater retention facilities for water re-use are shown on the stormwater drainage plans to be submitted with the application.

Facilities for the waste storage and recycling have been incorporated into the basement area and the management of the bin pick-up is to be conducted on a co-ordinated basis by the complex's Owners' Corporation.

Communal open space areas are to be provided throughout the site. These spaces are to have a total area of some 815.2m².

A total landscaped area of 3,347.6m² is to be provided with some 297.4m² provided on top of the basement car parking area.

The application is to be accompanied by:

- architectural plans, a finishes board, perspectives of the proposed development and a waste management plan prepared by Urban Link Pty Ltd;
- the following reports prepared by SLR Consulting Australia Pty Ltd:
 - a flora and fauna assessment report; and
 - a contamination assessment;
- a bushfire report prepared by Bushfire Safety Solutions;
- a geotechnical report prepared by SMEC Testing Services Pty Ltd;
- a traffic and parking assessment prepared by McLaren Traffic Engineering;
- stormwater drainage plans prepared by EZE Hydraulic Engineers Pty Ltd;
- a landscape plan prepared by Zenith Landscape Designs;
- a BASIX Certificate issued by Greenworld Architectural Drafting Pty Ltd; and
- a survey plan and a subdivision plan prepared by RGM Property Surveys.

3.3 Stage 2 Development

The Stage 2 development is to involve the construction of multi-unit housing containing seven (7) town houses of a similar design to the buildings in the Stage 1 development and is to be constructed on Lot 2 in the proposed subdivision of the site.

It is expected that when a development application is submitted for the Stage 2 development, *Randwick Local Environmental Plan 2012 (RLEP 2012)* will have been made.

Draft *RLEP 2012* has been certified under Section 65 of the *EP&A Act* and was publicly exhibited between 21 February and 2 April 2012.

Draft *RLEP 2012* proposes to zone this land as R3 Medium Density Residential.

The proposal will represent development for the purpose of a “*multi dwelling housing*” as defined in the Dictionary accompanying the draft *Plan* and development for this purpose is to be permissible, with Council’s consent, within the R3 Medium Density Residential zone.

A summary of draft *RLEP 2012* is contained in Section 4.3 of this statement.

The principal development standards that are proposed to be applied to the site involve:

- a building height of 9.5m; and
- a floor space ratio of 0.75:1.

The building height standard is the same as that currently applying to development on this land, while the proposed floor space ratio is 0.1:1 higher than the current standard of 0.65:1.

The design of the Stage 2 development is to be guided by the development control plan accompanying *RLEP 2012*.

Plans are to be submitted with the application showing the building envelope and setback criteria on which the Stage 2 development is to be based.

3.4 Stage 3 Development

The Stage 3 development is to involve the retention and management of the habitat for the *ESBS* located on Lot 3 in the proposed subdivision of the site.

This work is to be carried out in accordance with the recommendations contained in the flora and fauna assessment report prepared by SLR Consulting Australia Pty Ltd to be submitted with the application.

Following rehabilitation of this land it is intended to transfer it to the appropriate authority for inclusion into the Botany Bay National Park.

4.0 Randwick Local Environmental Plan 1998

4.1 Zoning

The land is zoned Residential B under the terms of *Randwick Local Environmental Plan 1998 (Consolidation)*, (*RLEP 1998*), which was made on 26 June 1998.

The relevant aims of the *Plan*, as expressed in Clause 2, are:

- to create a broad framework of planning controls within which the Council may prepare development control plans to formulate and adopt more detailed policies and guidelines relating to matters of significance for local environmental planning;
- to ensure that development is carried out in such a way as to allow the economic and efficient provision of public services and amenities;
- to ensure the conservation of the environmental heritage and aesthetic character of the City;
- to facilitate and encourage community consultation and participation in the planning process;
- to promote, protect and enhance the environmental qualities of the City;
- to recognise the importance of ecological sustainability in the planning and development processes;
- to enhance individual and community economic well-being and welfare and safeguard the welfare of future generations;
- to encourage consideration of social consequences when decisions are made in the implementation of the *Plan*; and
- to encourage the provision of housing mix and tenure choice, including affordable housing, in the City.

Clause 9 of the *Plan* requires Council to consider the extent to which a proposed development is consistent with the general aims of the *Plan* and the specific objectives of the zone within which it is proposed.

The relevant objectives of the Residential B zone, expressed in Clause 11(1) of the *Plan*, are:

- to provide for a low to medium density residential environment;
- to maintain the desirable attributes of established residential areas;
- to protect the amenity of existing residents; and
- to encourage housing affordability.

The proposal is clearly consistent with the general aims of the *Plan* and the specific objectives of the Residential B zone.

The proposal represents development for the purposes of “*multi-unit housing*” under the definitions contained in the Clause 49 of the *Plan*.

Development for this purpose is permissible, with Council’s consent, within the Residential B zone.

Accordingly, the proposal is permissible, with Council's consent, under the terms of *RLEP 1998*.

The land does not contain any “*heritage items*” identified in Schedule 3 of the *Plan* nor is it located in any “*conservation area*” identified in the *Plan*.

There are no “*heritage items*” located on any land in the vicinity of the site.

4.2 Provisions of the Plan

A summary assessment of the application under the relevant provisions of *RLEP 1998* is as follows.

Provisions of Randwick Local Environmental Plan 1998 (Consolidation)

Clause	Consideration	Proposed	Compliance
2	Aims of the <i>Plan</i>	The proposal is consistent with the aims of the <i>Plan</i> . See Section 4.1	✓
8	Zoning	The land is in the Residential B zone under the <i>Plan</i>	✓
9	The general aims of the <i>Plan</i> and the objectives for development in the Residential B zone	The proposal is consistent with the general aims of the <i>Plan</i> and the objectives for development in the Residential B zone. See Section 4.1	✓
10(1)	Objectives for development in the Residential B zone	The proposal is consistent with the objectives for development in the Residential B zone. See Section 4.1	✓
10(3)	Land Use Table - Residential B zone	Development for the purposes of “ <i>multi-unit housing</i> ” is permissible, with Council's consent, in the Residential B zone	✓
20E(2)	Within the Residential B zone, a minimum of 50% of the total site area is to be provided as landscaped area	Stage 1 - 60.6% Stage 2 - 50% minimum	✓
20E(3)	Landscaped areas over podiums or excavated basement areas is not exceed 50% of the landscaped area requirement	8.9% of the landscaped area in Stage 1 is to be over podiums or excavated basement areas	✓
20F(1)	Within the Residential B zone, the maximum floor space ratio is not to exceed 0.65:1	The Stage 1 complex is to have a floor space ratio of 0.62:1	✓
20G(1)	Within the Residential B zone, buildings are not to exceed a height of 9.5m above ground level	The buildings are not to exceed a building height of 9.5m	✓
20G(3)	Within the Residential B zone, any external walls of buildings are not to exceed a height of 7m above ground level	The external walls of the proposed buildings are to have a maximum wall height of 7m	✓

Provisions of Randwick Local Environmental Plan 1998 (Consolidation)

Clause	Consideration	Proposed	Compliance
21(1)	Consent is required for the subdivision of land	This application seeks the required approval for the Stage 1 subdivision of the land into 3 lots as proposed	✓
22	Adequate facilities for the supply of water and for the removal or disposal of sewage and drainage are to be available	The development is to be connected to existing utility service infrastructure serving this area	✓
27(2)	Development on land where the ANEF contour exceeds 20 is to meet the requirements of <i>AS 2021-2000 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>	According to the Zoning Certificate issued by Council, the land is not affected by aircraft noise levels measured by the ANEF identified by Sydney Airport Corporation Ltd endorsed by Air Services Australia	✓
28(5)	Consent is required for the lopping or removal of trees and vegetation	This application seeks approval for the removal of the existing trees and vegetation on the site required to facilitate the construction of the proposed Stage 1 buildings	✓
29(2)	The probable aesthetic appearance of a building in the foreshore scenic protection area	The site is not located in any foreshore scenic protection area identified by the <i>Plan</i>	✓
40	Consent for earthworks is to consider: <ul style="list-style-type: none"> • the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality; and • the effect of earthworks on the likely future use or redevelopment of the land 	The earthworks required to facilitate the proposed development will not disrupt or detrimentally affect existing drainage patterns or soil stability in the area or the future redevelopment of the land	✓
40A(1)	A site-specific development control plan is to be prepared for development on sites exceeding 10,000m ²	In accordance with Section 83C of the <i>EP&A Act</i> , the staged development consent proposed in this application satisfies the needs for a site-specific development control plan	✓
42B	Considerations for development on contaminated land	<p>There is no evidence to suggest that any land contaminating activities have been carried out on the land or on land surrounding the site.</p> <p>According to the Zoning Certificate issued by Council, the land is not significantly contaminated land under the <i>Contaminated Land Management Act 1997</i>.</p> <p>A contamination assessment prepared by SLR Consulting Australia Pty Ltd is to accompany the application</p>	✓

Provisions of Randwick Local Environmental Plan 1998 (Consolidation)

Clause	Consideration	Proposed	Compliance
43(2)	Heritage considerations	No <i>"heritage items"</i> or <i>"known or potential archaeological sites"</i> have been identified on the land in Schedules 3 and 4 of the <i>Plan</i> nor are there any on land in its vicinity	✓
43(5)	A heritage impact statement may be required for development on land: <ul style="list-style-type: none"> • which contains a <i>"heritage item"</i>; • within a <i>"heritage conservation area"</i>; or • within the vicinity of a <i>"heritage item"</i> or a <i>"heritage conservation area"</i> 	<p>The site is located in the vicinity of the Prince Henry Heritage Conservation Area and is separated from it by the entry driveway to St. Michael's Golf Club.</p> <p>The section of the Conservation Area which is in the vicinity of the site is occupied by a complex of single storey brick and weatherboard buildings used for offices and ancillary purposes by Spinal Cord Injuries Australia on 1 Jennifer Street.</p> <p>Having regard to the separation between the site and the Conservation Area and the use of land within the Conservation Area adjacent to the site, the proposed development will not have any effect on the heritage significance of the Conservation Area.</p> <p>In these circumstances, no further heritage impact analysis is warranted</p>	
49	Definitions	The proposal represents development for the purposes of <i>"multi-unit housing"</i>	✓

The proposal complies with all of the relevant provisions contained in *RLEP 1998*.

4.3 Draft Randwick Local Environmental Plan 2012

Draft *Randwick Local Environmental Plan 2012 (RLEP 2012)*, was certified under Section 65 of the *EP&A Act* and was publicly exhibited between 21 February and 2 April 2012 in accordance with Section 66 of the *Act*.

The underlying purpose of the draft *Plan* is to bring Council's planning controls into conformity with the State Government's *Standard Instrument (Local Environmental Plans) Order 2006*.

RLEP 2012 will supercede *RLEP 1998* in its entirety.

Draft *RLEP 2012* proposes to zone this land as R3 Medium Density Residential.

The proposal will represent development for the purpose of "multi dwelling housing" as defined in the Dictionary adopted by Clause 1.4 of the draft *Plan*.

Development for this purpose is to be permissible, with Council's consent, within the R3 Medium Density Residential zone.

Clause 2.3(2) of the draft *Plan* provides that in determining development applications, regard is to be given to the objectives of the zone within which the development is to occur.

The relevant objectives of the R3 Medium Density Residential zone are:

- to provide for the housing needs of the community within a medium density residential environment;
- to provide a variety of housing types within a medium density residential environment;
- to recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, contribute to the desired future character of the area;
- to protect the amenity of residents; and
- to encourage housing affordability.

The proposal is to be consistent with the prevailing character and form of contemporary residences in this locality and their architectural expression and will contribute to the desired future character of this area as contemplated by the draft *Plan*.

The proposal is, therefore, consistent with the proposed objectives for development in the R3 Medium Density Residential zone.

The principal development standards that are proposed to be applied to the site involve:

- a building height of 9.5m; and
- a floor space ratio of 0.75:1.

The building height standard is the same as that currently applying to development on this land, while the proposed floor space ratio is 0.1:1 higher than the current standard of 0.65:1.

The proposal will comply with the provisions proposed in draft *RLEP 2012*.

The provisions contained in draft *RLEP 2012* do not relevantly alter the consideration of the proposal under the terms of the *RLEP 1998*.

5.0 Other Environmental Planning Instruments

A summary assessment of the proposed development in terms of State environmental planning polices applying to the land and the development is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	A BASIX Certificate prepared by Greenworld Architectural Drafting is to be submitted with the application. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.19 - Bushland in Urban Areas</i>	A flora and fauna assessment report prepared by SLR Consulting Australia Pty Ltd is to accompany the application. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	There is no evidence to suggest that any land contaminating activities have been carried out on the land or on land surrounding the site. According to the Zoning Certificate issued by Council, the land is not significantly contaminated land under the <i>Contaminated Land Management Act 1997</i> . A contamination assessment prepared by SLR Consulting Australia Pty Ltd is to accompany the application. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development</i>	This <i>Policy</i> is not applicable to this proposal by virtue of the definition of "residential flat building" under Clause 3 and Clause 4(1) of the <i>Policy</i>	✓

The proposal is satisfactory in terms of relevant State environmental planning policies.

6.0 Multi-unit Housing Development Control Plan

The *Multi-unit Housing Development Control Plan (Multi-unit DCP)*, which became effective on 1 March 2000 and which was last updated on 9 May 2003, applies to this proposal.

The *Plan*:

- applies to all land zoned Residential B;
- supplements *RLEP 1998*; and
- contains detailed development controls, standards and guidelines for multi-unit housing in the Residential B zone.

The aims of the *Plan*, as expressed in Part 1.1, are:

1. to achieve residential diversity by:
 - encouraging the provision of a varied residential environment which responds to the increasing diversity of household sizes and types;
 - ensuring multi-unit housing is sensitive to the local environment and makes better use of existing infrastructure and is capable of adapting to meet the needs of people with a disability; and
 - encouraging the provision of housing that is accessible and adaptable to meet the existing and future needs of all households, including people with disabilities.
2. to encourage urban design excellence by:
 - encouraging environmental and architectural design excellence to produce an urban environment which inspire the community; and
 - promoting environmental design standards which respect and enhance the desired character of existing neighbourhoods.
3. to ensure neighbourhood amenity by:
 - enhancing the quality and safety of the physical environment; and
 - minimising adverse impacts of development on surrounding land, including the loss of amenity.
4. to implement ecological sustainability by:
 - implementing the principles of ecologically sustainable development; and
 - encouraging the use of energy efficient design techniques.
5. to provide clear and consistent controls by
 - providing clear and concise design guidelines and development standards.

The *Plan* is based on:

- objectives, which state what is sought to be achieved;
- performance requirements, which are design-based performance measures which the design and construction of new development are expected to achieve and which allow for greater innovation in building design and construction while ensuring development objectives are achieved;
- preferred solutions, which illustrate a way that performance requirements may be achieved, but which are not compulsory standards; and
- enabling alternative paths to interpret objectives and performance requirements, provided any variations are fully explained and justified in terms of achieving the objectives of the *Plan*.

Part 2.1.1 of the *Multi-unit DCP* contains the following objectives for the desired future character of Randwick:

- to ensure the design of multi-unit housing is sensitive to the topographic, landscape and environmental conditions of the area; and
- to ensure that the appearance of multi-unit housing is of a high visual quality, enhances the streetscape and is visually compatible with the identified desired future character for the locality.

The proposal has been designed to achieve these objectives.

A summary assessment of the application in terms of the preferred solutions and controls contained in the *Multi-unit DCP* is as follows.

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
3.1	Site Planning: A site analysis is to be submitted with applications	A site analysis is contained on Drawing No.DA-101	✓
	Sites are to be of a regular shape and have a frontage of at least 20m	The shape of the site is appropriate for the proposed development and is to have a frontage of some 54.291m to Jennifer Street	✓
3.2	Height: Within the Residential B zone, buildings are not to exceed a height of 9.5m above ground level	The buildings are to have a maximum building height of less than 9.5m	✓
	Within the Residential B zone, any external walls of buildings are not to exceed a height of 7m above ground level	The external walls of the proposed buildings are to have a maximum of 7m	✓
3.3	Building Setbacks: Front setback is determined by the existing and desired character of the streetscape	There are no other residential properties on the eastern side of Jennifer Street in this locality. The front setback is satisfactory and appropriate	✓

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
	The front setback is to be consistent with the setback of adjoining development or the dominant setback along the street	There are no other residential properties on the eastern side of Jennifer Street in this locality. The front setback is satisfactory and appropriate	✓
	Buildings are to maintain a minimum average side setback of 4m from any side boundary	The buildings are to be setback an average of: >4m from the northern side boundary 15m from the southern side boundary	✓
	No part of the building is closer than 2.5m from any side boundary	The buildings are to be setback a minimum of: 2.55m from the northern side boundary 15m from the southern side boundary	✓
	Maximum length of any one section of the side wall (without any articulation) is 10m and the minimum length of any step is to be 3m	The buildings' elevations are to be modulated and articulated and highlighted by architectural features to provide interesting and attractive façades	✓
	Buildings are to maintain a minimum average setback of 6m from any rear boundary	The buildings are to be setback 6m from the eastern rear boundary	✓
	No part of the building is closer than 4.5m from any rear boundary	The buildings are to be setback a minimum of 6m from the eastern rear boundary	✓
	Maximum length of any one section of the rear wall (without any articulation) is 10m and the minimum length of any step is to be 3m	The building's rear elevation is to be modulated and articulated and highlighted by architectural features to provide an interesting and attractive façade	✓
	Eaves, window hoods and other sun-shading or weather protection devices may encroach no more than 25% of the building setback	Not applicable to this application	✓
3.4	Density: The maximum floor space ratio is not to exceed 0.65:1	The complex is to have a floor space ratio of 0.62:1	✓
3.5	Fences: Solid front fences facing the street are to be no higher than 1.2m and this may be increased to 1.8m where the fence has openings that make it at least 50 % transparent	Details of fencing are to be submitted with the application	✓
4.1	Landscaping & Private Open Space: A minimum of 50% of the total site area must be provided as landscaped area	60.6% of total site area is to be provided as landscaped area	✓

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
	Landscaped areas on podiums or over excavated basements is not to exceed 50% of the required landscaped area	8.9% of the landscaped area is to be over podiums or excavated basement areas	✓
	Town houses are to have a minimum area of 25m ² of private open space	A minimum area of 47m ² of private open space is to be provided for each town house	✓
	Private open space at ground or podium level is to be capable of containing a minimum dimension of 3m x 4m with only minor changes of level	All private open space areas are to be capable of accommodating a 3m x 4m area	✓
4.2	Privacy: Where horizontal separation is less than 10m between windows, windows should be offset, angled or screened to reduce potential privacy impacts	The separation between windows in the complex is well in excess of 10m	✓
	A sill level of 1.6m above floor level will provide satisfactory protection for overlooking	Not applicable to this application	✓
	Walls and floors between dwellings are to be constructed in accordance with the requirements of the Building Code of Australia regarding sound transmission and insulation	The walls and floors of the town houses are to comply with the requirements of the Building Code of Australia regarding sound transmission and insulation	✓
4.3	View Sharing: Development should minimise effects on views and demonstrate steps that have been taken to mitigate view loss and buildings are to be aligned to maximise view corridors between buildings	The proposal will not detrimentally affect views enjoyed from residences on the western side of Jennifer Street and there are no significant view corridors available across the site	✓
4.4	Solar Access & Energy Efficiency: 75% of dwellings in a development are to achieve 3.5 star rating by Nat HERS or equivalent and no dwelling is to achieve less than 3 stars, unless the site analysis can demonstrate that this is not achievable on a particular site and an Energy Performance Statement is submitted which demonstrates that the design of the dwelling units satisfies the intent of objectives and performance requirements	A BASIX Certificate prepared by Greenworld Architectural Drafting is to be submitted with the application.	✓

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
	Adequate roof area should be provided facing between 45 degrees east and 45 degrees west of north, and a slope between 15 and 55 degrees to the horizontal is provided for the installation of solar collectors	The roofs of the buildings are capable of accommodating solar panels	✓
4.5	Safety & Security: Building and landscaping design should allow casual surveillance of footpaths and driveways and approaches to the site and the entries of each dwelling are to be visible from within that dwelling	The design enables satisfactory casual surveillance to be available of footpaths, driveways, approaches to the site and the dwelling entries from the proposed town houses	✓
	Resident car parking areas are equipped with security grilles or doors and visitor parking spaces are to be clearly identifiable and located to facilitate surveillance by some units	Access to all resident and visitor parking areas is to be controlled by security doors and intercom and remote locking systems	✓
	Access should be controlled by intercom and remote locking systems	Access to all resident and visitor parking areas is to be controlled by security doors and intercom and remote locking systems	✓
	Adequate provision is to be made for lighting for personal safety and security	A satisfactory lighting system is to be installed to maximise personal safety and security	✓
5.1	Parking: Garages and parking structures are to be sited and designed to not dominate the street frontage	All parking is to be provided at a basement level under the complex and parking will not have any adverse streetscape outcomes	✓
	The design of parking areas is to give consideration to the need to provide parking spaces capable of use by people with a disability	Satisfactory provision is to be made for parking spaces designed for use by people with a disability	✓
	Accessible, safe and secure storage facilities for bicycles are provided	Provision is available in the basement car parking area for the safe and secure storage of bicycles	✓
	Parking is to be provided on the basis of: Resident Parking: 1-bed dwelling 1 space/dwelling 2-bed dwelling 1.2 space/dwelling 3+bed dwelling 1.5 space/dwelling Visitor Parking: 1 space/4 dwellings		
	Total Required: 42 spaces	54 spaces	✓

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
5.2	Driveways & Manoeuvring Areas: Driveways and manoeuvring areas are to be designed to ensure that vehicles can enter and leave the property in a forward direction	The off-street parking facilities have been designed in accordance with <i>AS/NZ 2890, 1-2004 - Parking Facilities - Part 1: Off-Street Car Parking</i> and vehicles using these facilities will be able to enter and leave the site in a forward direction	✓
5.3	Storage: 10m ² of storage space is to be provided for each dwelling with a minimum clearance height of 2.1m and may be provided in basement or sub floor areas, or attached to garages	Adequate storage areas are to be provided in the basement garages and in the town houses	✓
	At least 50% of the storage space is to be within the dwelling and is readily accessible from either the hallway or main living area of that dwelling	Adequate storage areas are to be provided in the town houses	✓
5.4	Barrier-Free Access: New development must address the provision of access for people with special access needs	The complex has been designed to be accessible by people with a disability	✓
	Access for people with a disability is provided to and within dwellings at the following rates :	1 of the town houses has been designed to be an adaptable dwelling	✓
	0 – 14 dwellings 0 dwellings 15 – 29 dwellings 1 dwelling 30 – 44 dwellings 2 dwellings		
	Each dwelling that is designed to be accessible for people with a disability is to have a corresponding parking space designed for people with a disability	A car space designed for use by people with a disability has been provided for use in conjunction with the adaptable dwelling	✓
5.5	Utilities & Site Facilities: Adequate facility is to be made for: <ul style="list-style-type: none"> • mail delivery • telecommunications • electricity supply • gas supply • water supply • telephone services • laundry and drying areas 	Satisfactory and adequate provision is to be made for the required facilities	✓

Provisions of Multi-unit Development Control Plan

Part	Consideration	Proposed	Compliance
5.6	<p>Waste Minimisation & Management: Each dwelling is to have a waste storage cupboard in the kitchen sufficient to enable separation of recyclable material capable of holding at least a single day's waste and allow for source separation of garbage, recyclable and compostible material</p> <p>Design of landscaped areas is to make provision for on-site composting</p> <p>Waste facilities should not be located between the front alignment of the building and the road</p>	<p>Satisfactory and adequate provision is to be made for the required facilities</p> <p>Adequate space is available for composting and this matter can be addressed by a condition of consent</p> <p>All waste storage facilities are to be located in the basement area</p>	<p>✓</p> <p>✓</p> <p>✓</p>
6.1	<p>Heritage Conservation Areas & Heritage Items:</p>	<p>The land has not been identified:</p> <ul style="list-style-type: none"> • as containing any heritage items, archaeological sites or Aboriginal heritage sites; or • as being within a heritage conservation area. <p>The site is located in the vicinity of the Prince Henry Heritage Conservation Area and is separated from it by the entry driveway to St. Michael's Golf Club.</p> <p>The section of the Conservation Area which is in the vicinity of the site is occupied by a complex of single storey brick and weatherboard buildings used for offices and ancillary purposes by Spinal Cord Injuries Australia on 1 Jennifer Street.</p> <p>Having regard to the separation between the site and the Conservation Area and the use of land within the Conservation Area adjacent to the site, the proposed development will not have any effect on the heritage significance of the Conservation Area.</p>	<p>✓</p>
6.2	<p>Foreshore Scenic Protection Areas:</p>	<p>The land has not been identified as being within a foreshore scenic protection area</p>	<p>✓</p>

The proposal complies with the objectives and is consistent with the relevant preferred solutions and controls contained in the *Multi-unit DCP* applicable to this application.

7.0 Issues

7.1 Flora and Fauna Issues

In 2006, the then NSW Department of Environment and Conservation publicly exhibited recommendations for the identification of critical habitat for *ESBS* in the Randwick LGA.

The declaration of critical habitat would have meant that all activities and development proposals within the critical habitat would have required a licence from the Department.

A report on these recommendations was prepared by Council's Director, City Planning, on 13 March 2006 which specifically addressed issues associated with this site.

The report indicated that:

- the land was owned by the La Perouse Aboriginal Land Council;
- the land was zoned Residential B under *RLEP 1998*;
- the potential for development of the land had become limited over time as a result of the declaration of *ESBS* as an endangered ecological community;
- *ESBS* was located on the southern part of the land and covered over 1/3rd of it;
- the proposed recommendation for declaration of the land as a critical habitat covered 3/4 of it;
- in discussions between the Land Council, the Department and Council's officers concerning development of the land, the Department had indicated that an area of *ESBS* would be reserved and that it may have been possible to rationalise the reserved area to approximately 1/4 of the land extending across its full width northward of its boundary with Botany Bay National Park;
- the provisions of the *TSC Act* would guide options for redevelopment in terms of *ESBS* on the land and any critical habitat issues; and
- it did not appear that the Department had undertaken any detailed consultations with the Land Council concerning the proposed declaration of the land as a critical habitat in relation to likely social and economic consequences.

The report recommended that the Department be advised that the declaration of this land as critical habitat for *ESBS* should not proceed until direct consultation and agreement had been reached with the Land Council.

Planning Certificate No.27502 issued by Council on 30 November 2011 indicated that the land did not include or comprise a critical habitat under the provisions of the *TSC Act*.

The application has been preceded by an on-site meeting held with representatives of the NSW Office of Environment & Heritage and Council on 24 April 2012 to discuss issues associated with *ESBS*.

A flora and fauna assessment report on the site, prepared by SLR Consulting Australia Pty Ltd, is to be submitted with the application.

The report:

- provides the outcomes of relevant surveys undertaken to identify the flora and fauna species present and/or likely to occur on the site;
- assesses the likely impacts of the proposed development on the natural environment in general and on threatened biota, including in particular the *ESBS* community;
- undertakes a detailed assessment of likely impacts of development pursuant, among other things to:
 - the *EP&A Act*;
 - the *TSC Act*;
 - *RLEP 1998*; and
 - the *EPBC Act*.

The report indicates:

- the site is largely vegetated, although some of the vegetation present consists entirely of weeds and introduced species and other areas affected by weed invasion, earthworks and/or clearing; and
- some of the vegetation on the site and in the adjoining Botany Bay National Park is mapped as *ESBS*, which is an “*endangered ecological community*” currently listed in the *TSC Act* and the *EPBC Act*.

The report concludes that:

- the proposed development is not likely to impose a significant effect upon any “*threatened species, populations or ecological communities, or their habitats*” pursuant to Section 5A of the *EP&A Act*;
- even if some threatened biota do utilise the site, it is not likely that the vegetation present would support a “*viable local population*” of any such biota in isolation;
- it is not likely that any such “*population*”, nor indeed any individuals of any such species, would be dependent or reliant solely, or to any relevant extent, on that portion of the site proposed for residential development activities;
- there is only a minor amount of clearing associated with the “*local occurrence*” of *ESBS* on the site;
- the proposed development will result in the retention, rehabilitation, regeneration and ultimate protection of *ESBS* vegetation on the site and the reduction of “*key threatening processes*” with regard to weed invasion within the remainder of the retained “*local occurrence*” of native vegetation associated with the site and the adjoining National Park;
- there will be no adverse impact or “*significant effect*” imposed on the *ESBS* community by the proposal;
- the detailed assessment of the impact of the development under Section 5A of the *EP&A Act* concludes that the proposal would not result in a “*significant effect*” being imposed on that “*endangered ecological community*”; and
- there is no requirement for a species impact statement to be prepared for the proposed development.

Lot 3 of the proposed subdivision is to be set aside for the retention, rehabilitation, regeneration and ultimate protection of *ESBS* vegetation on the site.

Lot 3:

- is to have an area of some 4,016.6m², representing some 34.6% of the site;
- is to abut the site's common boundary with Botany Bay National Park; and
- is capable of being seamlessly integrated into the National Park.

The proposed development is, therefore, considered satisfactory and appropriate taking into account relevant flora and fauna issues.

7.2 Bushfire Considerations

A bushfire impact assessment report, prepared by Bushfire Safety Solutions, concerning development on the site is to be submitted with the application.

The report recommends that:

- the asset protection zone for each lot in the proposed subdivision should be required to provide open space and landscaped gardens to the standards prescribed as an inner protection zone;
- existing ground cover is to be maintained at a level of minimal fine fuels;
- garden mulch is to be minimal and garden shrubs are to be regularly pruned and leaf litter is to be regularly cleaned from the inner protection zone;
- this standard of asset protection zone will ensure the surrounding grounds do not support ground or fine fuels that may start fires during any ember attack from a passing bushfire;
- the southern asset protection zone is reliant on Council permitting bushfire hazard management within the southern *ESBS* zone of the property; and
- the construction standard for any new residential building should be a minimum standard of Bushfire Attack Level 29 in accordance with the requirements of *AS 3959-2009* and Part 3.7.4 - Bushfire Areas of the *Building Code of Australia*.

The report concludes that:

- these recommendations provide bushfire safety measures to an equivalent level of bushfire safety protection and compliance as prescribed in *Planning for Bushfire Protection 2006 (PBP)*;
- the proposed subdivision is, subject to the creation of the minimum standard asset protection zone and internal road design, generally compliant with the requirements of *PBP*; and
- the proposed subdivision is worthy of approval in accordance with Section 100B of the *Rural Fires Act 1997*.

The proposed development is, therefore, considered satisfactory and appropriate taking into account relevant bushfire safety issues.

7.3 Residential Amenity Considerations

The proposal will not have any effect on the amenity of surrounding and nearby residential properties in terms of:

- privacy;
- solar access;
- view loss; or
- visual impact.

The proposal will not have any significant effect on the natural environment.

In summary, the development does not raise any relevant considerations in terms of its effect on the environment or amenity enjoyed by residents of surrounding and nearby properties.

8.0 Statutory Compliance Assessment

The following is a summary assessment of the proposal under the heads of consideration contained in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

Section 79C(1)(a)(i) - The provisions of any environmental planning instrument

The proposal is permissible, with Council's consent, and conforms with all of the relevant provisions of the environmental planning instruments applying to this land. See Sections 4.0 and 5.0.

Section 79C(1)(a)(ii) - The provisions of any proposed instrument that is, or has been, publicly exhibited and notified to the consent authority

The proposal is consistent with the provisions contained in draft *RLEP 2012*. See Section 4.3.

Section 79C(1)(a)(iii) - The provisions of any development control plans

The proposal is consistent with aims and substantially complies with the controls of the relevant development control plan applicable to this proposal. See Section 6.0.

Section 79C(1)(a)(iiia) - The provisions of any planning agreement under Section 93F

The application does not propose a planning agreement.

Section 79C(1)(a)(iv) - Matters prescribed by the Regulations

There are no relevant matters prescribed by the *Regulations* applicable to this matter. All building work is to be carried out in accordance the *Building Code of Australia*.

Section 79C(1)(b) - Likely impacts of the development

The proposal will have no adverse or identifiable impact in terms of:

- context and setting;
- access, transport and traffic;
- the public domain;
- utilities;
- heritage;
- other land resources;
- water;
- soils;
- air and microclimate;
- flora and fauna;
- waste;
- energy;
- noise and vibration;
- natural hazards;
- technological hazards;
- safety, security and crime prevention;

- social impact;
- economic impact;
- site design and internal design;
- construction; or
- cumulative impacts.

Section 79C(1)(c) - Suitability of the site for the development

The site is suitable for the proposed development in accordance with the requirements of the *RLEP 1998*, draft *RLEP 2012* and the *Multi-unit DCP*.

Section 79C(1)(d) - Submissions

Any submission received by Council following the notification of the application in accordance with Council's notification policy is to be considered in the determination of this application.

Section 79C(1)(e) - Public interest

There is no issue, which is in the public interest, that should preclude the approval of this proposal.

In fact, the public interest would best be served by the approval of this application in light of:

- the proposal's consistency with the objectives of the zoning of the land under *RLEP 1998* and draft *RLEP 2012* and the desired future character of development in this area contemplated by *Multi-unit DCP*;
- the provision of additional housing opportunities;
- the widening of housing choice;
- the increase in housing densities in an area planned for more intensive development;
- the proposal's positive benefit of providing additional housing opportunities without any adverse environmental effects;
- the enhancement of the streetscape in this area resulting from the proposed development;
- the economic development and use of available land resources in this area in the manner contemplated by *RLEP 1998* and *Multi-unit DCP*; and
- the employment opportunities that will result during the construction phase of the development.

9.0 Conclusion

The proposal is permissible, with Council's consent, under the terms of *RLEP 1998* and complies with all of the relevant provisions of the *Plan*.

The proposal is also to be permissible, with Council's consent, under the terms of *RLEP 2012* and is to comply with all of the relevant provisions of that *Plan*.

The proposed development is consistent with the aims and substantially complies with the controls contained in *Multi-unit DCP*.

The proposal will not have any unreasonable or undue effect:

- on the amenity of residents of surrounding properties in terms of overshadowing, loss of privacy, visual impact or view loss; or
- on the streetscape presentation of the property.

The public interest would best be served by the approval of this application having regard to:

- the proposal's consistency with the objectives of the zoning of the land under *RLEP 1998* and draft *RLEP 2012* and the desired future character of development in this area contemplated by *Multi-unit DCP*;
- the provision of additional housing opportunities;
- the widening of housing choice;
- the increase in housing densities in an area planned for more intensive development;
- the proposal's positive benefit of providing additional housing opportunities without any adverse environmental effects;
- the enhancement of the streetscape in this area resulting from the proposed development;
- the economic development and use of available land resources in this area in the manner contemplated by *RLEP 1998* and *Multi-unit DCP*; and
- the employment opportunities that will result during the construction phase of the development.

The proposal will not compromise traffic safety in this locality and adequately satisfies the off-street parking needs generated by the development.

The proposal conforms with the statutory heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979*.

Accordingly, the application is suitable for approval.