

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

46 Chester Avenue, Maroubra NSW 2035

July 2024





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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

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DOCUMENT CONTROL REGISTER

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

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1	16.07.2024	v1	Not applicable – initial version	
2	25.07.2024	v2	Minor edits	Various
3	29.07.2024	V3	Final edits	Various

DOCUMENT SIGN-OFF

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

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Signature: 

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Designation: Acting Director, Portfolio Services, Homes NSW

Signature: 

Date: 20 September 2024

Contents

1	Executive Summary	8
2	Introduction	10
2.1	Purpose of this Review of Environmental Factors (REF)	10
2.2	Assessment Methodology	10
3	Existing Site & Locality	12
3.1	Existing site and immediately adjoining development.....	12
3.2	Site description.....	13
3.3	Neighbouring development and locality	14
4	Project Description	19
4.1	Demolition.....	19
4.2	Removal of trees	19
4.3	Proposed dwellings	19
4.4	Supporting information.....	22
5	Zoning and Permissibility	26
6	Planning and Design Framework	28
6.1	Environmental Planning and Assessment Act 1979	28
6.2	Biodiversity Conservation Act 2016 (BC Act)	28
6.3	Other Acts	28
6.4	Environmental Planning and Assessment Regulation 2021.....	29
6.5	State Environmental Planning Policy (Housing) 2021.....	31
6.6	Other State Environmental Planning Policies.....	39
6.7	Randwick Local Environmental Plan 2012 (RLEP 2012)	41
6.8	Randwick Development Control Plan 2013 (RDCP 2013)	43
7	Notification, Consultation and Consideration of Responses	55
7.1	Council Notification	55
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	61
7.3	Notification of Specified Public Authorities.....	64
8	Review of Environmental Factors	65
8.1	Neighbourhood Character	65
8.2	Bulk and Density.....	65
8.3	Streetscape	66
8.4	Visual Impact	66
8.5	Privacy	66
8.6	Solar Access	67
8.7	Overshadowing	68
8.8	Traffic & Parking	69
8.9	Flora and Fauna	69
8.10	Heritage (European / Indigenous).....	70
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity.....	70
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality	71
8.13	Bushfire Prone Land.....	72
8.14	Noise and Vibration.....	72
8.15	Air Quality.....	73

8.16	Waste Minimisation.....	73
8.17	Resource Use & Availability.....	74
8.18	Community / Social Effects.....	74
8.19	Economic Impact.....	75
8.20	Cumulative Impact Assessment.....	75
9	Conclusion.....	76
9.1	Summary of Key Issues Raised in Assessment.....	76
9.2	Recommendation.....	76
10	Appendices.....	77

List of Figures

Figure 1 Location Plan (Source: SIX Maps accessed 21 May 2024).....	12
Figure 2 Location Plan (Source Nearmap accessed 21 May 2024)	12
Figure 3 Development site – 46 Chester Avenue (Source: Google Maps, Streetview, April 2023).....	14
Figure 4 Adjoining development to the north – 44 Chester Avenue (Source: LAHC Site Visit, July 2023)	15
Figure 5 Adjoining development to the south (prior to demolition) – 48 Chester Avenue (Source: LAHC Site Visit, July 2023)	15
Figure 6 Adjoining development to the east – 45 Chester Avenue (Source: LAHC Site Visit, July 2023).....	16
Figure 7 Neighbouring development– 59-65 Chester Avenue (Source: LAHC Site Visit, July 2023)	16
Figure 8 Neighbouring development– 39 Chester Avenue (Source: LAHC Site Visit, July 2023).....	17
Figure 9 Neighbouring development– 1048 Anzac Parade (Source: LAHC Site Visit, July 2023).....	17
Figure 10 Extract from Architectural Plans – Site Plan (Source: Integrated Design Group, dated 10/07/2024) .	20
Figure 11 Extract from Architectural Plans – Ground Floor Plan (Source: Integrated Design Group, dated 10/07/2024).....	20
Figure 12 Extract from Architectural Plans – Level One Plan (Source: Integrated Design Group, dated 10/07/2024).....	21
Figure 13 Extract from Architectural Plans – Level Two Plan (Source: Integrated Design Group, dated 10/07/2024).....	21
Figure 14 Extract from Architectural Plans – Chester Avenue Streetscape Perspective (Source: Integrated Design Group, dated 10/07/2024)	22
Figure 15 Land zoning map, site outlined red (Source: NSW Planning Portal, accessed 21 May 2024).....	26
Figure 16 Map of Properties Notified of the Proposed Development (Source: LAHC).....	62

List of Tables

Table 1 Supporting information.....	22
Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979.....	28
Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171].....	29
Table 4 Factors to be taken into account concerning the impact of an activity on the environment	29
Table 5 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for ‘residential development without consent’ carried out by LAHC.....	31
Table 6 Compliance with relevant provisions under Apartment Design Guide	36
Table 7 Compliance with other applicable State and Environmental Planning Policies.....	39
Table 8 Randwick Local Environmental Plan 2012	42
Table 9 Randwick Development Control Plan 2013	44
Table 10 Issues raised in Council submission.....	55
Table 11 Key issues raised by adjoining owners / residents	62

1 Executive Summary

The subject site is located at 46 Chester Avenue, Maroubra, and is legally described as Lot 270 in Deposited Plan 36765. The proposed residential flat building development is described as follows:

Removal of trees, and the construction of a residential flat building comprising 5 x 1 bedroom and 2 x 2 bedroom units, with associated landscaping and fencing and surface parking for 3 cars.

The proposed activity can be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as:

- the development is permitted with development consent on the land under Randwick Local Environmental Plan 2012, and
- all buildings will have a height not exceeding the greater of 11m, or the maximum permissible building height for the land, and
- all buildings will have a floor space ratio not exceeding the greater of 0.65:1, or the maximum permissible floor space ratio for the land, and
- the development will not result in more than 75 dwellings on a single site, and
- the development is located on land in an accessible area and results in the following number of parking spaces —
 - for each dwelling containing 1 bedroom — at least 0.4 parking spaces,
 - for each dwelling containing 2 bedrooms — at least 0.5 parking spaces,
 - for each dwelling containing at least 3 bedrooms — at least 1 parking space.

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

The REF demonstrates the following:

- From an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.
- Based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment.
- The proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required.
- The site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Randwick City Council.
- A BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets.
- There are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

- Randwick City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 21 May 2024. Comments on the response are provided in Section 7.1 of this REF. Nine submissions, including 1 petition, were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.
- The design of the proposed residential apartment development has adequately considered the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the Apartment Design Guide.
- The development adequately considers the *Good Design for Social Housing*, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023.

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

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the removal of trees, and the construction of a residential flat building development comprising 5 x 1 bedroom and 2 x 2 bedroom units, with associated landscaping and fencing and surface parking for 3 cars at 46 Chester Avenue, Maroubra.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP. The proposed development is a residential flat building for the purpose of providing affordable housing within the suburb of Maroubra.

This REF has been prepared by LAHC to satisfy the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation (EP&A Regulations) 2021*.

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

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Randwick Local Environmental Plan 2012 (RLEP 2012)*.
- It was determined that residential flat building is 'permitted with consent' in the R3 – Medium Density Residential zoning pursuant to the RLEP2012 and can be carried out 'without consent' under the provisions of Housing SEPP 2021.

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

- A site inspection and a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context.
- Relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity.
- An environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required.
- Potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors.
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing site and immediately adjoining development

The site is in the Randwick local government area (LGA) and comprises 1 residential allotment. A location plan is provided at **Figure 1** and **Figure 2**.

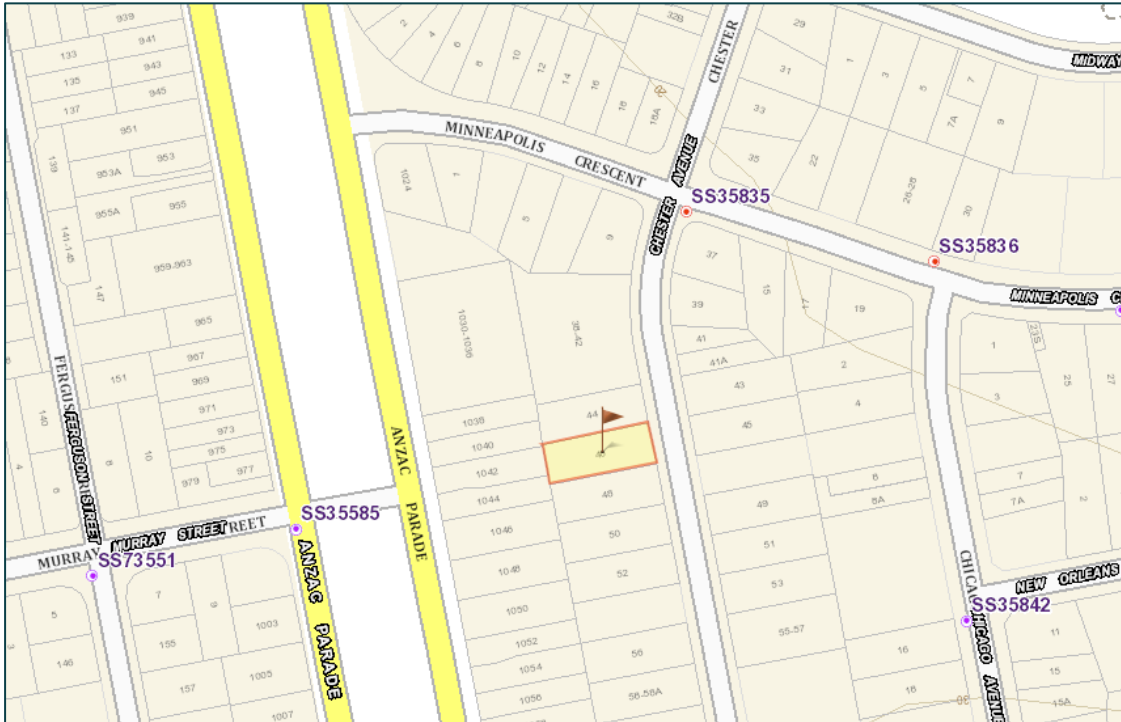


Figure 1 Location Plan (Source: SIX Maps accessed 21 May 2024)



Figure 2 Location Plan (Source Nearmap accessed 21 May 2024)

3.2 Site description

The site is currently occupied by a single storey brick dwelling with tiled roof (refer to photographs at **Figure 3**). A copy of the Section 10.7(2) & (5) Planning Certificate (No 68634) dated 19 February 2024 is provided in *Appendix F*.

The site has a total area of 627.1m², a frontage to Chester Avenue of 15.24m, side (northern and southern) boundaries of 41.15m and a rear (western) boundary of 15.24m. The site falls from the western corner (rear) at 24.81m AHD to the front northern corner at 23.85m AHD (refer to the submitted Survey Plan in *Appendix D*).

The Section 10.7 Planning Certificate for the lot indicates the site is between the flood planning area and the probable maximum flood and as such, is subject to flood related development controls.

The site is not affected by bushfire risk, landslip, or coastal hazards. Additionally, the site is not a biodiversity stewardship site nor subject to a Property Vegetation Plan. The site is not within the Coastal Management Area or Coastal Use Area as mapped in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

There are 9 trees considered in relation to the proposed development. Two trees (Trees 2 and 3) are located within the site, 6 trees (Trees 4, 5, 6, 7, 8 and 9) on a neighbouring property and 1 tree (Tree 1) located within the road reserve at the site frontage as identified in the Arboricultural Impact Assessment and Tree Management Plan in *Appendix J*. Seven trees are proposed for retention and protection with all trees within the site boundaries recommended for removal and replacement.

Traffic and Access

Vehicular access is currently provided to the site via a crossover from Chester Avenue at the northeast corner of the site. Unrestricted kerbside parking is available along both sides of Chester Avenue.

Services

Water, sewer, electricity, gas, and telephone facilities are available to the site (refer to the submitted Survey Plan for the location of available services at *Appendix D*). Water, electricity, and telephone services are located along the road alignment of Chester Avenue. A sewer main traverses the rear boundary of neighbouring properties to the west of the site, with a sewer connection point located in the rear setback of the subject site.

Encumbrances

There are no encumbrances identified on the Certificate of Title (*Appendix Q*), Section 10.7 certificate (*Appendix F*) or indicated on the Survey Plan (*Appendix D*) that restrict the proposed development.



Figure 3 Development site – 46 Chester Avenue (Source: Google Maps, Streetview, April 2023)

3.3 Neighbouring development and locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick construction with tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancies, multi-dwelling houses and small-scale residential flat building (RFB) developments.

The property immediately to the north of the subject site at 44 Chester Avenue contains a two storey RFB development of rendered finishes with metal sheet roofing (refer to photographs at **Figure 4**).

The property immediately to the south of the subject site at 48 Chester Avenue, contained a single storey dwelling house of brick construction with tile roofing which has recently been demolished to facilitate the construction of a multi dwelling development. The photograph at **Figure 5** show 48 Chester Avenue prior to demolition works.

Across the street from the subject site is 45 Chester Avenue which contains a two-storey residential development with brick finish and tiled roof (refer photograph at **Figure 6**).

Figure 7 to **Figure 9** show examples of medium density residential development within the local area. **Figure 7** is an example of a recent three storey RFB located on 59-65 Chester Avenue of brick and rendered finishes with metal roofing. **Figure 8** is another RFB also of brick and rendered finishes with metal roofing located on 39 Chester Avenue. **Figure 9** illustrates a residential development of rendered finishes and metal roofing.



Figure 4 Adjoining development to the north – 44 Chester Avenue (Source: LAHC Site Visit, July 2023)



Figure 5 Adjoining development to the south (prior to demolition) – 48 Chester Avenue (Source: LAHC Site Visit, July 2023)



Figure 6 Adjoining development to the east – 45 Chester Avenue (Source: LAHC Site Visit, July 2023)



Figure 7 Neighbouring development – 59-65 Chester Avenue (Source: LAHC Site Visit, July 2023)



Figure 8 Neighbouring development- 39 Chester Avenue (Source: LAHC Site Visit, July 2023)



Figure 9 Neighbouring development- 1048 Anzac Parade (Source: LAHC Site Visit, July 2023)

Public Transport

The subject site is well serviced by the following bus services located on Anzac Parade:

- Bus stop ID: 203562 (Anzac Pde before Minneapolis Cres) – This is located 303.31m north-west of the site based on survey (*Appendix D*).
- Bus stop ID: 203569 (Anzac Pde at Wade St) – This is located approximately 386.38m north-west of the site based on survey (*Appendix D*).

The identified bus stops are serviced by routes 390X, 394X and 399 which provide return services between the site and commercial, retail and education centres as noted below.

- Route 390X provides express bus service from La Perouse to Bondi Junction.
- Route 394X provides express bus service from La Perouse to City Museum.
- Route 399 provides a loop service from Little Bay to UNSW.

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

Surrounding Land Use

Surrounding land use is predominantly residential with other uses, including open space, commercial development, and recreation areas. The site is located approximately 750m from Heffron Centre, a public recreation and sports complex. Coral Sea Park, a public recreation site, is located approximately 400m from the site. South Maroubra Shopping Village is located approximately 800m east of the site and contains grocery shops, a chemist, health centres, beauty services, takeaway food, a post office, cafes, and other retail stores.

4 Project Description

4.1 Demolition

The proposed activity does not include demolition of the single storey detached dwelling house and associated structures. These works will be undertaken via a separate approval.(refer to *Appendix A*).

4.2 Removal of trees

The Arboricultural Impact Assessment and Tree Management Plan undertaken for the site (*Appendix J*) considers 9 existing trees in relation to the proposed development. Two trees (Trees 2 and 3) are located within the site; 1 tree (Tree 1) is located within the Chester Avenue road reserve and 6 trees (Trees 4, 5, 6, 7, 8 and 9) are located on 1042 and 1044 Anzac Parade, adjoining the site to the west.

Two trees located on the site are proposed to be removed, with reasons for removal detailed below:

- Tree No. 2 - identified as being in poor condition and located within proposed building footprint.
- Tree No. 3 - identified as being in good condition, however located within the footprint of proposed building. This specimen is also likely to experience Tree Protection Zone (TPZ) encroachment by the approved development on the adjoining property to the south at 48 Chester Avenue.

Tree removal is recommended primarily to accommodate the proposed development especially where encroachment will have an adverse impact on roots and crown for viability and stability of the individual species recommended for removal (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in *Appendix J*).

Appropriate replacement planting, including trees capable of reaching mature height and spread of 10m x 6m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees as demonstrated in the Landscape Plan in *Appendix B*.

4.3 Proposed dwellings

The proposed RFB contains 7 units consisting of 5 x 1 bedroom and 2 x 2-bedroom dwellings. All units have been designed to Livable Housing Australia Silver Level.

The proposed development represents a contemporary, high-quality design, which will be an improvement on the existing dwelling located on the site. The use of a mixture of face brick and concrete for external walls and metal roofing is consistent with the existing and developing character in Maroubra. Three of the 7 proposed units will address the street (Unit G.01 on the ground floor, Unit 1.01 on Level 1, and Unit 2.01 on Level 2) with living areas and living area windows facing the street for passive surveillance.

Cut and fill is proposed to provide a level building platform and facilitate the installation of the onsite stormwater drainage system and parking area.

A variety of new landscape plantings, including trees capable of reaching a mature height of 4m to 10m are proposed to offset the proposed tree removal and enhance the appearance, privacy, and microclimate of the site. New plantings will consist of a mixture of canopy trees, shrubs, and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area which is directly accessible from internal living areas.

A total of 3 car parking spaces will be provided onsite to service the development.

Stormwater will be collected via a series of stormwater pits and gutters on the site, connected to an 11kL underground stormwater detention tank which drains to a proposed kerb inlet pit located on Chester Avenue. Roof water will be collected from downpipes and connected to a 5000L aboveground rainwater tank for recycling with overflow connected to the underground detention tank.

A new 1.8m high metal panel fence is proposed along the side and rear boundaries. A combination of face brick of 2m height and metal palisade fencing of 1.5m height will be provided at the site frontage.

Figure 10 to Figure 14 include extracts from the architectural plans illustrating the proposed development.

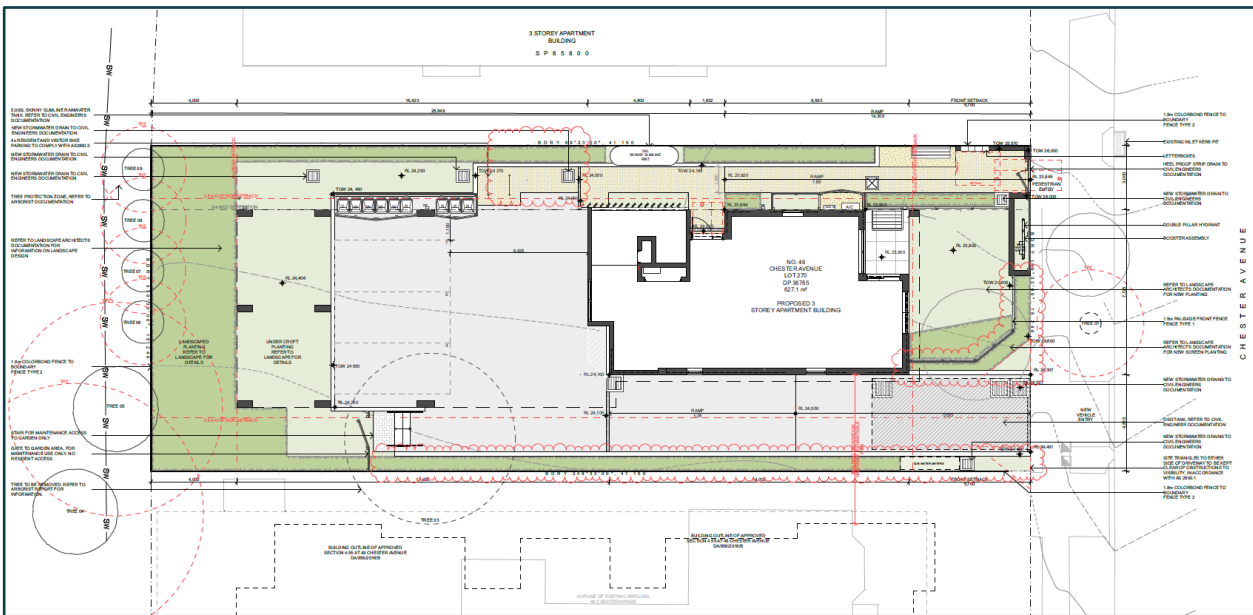


Figure 10 Extract from Architectural Plans – Site Plan (Source: Integrated Design Group, dated 10/07/2024)

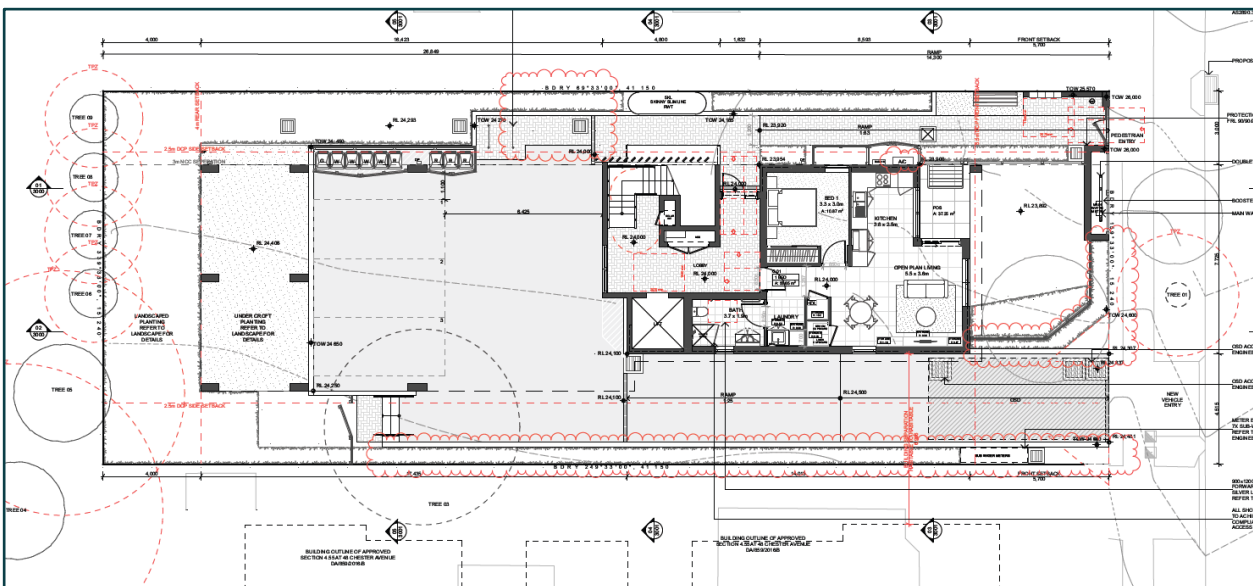


Figure 11 Extract from Architectural Plans – Ground Floor Plan (Source: Integrated Design Group, dated 10/07/2024)



Figure 14 Extract from Architectural Plans – Chester Avenue Streetscape Perspective (Source: Integrated Design Group, dated 10/07/2024)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Cover	P5-0001	B	10/07/2024	Integrated Design Group
Compliance Calculations 1	P5-0003	B	10/07/2024	Integrated Design Group
Compliance Calculations 2	P5-0004	B	10/07/2024	Integrated Design Group
Site Plan	P5-0100	B	10/07/2024	Integrated Design Group
Site Analysis	P5-0101	A	13/03/2024	Integrated Design Group
Waste Management Plan	P5-0102	A	10/07/2024	Integrated Design Group
Ground Floor Plan	P5-1100	B	10/07/2024	Integrated Design Group

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Level One Plan	P5-1101	B	10/07/2024	Integrated Design Group
Level Two Plan	P5-1102	B	10/07/2024	Integrated Design Group
Roof Plan	P5-1103	B	10/07/2024	Integrated Design Group
Elevations 01	P5-2000	B	10/07/2024	Integrated Design Group
Elevations 02	P5-2001	B	10/07/2024	Integrated Design Group
Sections 01	P5-3000	B	10/07/2024	Integrated Design Group
Sections 02	P5-3001	B	10/07/2024	Integrated Design Group
External Finishes	P5-9300	B	10/07/2024	Integrated Design Group
Sun Shadow Analysis	P5-9400	B	10/07/2024	Integrated Design Group
Eye of the Sun Diagrams	P5-9401	B	10/07/2024	Integrated Design Group
Internal Solar Access Diagrams	P5-9402	A	10/07/2024	Integrated Design Group
Internal Solar Access Diagrams	P5-9403	A	10/07/2024	Integrated Design Group
Ventilation Diagrams	P5-9404	A	10/07/2024	Integrated Design Group
Landscape Plan – Appendix B				
Landscape Site Plan	L_1	G	19/06/2024	Wallman Partners Pty Ltd Landscape Architects
Planting Plan	P_1	E	19/06/2024	Wallman Partners Pty Ltd Landscape Architects
Civil Plans – Appendix C				
Cover Sheet, Drawing Schedule and Site Locality Plan	DA01	03	7/03/2024	Northrop
Concept Erosion and Sediment Control Plan	DA02	03	7/03/2024	Northrop
Site Catchment Area Plan	DA03	03	7/03/2024	Northrop
Concept Siteworks, Grading and Stormwater Drainage Plan	DA04	04	28/06/2024	Northrop
Contour and Detail Survey – Appendix D				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Detail and Level Survey	Sheet 1 of 1	S	28/07/2022	S.J Surveying Services Pty Ltd
Footpath Gradient	Sheet 1 of 1	S	28/07/2022	S.J Surveying Services Pty Ltd
Notification Plans – Appendix E				
Cover Page	P5-N01	A	13/03/2024	Integrated Design Group
Site & Landscape Plan	P5-N02	A	13/03/2024	Integrated Design Group
Development Data	P5-N03	A	13/03/2024	Integrated Design Group
Elevations	P5-N04	A	13/03/2024	Integrated Design Group
Schedule of Finishes	P5-N05	A	13/03/2024	Integrated Design Group
Shadow Diagrams	P5-N06	A	13/03/2024	Integrated Design Group
Access Report – Appendix H				
Part 5 Application Access Report	23183	A	8/03/2024	Vista Access Architects
AHIMS Web Search – Appendix I				
AHIMS search	-	-	14/02/2024	NSW Government
Arborist's Report – Appendix J				
Arboricultural Impact Assessment and Tree Management Plan	8806.3	4	7/03/2024	Redgum Horticultural
BASIX – Appendix K				
BASIX Certificate	Cert No. 1738956MBSX-29112M	02	12/07/2024	Marc Kiho
BCA report – Appendix L				
BCA Compliance Assessment	23192	R03	12/03/2024	Metro Building Consultancy
NatHERS Certificate – Appendix N				
Nationwide house energy rating scheme – class 2 summary	No. 0009284490	-	6/03/2024	Marc Kiho
Geotechnical Investigation - Appendix P				
Geotechnical Investigation Assessment	No. 22/2860	-	August 2022	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R				
Waste Management Plan	0.2	A	-	Integrated Design Group

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Traffic and Parking Impact Assessment - Appendix S				
Traffic and Parking Impact Assessment	23141	-	13/03/2024	Varga Traffic Planning Pty Ltd
Traffic Assessment Addendum Letter			15/07/2024	Varga Traffic Planning Pty Ltd
Acoustic Report - Appendix T				
Part 5 Acoustic Assessment	230349	R1	7/03/2024	Pulse White Noise Acoustics
Flood Assessment – Appendix U				
Flood Assessment	SY231042	C	12/03/2024	Northrop
Solar Study – Appendix Z				
Solar Analysis	-	-	-	Integrated Design Group

Section 10.7 Planning Certificates – Appendix F

Lot 270 DP 36765, Cert no. 70289, dated 19/07/2024 - Randwick City Council

Notification letters & submissions – Appendix G**Design compliance and checklists – Appendix M**

Architect's Certificate of Building Design Compliance – Integrated Design Group, dated 22/03/2024.

Certificate of Landscape Documentation Compliance – Wallman Partners Pty Ltd, dated 22/03/2024.

Certificate of Stormwater Documentation Compliance – Northrop, dated 28/03/2024.

Design Guide Checklist – Appendix O

Apartment Design Guide Checklist, prepared by Integrated Design Group, dated 1/03/2024.

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 270/36765, Search date 01.07.2022, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 36765, Search Date 01.07.2022

Crime Prevention through Environmental Design Report – Appendix V

Crime Prevention through Environmental Design Report - Integrated Design Group, dated 01/03/2024.

Design of Quality Statement – Appendix W

Design of Quality Statement - Integrated Design Group, dated 11/03/2024.

Statement of Compliance – Appendix X

Statement of Compliance with Good Design for Social Housing and LAHC Design Requirements (February 2023) - Integrated Design Group, dated 29/02/2024.

Area Specific Controls – Appendix Y

Area Specific Controls - Coral Sea Park Estate, Maroubra - Integrated Design Group, dated 13/03/2024.

5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Randwick Local Environmental Plan 2012* (RLEP 2012) (see **Figure 15**). The proposed development is defined as ‘residential flat building’ under the provisions of RLEP 2012 and is permissible with consent in the R3 zone and therefore, is permitted on the subject land without consent pursuant to section 42 of the HSEPP.

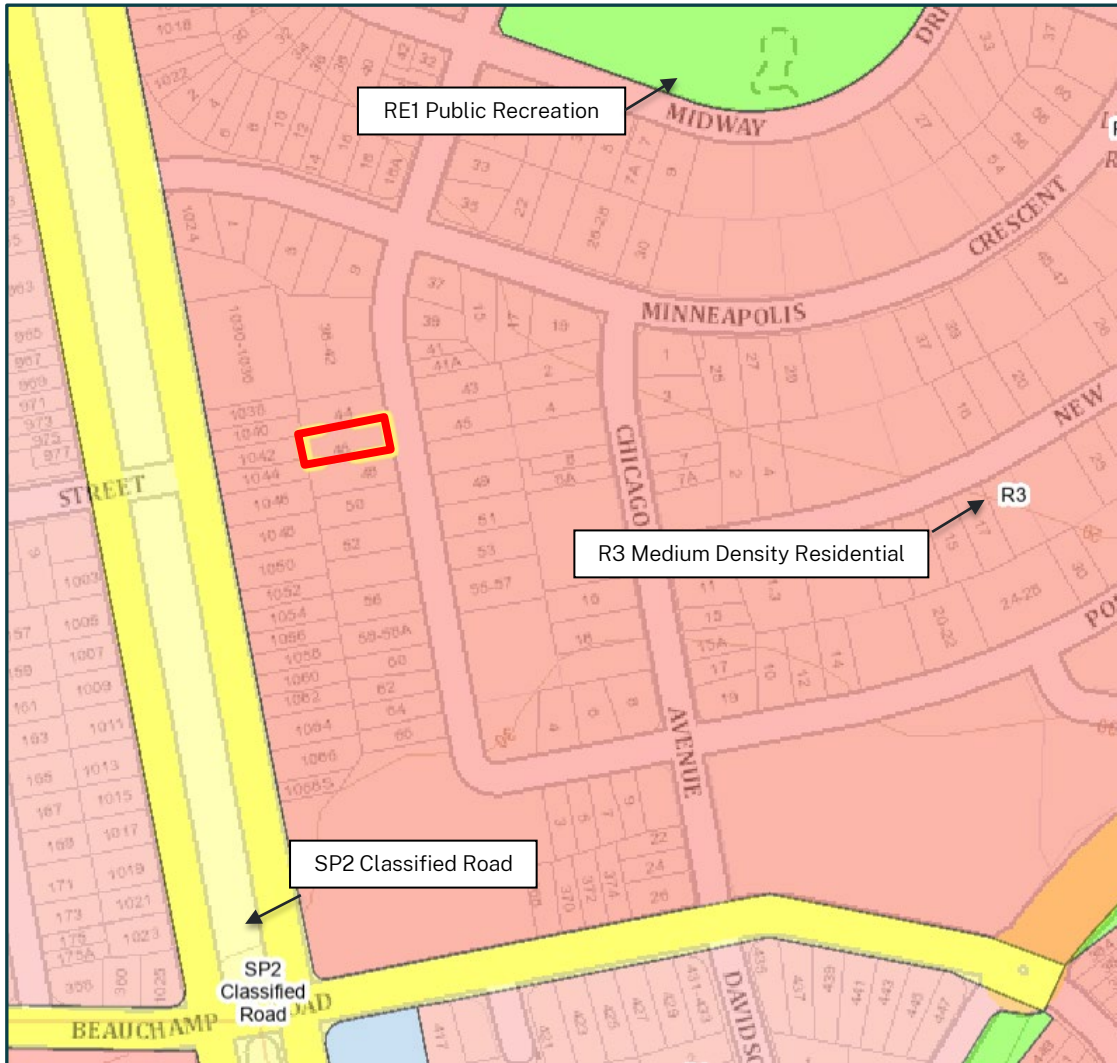


Figure 15 Land zoning map, site outlined red (Source: NSW Planning Portal, accessed 21 May 2024)

The relevant objectives of the R3 zone, as set out in RLEP 2012 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, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.

The proposed development is consistent with the above objectives because it:

- will provide new affordable housing that meets the identified needs of the community;

- will provide a density and type of housing that is compatible with the scale of existing development and will add to the variety of housing in the locality;
- will provide a high quality and attractive development that will contribute to existing streetscape and overall desired character of the area; and
- will increase housing density on a site within walking distance to bus transport that links to the Sydney CBD and other major commercial, retail and education centres including Bondi Junction and the University of New South Wales campus.

Part 2, Division 6 of the HSEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that Division. **Table 5** in subsection **6.5.1** of this REF demonstrates compliance with the relevant provisions of Section 42 of the HSEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

6.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity. The provisions of the *Contaminated Land Management Act 1997* are addressed in Section 6.6 with *State Environmental Planning Policy (Resilience and Hazards) 2021*.

6.4 Environmental Planning and Assessment Regulation 2021

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

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

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

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021

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

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

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

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

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

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

6.4.2 Strategic Planning Framework

Randwick 2040 Local Strategic Planning Statement

The Randwick Local Strategic Planning Statement was endorsed by Randwick City Council in March 2020. It is a 20 year plan that identifies 23 Planning Priorities for the LGA, focused on liveability, productivity, sustainability, infrastructure and collaboration.

Notably, Priority 1 seeks to *provide diverse housing options close to employment, services and facilities*; and Priority 2 highlights the need to *increase the supply of affordable rental housing stock to retain and strengthen our local community*. The proposed development will contribute 7 affordable housing units to the Randwick City LGA. The development will diversify the residential uses in Randwick City LGA by introducing affordable housing that is capable of accommodating smaller households in a location that is well serviced by existing public transport options and essential services. As such, the proposed development contributes to the objectives of the Randwick Local Strategic Planning Statement.

Randwick 2022-2032 Community Strategic Plan

The Randwick 2022-2032 Community Strategic Plan was adopted by Council in April 2022. It is a 10 year plan that outlines 7 informing strategies derived from an extensive community engagement process, which identified priorities for the community’s future. Under the 7 informing strategies are key principles for Council to facilitate in partnership with the community, government agencies and business. The informing strategies are focused around environment, arts and culture, housing, integrated transport, open space and recreation, inclusion and economic.

The housing strategy highlights the principle of affordability:

- *Increase affordable rental housing and social housing.*

The proposed development is consistent with this goal as it will deliver additional affordable housing units to the local area that have been designed to achieve sustainability targets and will deliver a high quality development that will contribute to the character of the local area. As such, the proposal is not in conflict with the Randwick 2022-2032 Community Strategic Plan.

6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Demolition

Separate approval will be obtained for the demolition of the existing structures.

Residential development

Chapter 2, Part 2, Division 6 of the HSEPP permits LAHC to carry out certain development as 'development without consent' subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of section 42 and 43 of the HSEPP.

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

Provision	Compliance
42 Development to which division applies	
(1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The development is permissible with consent in the R3 Medium Density Residential zone under the RLEP 2012.
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the land, and	The maximum proposed building height is 9.95m
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the land (0.75:1), and	The proposed floor space ratio is 0.75:1.
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 7 dwellings.
(e) for development on land in an accessible area – the development will result in the following 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 located in an accessible area as demonstrated in section 3.3 above. The proposal provides 3 parking spaces in accordance with the identified rates: 5 x 1 bedroom = 2 parking spaces required 2 x 2 bedroom = 1 parking space required

Provision	Compliance
(iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	Total parking spaces required = 3
(f) for development on land that is not in an accessible area – the development will result in the following parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking space, and	Not applicable
(2) This division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Separate approval will be obtained for the demolition of the existing structures on site.
(b) the subdivision of land and subdivision works.	Not applicable
(3) This Division does not apply to – (a) development to which Chapter 2, Part 2, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Noted
(4) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections – (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Consultation with authorities other than Randwick City Council was not required for this activity. Noted
(5) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. non-heritage land means land that – (a) does not contain a heritage item, and (b) is not the subject of an interim heritage order under the Heritage Act 1977, and (c) is not listed on the State Heritage Register under the Heritage Act 1977.	Noted
43 Residential development permitted without consent	
(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of –	Development will be carried out by or on behalf of NSW LAHC.

Provision	Compliance
<p>(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or</p> <p>(b) another relevant authority.</p> <p>(2) Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.</p>	N/A
43A Notification before carrying out development	
(1) Before carrying out development under this Division, the relevant authority must-	
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Randwick City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 3 April 2024. Council provided a response on 5 April 2024 confirming owner details of properties to be included in the scope of notification.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Randwick City Council of the proposed development activity was sent by LAHC on 23 April 2024. Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 21 May 2024. Comments on the response are provided in Section 7.1 of this REF. Nine submissions were received from adjoining occupiers, including 1 community petition. Comments on the submissions are provided in Section 7.2 of this REF.
43B Landcom must notify Secretary of Department of Communities and Justice	
<p>Before carrying out development to which this division applies, Landcom must –</p> <p>(a) give written notice of the intention to carry out the development to the Secretary of the Department of Communities and Justice, including the measures proposed to ensure the dwellings resulting from the residential development will be –</p> <p>(i) used for affordable housing, and</p> <p>(ii) managed by a registered community housing provider, and</p> <p>(b) take into account the responses to the notice that are received within 21 days after the notice is given.</p>	Not applicable to LAHC
43C Consideration of design of residential apartment development	
<p>Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following –</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide.</p>	<p>The proposed development has considered design principles for residential apartment development set out in Schedule 9 and the Apartment Design Guide. Refer to Design Quality Principles Statement in Appendix W and Apartment Design Guide Checklist in Appendix O.</p> <p>Non-compliances against the Apartment Design Guide are addressed in subsection 6.5.4.</p>

Provision	Compliance
44 Considerations before carrying out development	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not Applicable to LAHC.
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider — (a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and (b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	(a) Refer to subsection 6.5.2 which demonstrates that the <i>Good Design for Social Housing</i> has been considered. (b) Refer to subsection 6.5.3 which demonstrates that the <i>NSW LAHC Design Requirements</i> have been considered.
(3) Before carrying out development to which this division applies, Landcom must consider <i>the Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not Applicable to LAHC.
44A Exempt development	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	Noted
(2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	Noted
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .	Noted

6.5.2 Good Design for Social Housing

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

Clause 44(2)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and detailed responses are provided by the architect in the Statement of Compliance in *Appendix X*.

Wellbeing

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

All units have been designed to achieve Livable Housing Australia Silver Level with the ability to cater for all age groups and degrees of mobility. The development incorporates passive and active sustainable design by achieving cross-ventilation in all units and solar access during mid-winter to 71% of units. There is also the use of durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS rating with an average of 8.2 stars which exceeds the minimum targets set by LAHC. An 18kW photovoltaic system has been incorporated to offset energy use in the development with PV solar panels positioned to maximise solar gains.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents.

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

Belonging

The proposed development is situated in Coral Sea Park Estate, (Part 8.1 Medium Density Residential – Randwick Development Control Plan) which is characterised by a range of low-medium scale development, with a mix of single storey detached dwellings, multi-unit housing and residential flat buildings. The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The external brick façade and aesthetic of the development is consistent with the neighbouring context, making it indistinguishable from private housing.

The proposed housing is secured with a front gate for access into the property, creating a sense of safety for tenants. The secured entry lobby to the building as well as the bench seat proposed on the entry path, creates the opportunity for social interaction among residents in a safe environment as well as safe transition from public to private spaces.

The mixed unit sizing caters to the needs of a diverse range of tenants.

Value

The development exceeds sustainability targets, with 4 of the 7 dwellings achieving a NatHERS score of 8 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

The design and assessment process involved close collaboration with a number of stakeholders, including input from adjoining landowners.

6.5.3 Land and Housing Corporation Design Requirements

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

Clause 44(2)(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in *Appendix M*. Further detail will be incorporated in the construction documentation.

6.5.4 Apartment Design Guide

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

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

Table 6 Compliance with relevant provisions under Apartment Design Guide

Provision	Compliance
Objective 2F – Building Separation	
Minimum separation distances for buildings are: <ul style="list-style-type: none"> • Up to four storeys (approximately 12m): • 12m between habitable rooms/balconies; 9m between habitable and non-habitable rooms; • 6m between non-habitable rooms. 	<p>The development provides a southern (side) setback of between 3m-4.5m, a northern (side) setback of 3m, and a western (rear) setback, of 4m, which do not achieve numerical compliance with building separation requirements. Notwithstanding, the resultant building separation is considered to provide an appropriate response within the site context.</p> <p>Importantly, the side setbacks comply with the minimum 3m setback control for residential flat buildings, as set out in the Randwick DCP. This DCP control recognises the density constraints of the site and locality, and the resultant setbacks are generally consistent with surrounding setbacks. Therefore, despite the numeric non-compliance, the proposed development provides a reasonable response to building separation, in the context of the relevant DCP controls.</p> <p>With regards to the rear setback, the DCP requires a 6m setback to the boundary. The proposed development provides a 4m rear setback. Whilst this is non-compliant with the DCP control, the 4m setback is consistent with the setback of the immediately adjoining property to the south at No.48 Chester Ave which was recently approved by Council and is under construction. Accordingly, the rear setback is considered to provide an appropriate built form response.</p>

Provision	Compliance
	<p>On balance, despite the numeric non-compliance the proposed development is considered to provide an acceptable response to building separation that is characteristic of the locality.</p>
<p>Objective 3B - Orientation</p>	
<p>Overshadowing - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p>	<p>The proposed development leads to overshadowing of the approved development on the adjoining southern property – 48 Chester Avenue.</p> <p>Solar Analysis Diagram (<i>Appendix Z</i>) illustrates that 2 out of 5 of the approved multi dwelling units on 48 Chester Avenue receive at least 2 hours of solar access between 9 am and 3 pm on 21 June (mid-winter) to living areas and private open spaces.</p> <p>The north-south spatial relationship and relatively narrow width of the subject site limits the opportunity to increase the setback from the southern boundary and potentially reduce the extent of overshadowing. It is also noted that the living areas of the approved development on 48 Chester Avenue are located at ground level and setback approximately 2.5m from the northern boundary which effectively increases the risk of overshadowing to these areas as a result of development on the subject site.</p> <p>The development will also overshadow the adjoining developments to the west at 1042-1044 Anzac Parade, and 1046 Anzac Parade. This overshadowing will occur from 9am-11am during the midwinter solstice, with no impacts thereafter. The overshadowing within both properties falls on the rear corner of these property's rear open space, with the majority of the rear open space continuing to receive sunlight despite the proposed development.</p> <p>As such, design responses such as a flat roof form and reduced building height of 9.95m in lieu of 11m, have been incorporated to minimise overshadowing impacts on the southern adjoining property.</p> <p>The proposed residential flat building although leading to overshadowing impacts, is deemed an appropriate use for the subject site based on the R3 - Medium Density Residential zoning. Furthermore, the Housing Strategy (Vision 2040) for Randwick City Council highlights the chronic undersupply of social housing for the LGA with the rate of homelessness on the rise. Homeless estimates from the ABS show that the number of homeless persons in Randwick increased from 617 in 2011 to 738 in 2016,). This demonstrates the importance of the proposed social housing development on the subject site.</p>
<p>Objective 3D - Communal and public open space</p>	
<p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).</p>	<p>Given the site area of 627.1m², a communal open space area of 156.8m² is required.</p>

Provision	Compliance
<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>Due to site constraints including a narrow lot width, a communal open space area has not been incorporated into the proposed development scheme. However, the site is in proximity to several large public recreation areas including the Coral Sea Park which is located approximately 400m from the subject site as well as Maroubra Beach and Arthur Byrne Reserve which are approximately 1km to the east. These areas will provide residents the opportunity to enjoy outdoor recreation including swimming, team sports and passive recreation for the enhancement of their wellbeing.</p> <p>Furthermore, the development proposes adequately sized private open spaces which exceed the required size of 8m² for 1 bedroom units and 10m² for 2 bedroom units, to enhance the amenity of each unit and provide an opportunity for private outdoor relaxation.</p>
<h3>3F -Visual Privacy</h3>	
<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: up to 12m (4 storeys):</p> <ul style="list-style-type: none"> • 6m (habitable rooms and balconies); • 3m – (non-habitable rooms) 	<p>The proposed development does not achieve the 6m required setback between neighbouring sites. However, the development includes external fittings such as screens to balconies and minimal windows on the north and south elevations to maintain adequate visual privacy between neighbouring buildings.</p> <p>Southern side setback: The development achieves a 6.9m separation to a habitable room of approved development for a 3 storey multi dwelling housing development (DA/859/2016) on the southern adjoining property – 48 Chester Avenue.</p> <p>It is noted from the approved plans for DA/859/2016, the living areas are located on the ground floor, with bedrooms located on the first and second level. Window openings, for living areas of proposed units along the southern elevation (Units 1.01, 1.03, 2.01 and 2.03), are predominantly placed along the western and eastern elevations. For window openings located along the southern elevation, adequate screening is provided in the form of white angled vertical louvres to minimise overlooking into bedroom windows of the approved development at 48 Chester Avenue.</p> <p>Upper level balconies located along the southern elevation, are also adequately screened with privacy screening in the form of white angled vertical louvres to further minimize visual and privacy impacts.</p> <p>Additionally, window openings to south facing lobby area for the proposed development causes minimal visual and privacy impacts as it is recessed into the building form and has a setback of 8m to the approved development on southern adjoining property – 48 Chester Avenue.</p> <p>Northern side setback - Similarly on the northern elevation, 6.8m separation is provided to the adjoining property at 44 Chester Avenue. Window openings along the northern elevation have been minimised, with primary outlook oriented towards the east and west. Screening is proposed to the balcony and common stair areas.</p>

Provision	Compliance
	<p>Rear elevation – The rear elevation provides a 4m setback to the boundary, which is characteristic of the approved setback on the adjoining property at 48 Chester Avenue. Notwithstanding, to minimise potential privacy impacts to the adjoining properties at 1042 and 1044 Anzac Parade, Identified Requirement 74 is proposed to increase the balcony balustrading to a height of 1350mm. Identified Requirement 17 is also proposed to require screen planting to a height of at least 5m, be provided within the rear western setback.</p> <p>These are considered to be suitable privacy measures given the density of the location, and also that the adjoining sites at 1042 and 1044 Anzac Parade currently enjoy a generous rear setback.</p> <p>Identified Requirement 73 is also recommended to require all louvres to be appropriately angled to provide adequate privacy to adjoining properties.</p>
4H – Acoustic Privacy; 4J – Noise and Pollution	
<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy)</p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces 	<p>Noise generated when the proposed building is completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.</p> <p>The Acoustic Assessment Report prepared by Pulse White Noise Acoustics (<i>Appendix U</i>) highlights recommended acoustic treatments to be implemented in mitigating noise impacts from internal and external receivers, including road noise from Anzac Parade, and to ensure the proposed development achieves internal noise level design targets.</p> <p>Furthermore, Identified Requirement No. 61 is recommended to ensure future provision for air conditioning units are designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the Protection of the Environment Operations (Noise Control) Regulation 2017.</p>

6.6 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022
A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <i>Appendix K</i>).
SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides Planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.

Division 17 Part 2.120 considers impacts of road noise or vibration on non-road development that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway with an annual average daily traffic volume of more than 20,000 vehicles.

The site is located approximately 50m east of Anzac Parade which is a State Classified Road. It is noted that the site is not immediately adjacent to Anzac Parade nor within its road corridor. Additionally, the proposed development is not identified as 'traffic generating development' pursuant to Schedule 3 of the TPSEPP as detailed in the Traffic and Parking Impact Assessment prepared by Varga Traffic Planning Pty Ltd (*Appendix S*).

The Acoustic Assessment Report prepared by Pulse White Noise Acoustics (*Appendix T*) highlights that a peak hour increase for the number vehicles associated with the development will not exceed a 2 dB increase at a residential receiver and would be barely perceptible to the average person thereby making the proposed development acoustically acceptable. The Acoustic Assessment Report specifies construction requirements for the control of external noise impacts on the proposed development. The implementation of these recommendations will lead to satisfactory acoustic attenuation and treatment within the development. Identified Requirement (No. 2, 48, 61 & 65) are recommended to ensure noise and vibration impacts during both the construction and operational phases of the development are appropriately mitigated.

The proposed development is therefore not considered having an adverse impact on traffic or being adversely impacted by road noise or vibration.

SEPP (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

Tree removal

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 2 trees located within the development footprint - Tree 2 and 3 as identified in the Arboricultural Impact Assessment and Tree Management Plan (*Appendix J*). Tree removal is recommended primarily to accommodate the proposed development especially where encroachment will have an adverse impact on roots and crown for viability and stability of the individual species recommended for removal (refer to the Arborist Report at *Appendix J*).

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

Regulated catchment

The site is not located within a regulated Catchment.

SEPP (Resilience and Hazards) 2021

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

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

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

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1950's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	The lot contains a single storey detached dwelling and associated structures and there was no evidence during inspection that the site was being used for potentially contaminating activities.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificate, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken and did not indicate that the site may have been associated with potentially contaminating activities listed in Table 1.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 16) has been recommended to cover the possibility of discovering site contamination during site preparation / construction works.
i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.

Given the above, it is unlikely that the site is contaminated however a recommended Identified Requirement (No. 16) requires implementation of management measures in the unlikely event of contamination prior or during construction works.

6.7 Randwick Local Environmental Plan 2012 (RLEP 2012)

Compliance with the relevant provisions / development standards set out in the RLEP 2012 is demonstrated in **Table 8** below.

Table 8 Randwick Local Environmental Plan 2012

Relevant Provisions / Development Standards for Residential Flat Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9.5 metres)	<p>Does not comply.</p> <p>Maximum building height (measured in accordance with the HSEPP definition) is 9.95 metres which exceeds the height limit permitted under the RLEP 2012 but is within the height limit permitted under the HSEPP (11m).</p> <p>The development is 3 storeys and is compatible with the scale of existing development in Chester Avenue as well as future development anticipated for the area.</p>
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.75:1).	<p>Complies.</p> <p>Proposed FSR is 0.75:1.</p>
5.21	Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development –</p> <ul style="list-style-type: none"> a) is compatible with the flood function and behaviour on the land, and b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and d) incorporates appropriate measures to manage risk to life in the event of a flood, and e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a 	<p>Not applicable as the site is not subject to the 1% AEP + freeboard therefore it is not in the flood planning area.</p> <p>However, the site is subject to the probable maximum flood (PMF) and therefore a flood assessment has been prepared to ensure adequate emergency response procedures are in place. Refer to detailed discussion in section 8.12 of this REF.</p>

Relevant Provisions / Development Standards for Residential Flat Housing

		reduction in the stability of riverbanks or watercourses.	
6.4	Stormwater Management	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development –</p> <ul style="list-style-type: none"> a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact, and d) incorporates, if practicable, water sensitive design principles. 	<p>Stormwater will be collected via a series of stormwater pits and gutters on the site, connected to an 11kL underground stormwater detention tank which drains to a proposed kerb inlet pit located on Chester Avenue. Roof water will be collected from downpipes and connected to a 5000L aboveground rainwater tank for recycling with overflow connected to the underground detention tank.</p>
6.10	Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required –</p> <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access. 	<p>The essential services as noted in Clause 6.10 are available to the existing dwelling house and will continue to be available.</p>

6.8 Randwick Development Control Plan 2013 (RDCP 2013)

Randwick Development Control Plan 2013 (RDCP 2013) contains specific development controls for medium density residential development, which includes small-scale RFB's. The relevant controls in the RDCP 2013 are addressed in **Table 9** below.

The general controls for all development set out in RDCP 2013 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. The following controls are only those which are not already covered by the requirements under the Housing SEPP or ADG.

Table 9 Randwick Development Control Plan 2013

Compliance with relevant controls for medium density residential		
Chapter C2 - Medium density residential		
Clause	Requirement	Proposed
2.2.1 Landscaped open space	<p>i. A minimum of 50% of the site area is to be landscaped open space. (50% of site = 314m²)</p>	<p>Does not comply.</p> <p>The proposed landscaped area of 253.89m² or 40% upholds the objectives of the DCP as it results in an attractive development with good amenity in relation to the streetscape. The deep soil zone included at the rear of the site will accommodate 2 new canopy trees and dense shrub planting and ground covers which will assist in improving stormwater filtration. Furthermore, proposed landscaping enhances the development's environmental performance through micro-climate impacts.</p>
2.2.2 Deep soil area	<p>i. A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting. (25% of site = 157m²)</p> <p>Note: The deep soil area is counted towards the required landscaped open space area</p>	<p>Does not comply.</p> <p>Deep soil area provided for the development amounts to 114.4m² or 18% which exceeds the minimum requirement under the Apartment Design Guide (7%). This provision is considered adequate in promoting rainwater infiltration and stormwater management, managing air quality, and ensuring healthy growth of new tree plantings within the site and minimising impacts on the TPZ of existing trees on the neighbouring land to the west.</p>
2.3.1 Private open space	<p>i. Directly accessible from the living area of the dwelling</p> <p>ii. Open to a northerly aspect where possible so as to maximise solar access.</p> <p>iii. Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas</p> <p>For residential flat buildings -</p> <p>vi. Each dwelling has access to an area of private open space in</p>	<p>Complies.</p> <p>Private open space areas have been provided in accordance with the specifications under the LAHC Design Requirements (2023).</p> <p>All private open spaces are directly accessible from living areas with most spaces open to a northerly aspect to maximise solar access.</p> <p>All private open spaces are adequately screened to minimise privacy impacts</p>

Compliance with relevant controls for medium density residential

	<p>vii. the form of a courtyard, balcony, deck or roof garden, accessible from within the dwelling. Private open space for apartments has a minimum area of 8 square metres and a minimum dimension of 2m.</p>	<p>while allowing for passive surveillance of the street and rear landscape area.</p> <p>All private open spaces have an area exceeding the required 8m² with the least area being 9.82m² for Unit 1.02 on the first floor and Unit 2.02 on the second floor.</p> <p>All proposed private open spaces have a minimum dimension of 2m.</p>																
<p>3.3 Building depth</p>	<p>i. For residential flat buildings, the preferred maximum building depth from (window line to window line) is between 10m and 14m. The building depth is to be determined by the following factors:</p> <ul style="list-style-type: none"> - Site configuration - Site orientation and aspect - Prevailing wind patterns - Building layout - Internal room configuration - Window size, configuration and operation <p>Any greater depth must demonstrate that the design solution provides good internal amenity such as via crossover, double height or corner dwellings/units.</p>	<p>Does not comply.</p> <p>The proposed development has a building depth of 29m (front to rear) which is inconsistent with clause 3.3. The design of the building is dictated by the relatively narrow lot width which has resulted in a longer building form with a maximum of 3 units on each floor plate. However, each apartment has a corner position with north, east and/or west external openings to facilitate high levels of natural light and cross-ventilation. The proposal complies with the solar access and cross-ventilation requirements under the Apartment Design Guide as demonstrated in Table 6.</p>																
<p>3.4.1 Front setback</p>	<p>i. The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street.</p> <p>Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances</p>	<p>Complies.</p> <p>The prevailing setback along the street is 5m. The development proposes a front setback of 5.5m.</p>																
<p>3.4.2 Side setback</p>	<p>i. 14m ≤ Width < 16m = 2.5m</p> <table border="1" data-bbox="491 1599 932 1787"> <thead> <tr> <th>Site Frontage Width</th> <th>Minimum Side Setbacks</th> </tr> </thead> <tbody> <tr> <td>Irregularly shaped allotments</td> <td>Merit assessment</td> </tr> <tr> <td>Less than 12m</td> <td>Merit assessment</td> </tr> <tr> <td>12m ≤ Width < 14m</td> <td>2.0m</td> </tr> <tr> <td>14m ≤ Width < 16m</td> <td>2.5m</td> </tr> <tr> <td>16m ≤ Width < 18m</td> <td>3.0m</td> </tr> <tr> <td>18m ≤ Width < 20m</td> <td>3.5m</td> </tr> <tr> <td>20m and above</td> <td>4.0m</td> </tr> </tbody> </table>	Site Frontage Width	Minimum Side Setbacks	Irregularly shaped allotments	Merit assessment	Less than 12m	Merit assessment	12m ≤ Width < 14m	2.0m	14m ≤ Width < 16m	2.5m	16m ≤ Width < 18m	3.0m	18m ≤ Width < 20m	3.5m	20m and above	4.0m	<p>Complies.</p> <p>The development proposes a northern and southern side boundary setback of 3m.</p>
Site Frontage Width	Minimum Side Setbacks																	
Irregularly shaped allotments	Merit assessment																	
Less than 12m	Merit assessment																	
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16m ≤ Width < 18m	3.0m																	
18m ≤ Width < 20m	3.5m																	
20m and above	4.0m																	
<p>3.4.3 Rear setback</p>	<p>i. For residential flat buildings and multi dwelling housing, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater (15% of 41.15m = 6.2m)</p>	<p>Does not comply.</p> <p>The development proposes a rear setback of 4m in lieu of 6.2m. The glass line of the habitable rooms is set back 6.2m, however balconies are proposed forward of this setback requirement.</p>																

Compliance with relevant controls for medium density residential

		<p>The proposed rear setback is consistent with adjoining developments to the north, 44 Chester Avenue and the approved development to the south at 48 Chester Avenue, which both have a 4m rear setback. As such, the proposed setback of 4m maintains a consistent rhythm of rear setbacks within the street.</p>
<p>4.4 External wall height and ceiling height</p>	<p>ii. Where the site is subject to a 9.5m building height limit under the LEP, a maximum external wall height of 8m applies.</p>	<p>Does not comply.</p> <p>A maximum external wall height of 8.9m is proposed. However, the proposed skillion roof form is compatible with developments within the streetscape. A 2.7m ceiling height is also proposed for all habitable rooms to ensure quality interior spaces.</p> <p>The bulk and scale of the proposed development is commensurate with the site constraints and the existing scale of development in Chester Avenue. The proposal maintains an acceptable level of solar access, privacy and visual amenity for neighbouring properties as discussed in Section 8 below.</p>
<p>4.12 Earthworks</p>	<p>Excavation and backfilling</p> <ul style="list-style-type: none"> i. Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (This does not apply to swimming or spa pool structures). ii. Any cut and fill outside the building footprints (for the purposes of creating useable communal or private open space) must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. <p>Retaining walls</p>	<p>Complies.</p> <p>Proposed excavation does not exceed 1m at any point on the site.</p> <p>Additionally, proposed excavation for works outside the building footprint (such as the pedestrian entry and pathway, vehicle access and internal driveway) has been minimised wherever possible, and retaining walls stepped to follow the site's topography (refer to Civil Plans in <i>Appendix C</i>).</p>

Compliance with relevant controls for medium density residential

	<ul style="list-style-type: none"> iv. Setback the outer edge of any excavation, piling or subsurface walls a minimum of 900mm from the side and rear boundaries. v. Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain. vi. Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing). In this case, the retaining walls may be incorporated as part of the boundary fence. 	<p>The proposed development leads to the location of retaining walls less than 900mm from the side boundaries. However, the retaining walls are stepped in accordance with the existing slope of the land and proposed levels.</p> <p>Retaining walls are provided in response to the natural landform and do not lead to the presence of bulky structures when viewed from the street. Retaining walls do not exceed 2.2m in height at any point.</p>
<p>5.1 Solar access and overshadowing</p>	<p>Solar access for proposed development:</p> <ul style="list-style-type: none"> i. Dwellings within the development site must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June (mid winter). ii. Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least three hours between 8am and 4pm on 21 June (mid-winter). iii. Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units within a residential flat building. iv. Any variations from the minimum standard due to site 	<p>Does not comply with (i) & (ii).</p> <p>Solar access is provided in accordance with the Apartment Design Guide which requires 2 hours solar access to living rooms and private open space areas in at least 70% of units. The submitted Architectural Plans (<i>Appendix A</i>) indicate that 5 out of 7 dwellings (71%) receive at least 2 hours direct solar access to the living and POS areas on June 21.</p> <p>Complies with (iii)</p> <p>There are no single aspect units proposed. Private open space and living areas within units have been designed to capture natural light and ventilation from dual aspects - northern and eastern aspects for Units G.01, 1.01 and 2.01; northern and western aspects for Units 1.02 and 2.02; and southern and western aspects for Units 1.03 and 2.03.</p>

Compliance with relevant controls for medium density residential

	<p>constraints and orientation must demonstrate how solar access and energy efficiency is maximised</p>	<p>Overall, solar access and energy efficiency is achieved for proposed units through the location of openings, provision of screening, proposed ceiling and wall insulation, and incorporation of 18kW photovoltaic system to meet energy efficiency targets as demonstrated by the BASIX certificate for the proposal.</p>
	<p>Solar access for surrounding development:</p> <ul style="list-style-type: none"> i. Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June (mid winter). ii. At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June (mid winter). iii. Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further. 	<p>Does not comply.</p> <p>Solar Analysis Diagram (<i>Appendix Z</i>) illustrates that 40% of the approved multi dwelling units on 48 Chester Avenue receive at least 3 hours of solar access between 8 am and 4 pm on 21 June (mid-winter) to living areas and private open spaces. Refer to detailed assessment provided in Table 6 above. On balance, the overshadowing impacts are considered to result from generally compliant or characteristic building heights and setbacks within the development and are considered to be reasonable.</p> <p>Additional overshadowing to the properties to the rear at 1042-1044 and 1046 Anzac Parade between approximately 8am-11am during the mid-winter solstice. This shadow will fall within the far rear setback to these properties, and not within any primary living areas or principle open space areas.</p>
5.2 Natural ventilation and energy efficiency	<ul style="list-style-type: none"> v. A minimum of ninety percent (90%) of residential units should be naturally cross ventilated. <p>In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.</p>	<p>Complies.</p> <p>7 of the 7 units (100%) achieve cross-ventilation. The proposal also incorporates the use of design solutions to optimise heat storage in winter and heat transfer in summer. Screening provided to balconies and external façades maintains privacy without unnecessarily restricting solar access.</p>
5.6 Safety and security	<ul style="list-style-type: none"> i. Design buildings and spaces for safe and secure access to and within the development. 	<p>Complies.</p>

Compliance with relevant controls for medium density residential

	<p>Design solutions include, but are not limited to:</p> <ul style="list-style-type: none"> - sheltered, well-lit and highly visible entries to building and mail collection areas. - direct entry to ground level dwellings from the street rather than from a common foyer. - a clear line of sight between one circulation space to the next. - Avoiding recessed alcoves or potential entrapment points adjacent to entries, along hallways and within car parks. - Providing direct access between car park and residential levels: <p>iii. For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.</p> <p>iv. Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed insufficient.</p> <p>v. Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.</p> <p>vi. Resident car parking areas must be equipped with security grilles or doors.</p> <p>vii. Control visitor entry to all units and internal common areas by intercom and remote locking systems.</p> <p>viii. Provide adequate lighting for personal safety in common and access areas of the development.</p> <p>ix. Improve opportunities for casual surveillance without compromising dwelling privacy</p>	<p>The proposed development ensures building entries, both vehicular and pedestrian, are easily identifiable. Letterboxes are conveniently located at the north-eastern corner of the site adjacent to the pedestrian entry.</p> <p>Whilst the ground floor unit is not directly accessed from the street, its living area and private open space are designed to face the street thereby promoting passive surveillance.</p> <p>The development does not lead to the creation of entrapment areas and provides direct access between the car park and residential levels via a lift. Windows are provided in the lobby area providing direct line of site to the car parking area.</p> <p>Access to ground floor lobby from the car park area is provided via the pedestrian pathway.</p> <p>Proposed openings allow for natural ventilation whilst ensuring security through the provision of appropriately placed fencing at ground level and deadlocks for entry doors and windows to reduce opportunities for forced entry.</p> <p>A solid wall is proposed to surround the fire booster assembly within the front setback, having a height of approximately 2m to meet safety requirements. Notwithstanding, adjacent fencing has been lowered where practical and landscaping incorporated to reduce the impact of the wall, and ensure an appropriate streetscape appearance.</p> <p>The resident parking area is open but will be well illuminated. The pedestrian entry point is gated.</p> <p>Secure gate access will be provided to the main lobby to ensure residents' safety.</p>
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Compliance with relevant controls for medium density residential

	<p>by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies/foyers, hallways, open space and car parks.</p> <p>x. External lighting must be neither intrusive nor create a nuisance for nearby residents.</p> <p>xi. Provide illumination for all building entries, pedestrian paths and communal open space within the development.</p>	<p>Homes NSW has maintenance contractors who will be responsible for the regular upkeep of the development and ensuring lighting in common areas is functional.</p> <p>The general building design and layout enables passive surveillance throughout the site with habitable rooms located at the front of the building and balconies overlooking landscaped open space at the rear.</p> <p>Refer to the Crime Prevention through Environmental Design Report prepared by Integrated Design Group (<i>Appendix V</i>).</p>
<h3>6. Car parking and access</h3>		
<h4>6.1 Car parking location</h4>	<p>i. Car parking facilities must be accessed off rear lanes or secondary street frontages where available.</p> <p>ii. The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.</p> <p>iii. Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas. Where the adjoining property has its driveway abutting the common boundary, the new driveway may be built to that boundary. In this scenario, a combined crossing must be created to serve the two neighbouring properties.</p> <p>iv. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.</p>	<p>Does not comply.</p> <p>Proposed open car parking area is located at the rear of the site which leads to a longer driveway and increase in hardstand area. However, the location of the carpark is considered necessary to ensure car parking and access facilities do not visually dominate the property frontage.</p> <p>Given the relatively narrow width of the subject site, the internal driveway is setback less than 1m from the side boundary. However, landscaping is proposed along the relevant boundary within the setback area which will create a visual buffer between the driveway and boundary fencing.</p>
<h4>6.2 Configuration</h4>	<p>i. With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction.</p>	<p>Complies.</p> <p>The car parking area is designed to allow vehicles to enter and exit the site in a forward direction whilst maintaining sufficient clearances at all times as identified in the Traffic and Parking Assessment Report prepared</p>

Compliance with relevant controls for medium density residential

	<p>ii. For residential flat buildings and multi dwelling housing, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible.</p> <p>Where on-grade (surface) car park cannot be avoided, incorporate the parking area into the landscape design of the site:</p> <p>(a) Use planting to screen the parking areas from view from the communal and private open space and the public domain.</p> <p>(b) Provide canopy or shade trees among parking bays.</p> <p>(c) Use a combination of paving materials to divide the parking surface.</p>	<p>by Varga Traffic Planning (<i>Appendix S</i>).</p> <p>As stated in the Traffic and Parking Assessment Report, a width of 3.6m is proposed for the internal driveway/ramp in accordance with Australian Standards.</p> <p>The proposed open parking area is located at the rear of the site and is screened from the public domain. The parking space is located in an under-croft area and receives adequate shade.</p>
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7. Fencing and ancillary development

<p>7.3 Side and rear fencing</p>	<p>i. The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing).</p> <p>For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing).</p> <p>ii. In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merit.</p> <p>iii. The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment.</p> <p>iv. Side or common boundary fences must be finished or treated on both sides.</p>	<p>Complies</p> <p>Proposed side and rear boundary fencing is 1.8m metal panel fencing in colorbond 'windspray'.</p>
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8 Area Specific Controls

<p>8.1 Coral Sea Park Estate, Maroubra</p>	<p>The Coral Sea Park Estate is a distinctive and historically important precinct. It is located in Maroubra and</p>	<p>Does not comply.</p>
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Compliance with relevant controls for medium density residential

	<p>generally bounded by Fitzgerald Avenue, Malabar Road, Beauchamp Road and Anzac Parade. The Estate is characterised by a mixture of single storey bungalows and low to medium rise multiunit housing, most of which harmonises with the single storey detached bungalows.</p> <ul style="list-style-type: none"> i. Building materials and external finishes are to be consistent with the dominant themes in the Estate. ii. Site area and dimensions, particularly width, are of sufficient size to allow and maintain the existing themes of large rear garden areas and open spaces between buildings to continue. iii. Sites have a minimum frontage of 20 metres for development of more than 2 dwellings. iv. Open spaces in front of buildings are not fenced off from the street. Where fencing is proposed it is no more than one metre high. 	<ul style="list-style-type: none"> i. The proposed development incorporates face brick to remain consistent with the neighbouring developments. ii. Not applicable as the proposal does not involve the creation of new lots. iii. The site has a 15.24m frontage and the development is for 7 units. Examples of neighbouring properties within Chester Avenue that also don't meet this control include the following: 45 Chester Avenue (5 dwellings - DA/578/2017) 48 Chester Avenue (5 dwellings - DA/859/2016) 50 Chester Avenue (5 dwellings - DA/282/2020/B) 51 Chester Avenue (5 dwellings - DA/670/2019/B) 52 Chester Avenue (5 dwellings - DA/856/2018/B) <p>It is noted that all of the above properties have the same lot width as the subject site, 15.24m, as shown on the Deposited Plan (<i>Appendix Q</i>).</p> <ul style="list-style-type: none"> iv. Architectural plans (<i>Appendix A</i>) have been updated to replace low planter bed in the southeast corner of the POS for unit G01, with landscaping and a lower fence height of 1.5m along the relevant front boundary section. The design amendment maintains the characteristic of garden areas prevalent throughout the estate.
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Compliance with relevant controls for medium density residential

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| <p>v. Front setbacks of development must consider consistency with the surrounding buildings. Front façade design must consider compatibility with the form, massing and articulation of existing development.</p> | <p>v. A brick façade has been incorporated to remain consistent with the dominant materials seen within the estate. The setbacks and massing of the proposed development remains within the allowable controls and characteristics seen within the Estate.</p> |
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Part B – General Controls

Chapter B6 - Recycling and waste management

<p>Part 4 – On-going operation</p>	<p>Residential flat building:</p> <ul style="list-style-type: none"> • General Waste - 1 x 240L per 2 units OR 660L bulk bins based on 120L/unit • Recycling - 1 x 240L per 2 units • Green Waste - 240L bin/s available on request 	<p>Complies.</p> <p>General, recycling and green waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located adjacent to the car parking area and placed on the street kerb for weekly collection by Council's waste services.</p> <p>9 bins are illustrated on the architectural plans (<i>Appendix A</i>). The provision complies with Council's bin rates as detailed below:</p> <ul style="list-style-type: none"> • Green waste – 4 bins • Recycling – 4 bins • Green waste – 1 bin
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Chapter B7 - Transport, Traffic, parking and access

<p>Part 3.6 - Car park location and design, streetscape and heritage</p>	<p>i. Minimise loss of existing on-street parking supply by:</p> <ol style="list-style-type: none"> a. Careful location of crossings and laybacks b. Tapering the driveway at the property boundary c. Amalgamating driveway crossings with adjoining property where possible. d. Considering the overall streetscape, continuity of footpaths and the need for safe pedestrian movement. 	<p>Complies.</p> <p>The proposal includes a new crossover to the southern end of the sites frontage which will replace the existing crossover towards the north. There will be no net loss of on-street parking as a result of the proposed development.</p> <p>The Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (<i>Appendix S</i>) has examined the adequacy of the proposed crossover, internal driveway and parking arrangement. The assessment confirms that the parking and access design is suitable based on an assessment of the projected vehicle movements and compliance with the</p>
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Compliance with relevant controls for medium density residential

	<p>vi. Ensure pedestrian and cycling safety is maintained or improved.</p>	<p>design requirements under Australian Standard 2890.1:2004.</p> <p>Proposed parking and access provision for the development is therefore not anticipated to adversely impact available on-street parking supply, pedestrian safety nor existing streetscape character and amenity.</p>
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7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A of the Housing SEPP, Randwick City Council was notified of the development by letter dated 23 April 2024 (refer to **Appendix G**). The notification response period formally closed on 20 May 2024 and Council responded to the notification by letter dated 21 May 2024, which has been extracted in **Table 10** below. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 10 Issues raised in Council submission

Issues raised	Response
<p><u>Floor Space Ratio</u></p> <p>The Gross Floor Area diagrams provided do not include the waste storage area, which will produce an additional 20m² (approximate) of Gross Floor Area. The waste storage area is not excluded from GFA because it is not within a basement, as per the Randwick Local Environmental Plan 2012 definition.</p> <p>The additional Gross Floor Area will result in the proposal exceeding the Floor Space Ratio development standard of 0.75:1. Council recommends that the proposal is redesigned to comply with the development standard for FSR or a sufficient clause 4.6 statement is provided to justify the breach of a development standard.</p>	<p>The bin storage area is located in the under-croft car park which does not have any external walls therefore it does not meet the definition of GFA and is not required to be included in the calculation of Floor Space Ratio.</p>
<p><u>Rear Setback</u></p> <p>The proposal doesn't comply with the Part C2, Section 3.4.3 rear setback control of 15% of allotment depth or 5m (whichever is greater). The required rear setback is 6.17m, whereas the proposed setback is 4m.</p> <p>Justification of the non-compliant rear setback should provide a detailed merit assessment against the objectives of the Part C2 – Section 3.4 (Setbacks) of the DCP, particularly in terms of additional overshadowing and additional visual privacy impacts upon adjoining development.</p>	<p>The non-compliance with the rear setback control under the RDCP 2013 is addressed in detail under DCP control response in Table 9 above.</p>
<p><u>Solar Access</u></p> <p>The impacts of overshadowing on the approved development (DA/859/2016 as amended by modifications) at 48 Chester Avenue have not been adequately shown and should be considered as a part of the assessment. Further justification of the</p>	<p>Refer to justification provided under ADG response in Table 6 above and DCP control response in Table 9 above.</p>

Issues raised	Response
<p>overshadowing caused by the subject proposal (46 Chester Avenue) should be provided.</p> <p>The limited solar access of living areas and private open space has not been adequately justified for the two units that do not appear to receive sufficient direct sunlight on 21 June (2 x 1-bedroom units at the rear (on level 1 and 2) with a southern and western aspect). Section 5.1 of Part C2 of the Development Control Plan requires that dwellings within the development site receive a minimum of 3 hours of direct sunlight and at least 50% of the private open space between 8am to 4pm on 21 June.</p> <p>In accordance with control iv) any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.</p>	
<p><u>Communal and public open space</u></p> <p>The proposal does not include any communal open space. The documentation states that the site is near public open space. The site is located approximately 250m from Coral Sea Park and is located nearby to the bus services along Anzac Parade.</p> <p>Council considers that communal open space could be integrated at the rear of the site to improve the current deficiencies regarding the communal nexus.</p>	<p>The proposal went through an extensive design process and communal open space was initially included at the rear of the site. However, there was poor passive surveillance to this area due to the positioning of the under-croft car parking area and level changes across the site. Due to the constrained lot size and dimensions, it was considered more beneficial to provide quality deep soil landscaped areas across the site which will enhance the presentation of the development and provide a pleasant environment for residents.</p> <p>Furthermore, the development incorporates generously sized private open spaces which will enhance the amenity for each unit and access to an indoor/outdoor lifestyle for residents.</p> <p>The site also benefits from being in proximity to several public recreation areas including a park with sporting facilities as well as Maroubra Beach and adjoining parkland.</p> <p>The provision of deep soil landscaped areas in lieu of a dedicated communal open space area is considered reasonable in this instance.</p>
<p><u>Visual privacy setbacks of habitable rooms and balconies</u></p> <p>The proposal does not comply with the required 6m setback in the SEPP (Housing) 2021 for setback of habitable rooms and balconies from neighbouring sites. Adequate privacy measures appear to have been incorporated to habitable rooms and balconies</p>	<p>Refer to justification provided under ADG response in Table 6 above.</p>

Issues raised	Response
<p>to justify the non-compliance with the 6m setback. The proposal is compliant with the 3m required setback for fire safety under the NCC.</p> <p>A detailed assessment of how the privacy measures meet the intent of the visual privacy separation distances should be provided, along with additional privacy treatment / screening measures in accordance with Council's DCP.</p>	
<p><u>Coral Sea Park controls</u></p> <p>The proposal does not comply with control 8.1 iii) which states that sites must have a minimum frontage of 20m for development of more than 2 dwellings. The site has a 15.24m frontage and will consist of 7 apartment units. The justification provided states that there are many other examples of this control being exceeded, including the neighbouring properties on either side of the proposal. This must be more clearly demonstrated with examples demonstrating the approved variations within the immediate Chester Avenue locality.</p> <p>The proposal also does not comply with control iv) which requires open spaces in front of building not to be fenced off from the street. If fencing is proposed, it should not be more than 1m high.</p> <p>The front fencing is greater than 1m because of the fire booster located along the front boundary and to enclose the private open space of the ground floor unit.</p> <p>Council considers the front fencing is excessive and does not meet this control. Council recommends reducing the heights of front fencing, providing for an open style fence design with landscape screening or redesigning the front private open space to comply with this control.</p>	<p>Refer to justification provided under DCP control response in Table 9 above.</p> <p>The architectural plans (<i>Appendix A</i>) have been updated in response to councils' comments. Front fencing has been amended to replace the low planter bed in the southeast corner of the POS for unit G01 with landscaping and lower the fencing height along this section of the front boundary from 1.8m to 1.5m.</p>
<p><u>Part B7 – Bicycle parking</u></p> <p>The proposal does not include any bicycle parking for residents or visitors. Section 4 of Part B7 requires bicycle parking at the following rates:</p> <p>Residents:</p> <ul style="list-style-type: none"> • 1 bike space per 2 units <p>Visitors:</p> <ul style="list-style-type: none"> • 1 per 10 units 3 <p>Council recommends including bicycle parking in accordance with the Section 4 requirements.</p>	<p>Architectural plans (<i>Appendix A</i>) have been updated to include 4 bicycle parking spaces.</p>

Issues raised	Response
<p><u>Internal noise levels and natural ventilation requirements</u></p> <p>Councils Environmental Health Officer reviewed the proposal, stating that the internal noise levels and natural ventilation requirements under SEPP65 and the Apartment Design Guidelines (ADG) have not been sufficiently addressed.</p> <p>Practical compliance for internal noise levels and natural ventilation should be demonstrated concurrently. As a matter of thoroughness, a Preliminary Environmental Site Investigation (PESI) is strongly recommended.</p>	<p>The building will be constructed to comply with the deemed-to-comply provisions of <i>the Building Code of Australia</i> with respect to noise transmission. The Acoustic Assessment Report prepared by Pulse White Noise Acoustics (Appendix U) highlights recommended acoustic treatments to be implemented in mitigating noise impacts from internal and external receivers and to ensure the proposed development achieves noise level design targets. Appropriate standard identified requirements (Nos. 2, 48, 61 & 65) have been applied to ensure compliance with the noise mitigation measures.</p> <p>The architectural plans (Appendix A) have been updated in response to Councils' comments to include additional diagrams which illustrate that all units achieve cross ventilation.</p> <p>The requirement for a PESI is discussed below.</p>
<p><u>Geotechnical Report</u></p> <p>Council's Environmental Health Officer stated that if dewatering of the site is required, a local approval from council will be required prior to the commencement of any dewatering.</p> <p>The scope of works undertaken by the geotechnical report did not include a contamination assessment. A Preliminary Environmental Site Investigation (PSI) is recommended to be prepared in support of the proposal to address the requirements of the SEPP.</p>	<p>Identified Requirement (No. 72) is recommended to ensure separate approval is obtained from council if dewatering is required.</p> <p>A review against the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority has been provided in Table 7. It is concluded that the site is unlikely to be contaminated based on the continuous use of the subject site for residential purposes and information provided within the s10.7 Planning Certificate. A Standard Identified Requirement (No.16) is recommended to address any unexpected find.</p>
<p><u>Development Engineering</u></p> <ul style="list-style-type: none"> • Drainage The applicant is required to submit detailed drainage plans to the Principal Certifier for approval prior to the issuing of a construction certificate. • Carpark Layout The current ramp design illustrates a width of 3.20m which is not compliant with the minimum width of 3.60m which is outlined in Clause 2.5.2 "Layout design of circulation roadways and ramps" from AS 2890.1:2004. • Alignment comments The proposed design alignment level (the finished level of concrete, paving or the like) at the property 	<p>Identified Requirement No. 38 requires detailed stormwater drainage plans to be submitted to Land and Housing Corporation prior to the commencement of construction works.</p> <p>The Architectural drawings (Appendix A) have been amended to reflect a minimum width of 3.6m for the internal driveway/ramp and alignment levels have been adjusted so that the proposed crossover gradients are compliant. An addendum has been provided to the Traffic Report (Appendix S) which confirms the design is compliant with Australian Standards.</p>

Issues raised	Response
<p>boundary for the driveway are higher than required and would cause the proposed driveway crossover gradients to be non-compliant.</p> <p>• Waste Management The submitted Waste Management Plan has not detailed the path of travel of the bins to Chester Avenue or shown where the bins shall be presented along the kerbside. The applicant is required to submit to Council and have approved by Council's Lead Specialist Strategic Waste, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.</p>	<p>Architectural plans (<i>Appendix A</i>) have been updated to demonstrate the path of travel of the bins to Chester Avenue and the location of bins presented along the kerbside. Identified Requirement No 33 requires a final Waste Management Plan to be prepared and submitted to LAHC and Randwick City Council for endorsement.</p>
<p><u>Landscaped open space area</u></p> <p>Part C2, Section 2.2.1 of the RDCP requires 50% of the site area to be landscaped open space.</p> <p>Councils Landscape Officer reviewed the proposal stating that the proposal contains a landscape and open space area of 45% of the site area. This is an increase of 5% compared to the applicants plans as council considers it appropriate to include the undercroft landscaped area in the final calculation.</p> <p>Council's Landscape officer considers the landscaped area to be appropriate based on the site constraints and subsequent difficulty in increasing the landscaped area any further.</p>	<p>Noted.</p>
<p><u>Deep soil area</u></p> <p>The proposal does not comply with the DCP requirement of 25% of site area but does comply with the SEPP (Housing) 2021 requirement of 7% of site area. Therefore, this is considered acceptable by council.</p>	<p>Noted.</p>
<p><u>Recommended conditions of consent</u></p>	<p>Council's recommended conditions of consent have been incorporated in the Activity Determination, where they have not already been covered by a standard Identified Requirement. Refer below.</p>
<p><u>Compliance with Acoustic Report</u></p>	<p>Included as Identified Requirement No. 65.</p>
<p><u>Internal noise levels in habitable rooms</u></p>	<p>This recommended condition is covered by Identified Requirement No's 2, 61 & 65.</p>
<p><u>Compliance with the State's Building Laws</u></p>	<p>This recommended condition is covered by Identified Requirement No. 4.</p>
<p><u>Site stability, Excavation and Construction work</u></p>	<p>This recommended condition is included as Identified Requirement No. 66.</p>
<p><u>Hazardous materials</u></p>	<p>This recommended condition is covered by Identified Requirement No 16 & 33.</p>

Issues raised	Response
<u>Building Certification and Associated Requirements</u>	This recommended condition is covered by Identified Requirement No. 4.
<u>Dilapidation reports</u>	This recommended condition is covered by Identified Requirement No. 56, 59 & 67.
<u>Noise & Vibration Management Plan</u>	This recommended condition is covered by Identified Requirement No. 68.
<u>Construction Site Management Plan</u>	This recommended condition is covered by the Identified Requirements under the following headings in the Activity Determination: Site works; Site Soil Contamination; Disconnection of Services; Commencement of work; Site Safety; Site Facilities; Protection of Trees; Waste Management; Site Preparation; Excavation & Backfilling; and Pollution Control.
<u>Demolition Work & Hazardous Materials</u>	The proposed activity does not include demolition of the single storey detached dwelling house and associated structures. These works will be undertaken via a separate approval. The recommended condition for hazardous materials is covered by Identified Requirement No. 16 & 33.
<u>Complaints management during the work/construction</u>	Identified Requirement No. 27 requires a sign to be posted in a prominent position on the site showing the name, address and telephone number of the responsible Land & Housing Corporation officer for the work and the details of the principal contractor. Homes NSW will respond to any enquiries and/or complaints received during the construction work.
<u>Building working hours – class 2 and 9 developments</u>	Homes NSW have standard hours of construction which are in accordance with EPA guidelines and the requirements for complying development across NSW. These are included in Identified Requirement No. 46.
<u>Notification – New Contamination Evidence</u>	This recommended condition is covered by Identified Requirement No. 16.
<u>Site Signage</u>	This recommended condition is covered by Identified Requirement No. 27.
<u>Noise & Vibration</u>	This recommended condition is covered by Identified Requirement No. 2, 48, 61, 65 & 68.
<u>Construction Site Fencing</u>	This recommended condition is covered by Identified Requirement No. 28.
<u>Site Management</u>	This recommended condition is covered by the Identified Requirements under the following headings in the Activity Determination: Site works; Waste Management; Site Preparation; Pollution Control; and Impact of Construction Works. It is noted that Clause 5 of Schedule 2 of the savings, transitional and other provisions of the <i>Roads Act 1993</i> provides that a Public Authority, such as Homes NSW,

Issues raised	Response
	does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road. Homes NSW is not required to obtain a Road Opening, Occupancy Licence or Work Zone Permit as these are approvals issued under S.138 of the Roads Act.
<u>Dust Control</u>	This recommended condition is covered by the Identified Requirements under the Pollution Control heading in the Activity Determination.
<u>Site Accessway</u>	This recommended condition is covered by Identified Requirements No. 9, 10, 11 & 31.
<u>Removal of Asbestos Materials</u>	The proposed activity does not include demolition of the single storey detached dwelling house and associated structures. These works will be undertaken via a separate approval.
<u>Excavations & Support of Adjoining Land</u>	This recommended condition is covered by Identified Requirements No. 47, 66 & 69.
<u>Acoustic Certification</u>	This recommended condition is covered by Identified Requirements No. 65.
<u>Post-construction Dilapidation Report</u>	This recommended condition is covered by Identified Requirement No. 70.
<u>Certificate of Occupation</u>	Pursuant to s.6.9 (previous S.109M(2)(d)) of the <i>Environmental Planning and Assessment Act 1979</i> , the Land & Housing Corporation, as a Crown authority, is not required to obtain occupation certificates.
<u>Fire Safety & Building Certification</u>	This recommended condition is covered by Identified Requirements No. 2 & 4.
<u>Structure Certification</u>	
<u>Acoustic Report – Post-development</u>	These recommended conditions are covered by Identified Requirements No. 61 & 65.
- <u>Operation of plan and equipment</u>	
- <u>Noise from domestic air conditioners</u>	
- <u>Rainwater tanks and greywater treatment systems</u>	
<u>Maintenance, Inspection & Certification of Fire Safety Measures</u>	This recommended condition has been included as Identified Requirement No. 69.

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 3 April 2024. Council provided an email response on 5 April 2024 confirming owner details of properties to be included in the scope of notification. **Figure 14** illustrates the properties in which the occupiers and landowners were notified of the development.

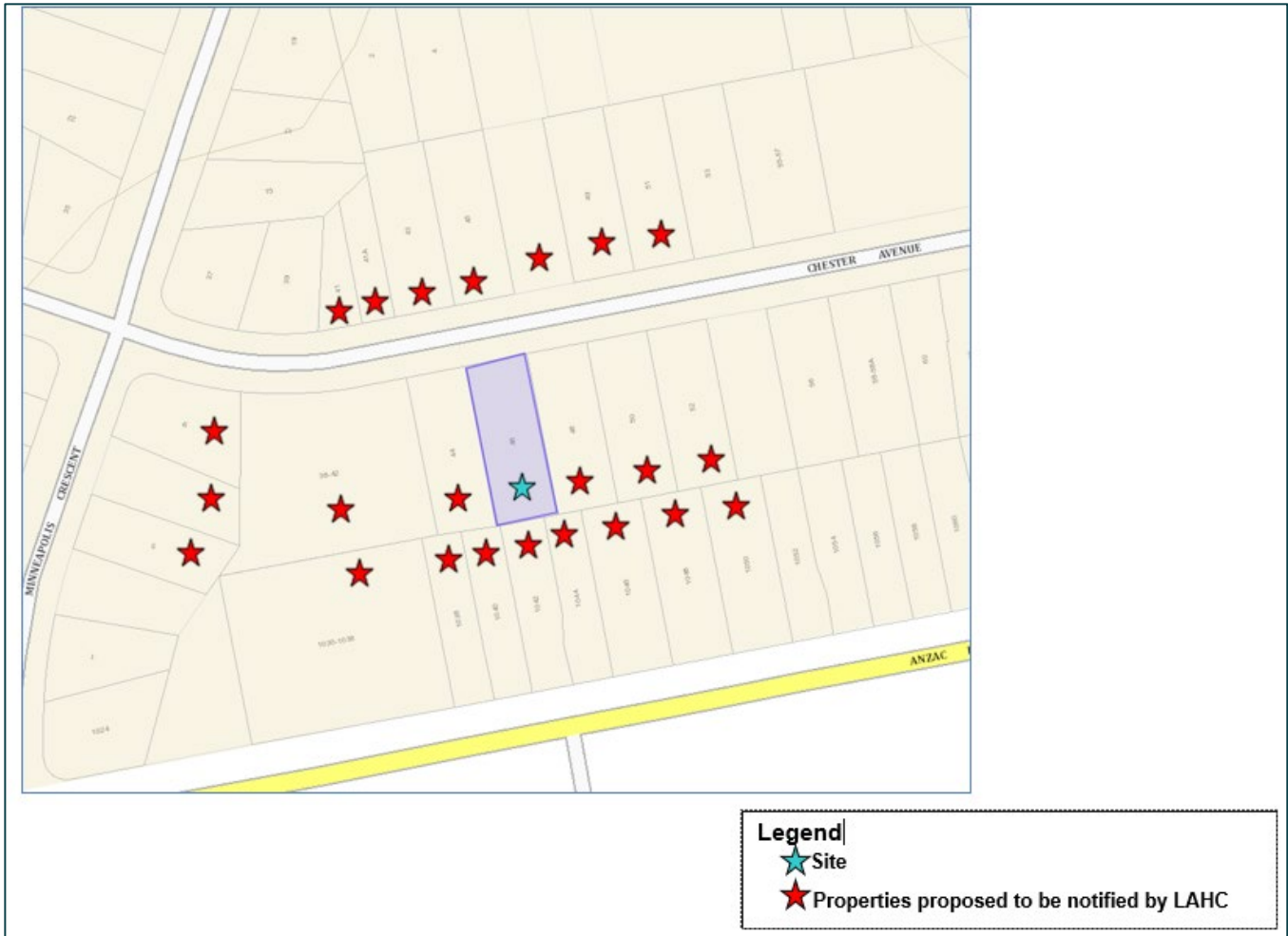


Figure 16 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43A(1)(b) of Housing SEPP, owners, and occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 23 April 2024. Copies of the notification letters are provided at **Appendix G**. The notification response period formally closed on 20 May 2024 and 9 submissions, including 1 petition, were received. An additional submission was provided from the office of Mr Daly MP, via Randwick City Council, however this submission was a duplicate of one already submitted directly to Homes NSW and therefore has not been included in the final count of submissions.

A response to the key issues raised in the submissions are discussed in **Table 11**.

Table 11 Key issues raised by adjoining owners / residents

Issues raised	Homes NSW Response
Parking and Traffic	<p>It is noted that the subject site is identified as an accessible area as it is located less than 400m from bus stops (Stop ID:203569 and 203562). These stops are used by a regular bus service at the required frequency in accordance with the requirements set out under the Housing SEPP. As such, the site is located in an 'accessible area' as defined in the Housing SEPP and the applicable parking rates are set out under section 42(1)(e).</p> <p>In accordance with requirements set out under the Housing SEPP, the proposed development is required to provide 3 car parking spaces based on the accessible area parking rate of 0.4 parking spaces for 1 bedroom units and 0.5 parking spaces for 2 bedroom units.</p>

Issues raised	Homes NSW Response
	<p>Furthermore, as detailed in Traffic and Parking Assessment prepared by Varga Traffic Planning and dated 13 March 2024, the projected net increase in traffic activity as a result of the development is considered minimal. Additionally, Chester Avenue provides unrestricted parking along both kerb sides of the road.</p> <p>Notwithstanding this, social housing tenants typically have lower car ownership rates than the general community. ABS data for the Randwick LGA in 2021 shows that 53.4% of social housing households have no cars, which is substantially higher than the general population households at 16.2%. Further, only 7.3% of social housing households have 2 or more cars compared to 37% of general population households.</p> <p>It is therefore considered that the parking and traffic impacts are minor and duly mitigated by the proximity to, and availability of public transport, and typically lower car ownership rates of social housing tenants.</p>
Density and neighbourhood character	<p>The site is located within the Coral Sea Park Estate which has area specific development controls due to the unique history and characteristics of the estate. The proposed development design considers the following:</p> <ul style="list-style-type: none"> • Use of neighbouring setbacks as a precedent. • Incorporation of adequate landscaping to maintain garden suburb characteristics. • Use of brick facades to be consistent with the dominant themes in the Estate. • Similar massing and scale as that of approved and/or existing small to medium scale residential flat and multi-unit developments within the streetscape such as 44, 47, 51, 52, 54, 55 and 59 Chester Avenue, Maroubra as well as the approved development at 48 Chester Avenue. <p>In addition to the above, the development is for a residential flat building which is a permissible use in this area and has been designed in accordance with the density control under the RLEP2012, being an FSR of 0.75:1. It is therefore compatible with the scale of adjoining developments and consistent with the existing and future character of the area.</p>
Floor plans (inefficient use of floor space)	<p>The design of the ground floor includes the entry to the building for tenants, lift access and fire stairs for upper levels, as well as a 1-bedroom unit and the ground level parking area. The proposed development has been designed to ensure the efficient use of space and to avoid the creation of 'empty' spaces which may encourage the dumping of waste or unwanted items</p>
Building height	<p>The proposed building height of 9.95m is compliant with the provisions of the Housing SEPP which allows for a maximum building height of 11m.</p> <p>Additionally, the proposed development leads to a similar massing and scale as that of neighbouring properties such as 47 Chester Avenue and the approved 3-storey townhouse development at 48 Chester Avenue, Maroubra.</p>
Design of the building should be reconsidered or modified such that	<p>The design and planning of the proposed development adequately address the applicable planning controls of Randwick City Council.</p>

Issues raised	Homes NSW Response
<p>all features of the building comply with all requirements in the Randwick DCP 2013 for safety, accessibility and sustainability reasons</p>	<p>The design of the proposed residential apartment development has also adequately considered design principles set out in the Housing SEPP, the Apartment Design Guide, Good Design for Social Housing, and the NSW Land and Housing Corporation Design Requirements.</p> <p>The proposal achieves a high NatHERS rating with an average of 8.2 stars which exceeds the minimum targets set by LAHC and will provide a high level of thermal and acoustic comfort for tenants. Each unit will have air conditioning and photovoltaic panels are provided on the roof to offset power usage.</p> <p>All units have been designed to meet the Liveable Housing Guideline's silver level universal design features. This will make each of them highly accessible. The site is also well located to public transport on Anzac Parade which will connect tenants with nearby local centres and facilities.</p> <p>Additionally, a Crime Prevention through Environmental Design Report (<i>Appendix V</i>) assessed how the proposed development considers potential crime risk factors to promote safety amongst residents and minimise opportunities for crime and anti-social behaviour.</p> <p>It is therefore considered that safety, accessibility, and sustainability principles have been adequately considered for the proposed development.</p>
<p>Confirm development timeframes and completion dates as well as details on whether residents will be permanent or temporary.</p>	<p>The indicative construction period timeframe is currently from January 2025 to January 2026 (12months).</p>
<p>Ongoing construction impacts on available on-street parking</p>	<p>Identified Requirement No. 43 states <i>'During site preparation, the public footpath and the public road shall not be obstructed by any vehicles. The public road and footpath shall be swept (not hosed) clean of any material, including clay, soil and sand.'</i></p> <p>Furthermore, Identified Requirement No. 46 details specific hours of operation for site preparation, construction and/or civil work to occur. Identified Requirement No. 27 also ensures that the general public has access to contact information of a responsible officer for the resolution of matters relating to building work.</p> <p>Additionally there are several Identified Requirements that ensure that appropriate care is taken in protecting adjoining properties and the amenity of residents. It is therefore considered that the amenity of residents will be protected during and even after the construction period.</p>

7.3 Notification of Specified Public Authorities

The development is "residential development" under section 42 of the Housing SEPP. As required by section 42(4) of the Housing SEPP, consideration has been given to the need to notify the "specified public authorities" identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

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

8.1 Neighbourhood Character

The site is located within Coral Sea Park Estate, an established residential area generally consisting of a mix of housing typologies from single dwelling houses to multi-unit flat buildings. Most residential developments within the local area are of brick construction. Currently, there is a gradual transition from low density housing to medium density development within the immediate locality, with the proposed development promoting more contemporary medium density development in the Randwick local area.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality and Coral Sea Estate. The three-storey design, siting, layout, brick external façades, low pitch roofing and landscape setting of the proposed development aligns with that of developments in the locality.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding developments and an overall scale that is compatible with existing built form in the street. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Maroubra. The 3-storey building incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.75:1 and a maximum height of 9.95m which is generally consistent with a medium density residential area. The FSR and 3-storey built form is compatible with existing development in the street and is sympathetic to the surrounding context. The design provides an appropriate response to the desired future character envisaged for the R3 Medium Density Residential zone, which encourages a variety of housing types and densities. Each unit within the development achieves a high level of amenity for residents and complies with Silver Level Livable housing standards.

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

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of medium density development in the surrounding locality. The street façade is divided into a number of distinct elements, separated with landscaped areas resulting in a finer grained streetscape appearance, consistent with existing development in the area. In addition, the hard stand car parking area has been positioned towards the rear of the site and will be obscured from street view which will ensure the development provides a positive streetscape presence.

In conjunction with strong articulation and modulation along the front façade and proposed landscaping within the street setback area, the proposed development will make a positive contribution to the streetscapes of Chester Avenue. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

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

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through construction of a contemporary small-scale residential flat building that responds to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

New landscaping proposed within the front setback will incorporate the planting of 1 x Crepe Myrtle (*Lagerstroemia 'Sioux'*) tree to an approximate mature height of 4m and various shrubs to mature heights of 0.9-3m. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered placement of windows and screening so as to avoid direct overlooking of neighbours, site landscaping, and new 1.8m high fencing. In particular:

- Ground floor courtyard for Unit G.01 and upper-level balconies (associated with Unit 1.01 on Level 1 and Unit 2.01 on Level 2) are orientated toward Chester Avenue with landscaping, including a tree and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.

- Fencing with a height of 1.8m is provided around the private open space for ground floor unit G.01 to provide a sense of privacy and security.
- Adequate boundary setbacks are proposed, 3m to the northern side boundary, between 3m-4.5m to the southern side boundary and 4m to the western rear boundary, to assist with mitigating overlooking to adjacent developments.
- Units 1.02, 1.03, 2.02 and 2.03 balconies are orientated toward the western rear boundary with a 4m setback and the integration of additional buffer planting to a mature height of 0.9–10m along the fence line to assist with minimising privacy impacts.
- Privacy screening in the form of white angled vertical louvres, is proposed to be fixed to parts of the external façade especially upper-level balconies and stairwell areas to create visual privacy for the units.
- Window openings on side elevations have been limited, with only bedroom and bathroom windows proposed. Living area windows are either screened or oriented to the front and rear elevations where setbacks are increased.
- Solid balcony balustrades to balconies are proposed which will assist in reducing overlooking.
- Proposed 1.8m Colorbond side and rear boundary fencing, and 1.5m palisade front boundary fencing with landscaping, will mitigate unacceptable overlooking into the ground level unit from the public domain.

Mitigation Measures

To further mitigate privacy impacts, the following Identified Requirements are included:

- Identified Requirement (73) is included to require that the fixed louvres are designed and angled to provide privacy between the development and adjoining neighbours.
- Identified Requirement (74) is included to require the balcony balustrading of the rear (western) balconies be increased to 1.350m.
- Identified Requirement (17) is included to require screen planting of at least 5m in height be provided within the rear (western) setback.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces, and the private open space areas of neighbouring properties. The submitted Architectural Plans (*Appendix A*) indicate that 5 out of 7 dwellings (71%) receive at least 2 hours direct solar access to the living and POS areas on June 21, which meets the requirements of the Apartment Design Guide.

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

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

Impacts on adjoining property

Solar Analysis Diagram (*Appendix Z*) illustrates that 2 out of 5 of the approved multi dwelling units on 48 Chester Avenue receive at least 3 hours of solar access between 8 am and 4 pm on 21 June (mid-winter) to living areas and private open spaces.

- From 8am to 11am, living area and private open space for approved Unit 1 on 48 Chester Avenue receives sunlight.
- At 1pm to 4pm, living area and private open space for approved Unit 5 on 48 Chester Avenue also receives sunlight.

The north-south spatial relationship and relatively narrow nature of the site limits the potential for compliance with overshadowing requirements. In view of this, design responses such as a flat roof form, increased south setback of 4.5m in lieu of DCP setback of 2.5m, and reduced building height of 9.95m in lieu of 11m have been incorporated to minimise overshadowing impacts on the southern adjoining property. Given the general level of compliance with setback and building height controls, the level of overshadowing is considered to be a reasonable and expected outcome, in the context of the applicable controls. The retention of sunlight to these courtyards and living spaces at 48 Chester Avenue is not considered to be reasonable in any case due to the proximity of these spaces to the side boundary.

The solar access diagrams also illustrate that additional overshadowing will occur at 1042-1044 Anzac Parade, and 1046 Anzac Parade from 8am-11am during the midwinter solstice, with no impacts thereafter. The overshadowing within these properties falls on the rear corner of these property's rear open space, with the majority of the rear open space continuing to receive sunlight despite the proposed development.

Impacts of proposed development

Shadow diagrams in *Appendix A* confirm the existing development on the adjoining northern property, 44 Chester Avenue, generates shadow impacts to living areas and private open space of dwellings of the proposed development. However, proposed private open space and living areas have been designed to capture sunlight from both northern and eastern aspects for Units G.01, 1.01 and 2.01 and from the northern and western aspects for Units 1.02 and 2.02.

- At 8am to 1pm, living area and private open space for proposed Units G.01, 1.01 and 2.01 receive sunlight.
- From 1pm to 4pm, living area and private open space for proposed Units 1.02 and 2.02 receive sunlight.

Overall, the shadow diagrams demonstrate there will be acceptable overshadowing impacts on the proposed development by the adjoining northern property.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

A total of 3 car parking spaces for residents will be available on site to serve the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Chester Avenue to accommodate any overflow parking demand generated by the proposed development, and the site is in proximity to frequent bus services on Anzac Parade.

The Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (*Appendix S*) indicates that the development will have a minor projected net increase in traffic activity as a consequence of the development. However, this was determined to not have any unacceptable implications in terms of road network capacity.

The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design including the car parking layout and associated aisle width, is compliant with applicable standards. The design has been revised to respond to council comments regarding aisle width.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (*Appendix J*). The report considers 9 trees; 2 trees (Trees 2 and 3) are located within the site; 1 tree (Tree 1) is located within the Chester Avenue road reserve and 6 trees (Trees 4, 5, 6, 7, 8 and 9) are located on adjoining western properties.

The removal of 2 existing trees within the site is proposed based on the following reasons:

- Tree No. 2 - identified as being in poor condition and located within proposed building footprint.
- Tree No. 3 - identified as being in good condition, however located within the footprint of the proposed development. Furthermore, it was identified that excavation of the basement parking area approved on 48 Chester Avenue to the south of the site was likely to impact on the long term viability of this tree.

Tree removal is recommended primarily to accommodate the proposed development especially where encroachment will have an adverse impact on roots and crown for viability and stability of the individual species recommended for removal (refer to submitted Arboricultural Impact Assessment in *Appendix J*).

Six existing trees within neighbouring properties (Tree Nos. 4, 5, 6, 7, 8 and 9) and a street tree (Tree No.1) are recommended for retention. The Arboricultural Impact Assessment identifies that the proposed development is sufficiently setback from trees proposed to be retained.

Appropriate replacement planting is proposed, as indicated on the landscape plan (*Appendix B*). The new plantings will provide replacement tree cover on the site and increase the variety of species, including trees capable of reaching a mature height of 6m, which will provide additional habitat for fauna in the long-term. There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation Measures

Identified Requirements (No's. 1, 17 – 19) are included in the **Activity Determination** and require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

8.10 Heritage (European / Indigenous)

Randwick City Council's Section 10.7(2) & (5) Planning Certificate did not identify any heritage items on, or in vicinity of the site (refer *Appendix F*).

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 14 February 2024 (*Appendix I*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

Identified Requirements (No. 41 & 42) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

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

- The subsurface conditions generally consist of topsoil overlying silty sand and sandstone. The topsoil is present to depths of 0.4 to 0.7 metres. Very loose to loose silty sand underlie the topsoil to depths of 3.3 to 3.7 metres. Weathered sandstone (Class IV/V and Class III) underly these soils to a combined depth of 4 to 6.8 metres.
- Groundwater was observed during drilling works measured at 2.5m below the existing ground level.

The report classifies the site as a *problem site (P)* based on topsoil thickness being greater than 400mm and underlying very loose sands to a depth greater than the proposed depth of excavation, 3.0metres. The site is therefore not reclassified due to presence of low strength very loose sands.

Based on the presence of very loose sands and groundwater, the report provides recommendations on how excavation, batter slope design, retaining wall design and foundation design are to be carried out on the site to limit risk of damage to adjoining properties and ensuring the structural integrity of the proposed development.

Contamination

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

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificate, the land is not affected by a policy restriction relating to Acid Sulfate Soils.

Salinity

According to Council's Section 10.7(2) & (5) Planning Certificate, the land is not affected by a policy restriction relating to salinity. Furthermore, the Geotechnical Investigation report prepared by STS Geotechnics Pty Ltd (*Appendix P*) highlights the electrical conductivity values of 0.1 and 0.2 dS/m for the site as consistent with the presence of non-saline soils.

Mitigation Measures

Standard Identified Requirement (No.1) is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by STS Geotechnics Pty Ltd. Standard Identified Requirement (No.16) is also recommended to address any potential soil contamination occurrence.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an 11kL underground detention tank draining to the proposed kerb inlet pit located on Chester Avenue to be constructed in accordance with Council standards. Roof water from the development will be collected from downpipes and connected to a 5000L aboveground rainwater tank for recycling with overflow connected to the underground detention tank located under the driveway.

The Section 10.7(2) & (5) Planning Certificate issued by Randwick City Council for the subject site indicates that the land or part of the land is between the flood planning area and the probable maximum flood (PMF) and is therefore subject to flood related development controls. The site is not identified as being impacted during the 1% AEP flood event.

A Flood Assessment (*Appendix U*) has been prepared by Northrop for the proposed development on the subject site and includes an assessment against Section 3 – Flooding Development Controls in the Flood Related Development Controls Policy (February 2012). The report identifies that flood behaviour, at and in the vicinity of the site, is generated by the upstream catchment which is bound by Beauchamp Road to the south of the site, Anzac Parade to the west and Chicago Avenue to the east of the site. During the PMF, flows derived by the upstream catchment enter the subject site through the southwestern corner and continue in a north easterly direction before discharging into the low point in the northeastern corner of the site. The Flood Assessment has classified the subject site as a 'Low Hazard' site during the PMF event.

The report confirms that the proposed development is unlikely to create any significant adverse impacts to flood water conveyance and floodplain storage volume for all floods up to and including the 1% AEP event, and additional stormwater can be adequately managed within the site. The report also confirms that post-development flows from the site to the Council's stormwater network are within Council's acceptable limits and therefore the development is unlikely to cause any significant adverse impacts on neighbouring properties.

The ground floor level, including the lobby area and unit G.01 will be subject to approximately 840mm of flooding depth during the PMF event, based on the PMF flood level of 24.84 identified in the Flood Assessment. The carpark will be protected up to the 1% AEP due to the proposed finished levels of the driveway, which will provide adequate flood immunity from the road.

Recommendations are included within the Flood Assessment to ensure the safety of persons during flood events and to ensure the structural soundness of the development. The recommendations are as follows:

- As Chester Avenue becomes a high hazard floodway during the PMF, there is no rising road egress from the site outside of flood waters. As such, it is recommended that residents seek onsite refuge on Level 1 (RL 27.1m) and Level 2 (RL 30.2) as these floor levels are above the PMF flood levels (RL 24.8m).
- Use of flood compatible construction materials that can withstand the forces of floodwater, debris, and buoyancy up to the PMF level. Due to the robust nature of the proposed development, it was anticipated by the report author that flood compatible materials can readily be introduced.

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

Mitigation Measures

Identified requirements (Nos. 5-8 & 12) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

Identified Requirement No. 64 is recommended to ensure flood risks at the site are appropriately mitigated.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificate issued by Randwick City Council for the subject site advise that the land is not bushfire prone.

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Site Preparation / Construction

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

During Occupation

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

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

The building will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. The Acoustic Assessment Report prepared by Pulse White Noise Acoustics (*Appendix U*) highlights recommended acoustic treatments to be implemented in mitigating noise impacts from internal and external receivers, including Anzac Parade, and to ensure the proposed development achieves noise level design targets.

Mitigation Measures

Site preparation/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

To address road and other environmental noise sources, it is recommended that the building envelope (including glazed elements) and ventilation strategies (including any openings) be designed in accordance with recommended acoustic treatments as detailed in Acoustic Assessment Report prepared by Pulse White Noise Acoustics (*Appendix U*).

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* and EPA criteria with respect to noise transmission.

Appropriate Identified Requirements (Nos. 2, 61, 65 & 68) have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 52 & 53) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

A Waste Management Plan (*Appendix R*) has been prepared by Integrated Design Group. The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the building contractor.

During Construction

Construction material waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- Excavation Material – All excavation material is intended for reuse as fill on site. Any excavation material deemed not acceptable will be disposed of.
- Green waste – Mulched, composted in landscape.
- Bricks/Pavers - Offcuts crushed and used in landscape. Excess material removed by contractor to nominated waste transfer/recycle centre.
- Concrete - Excess material removed by contractor to nominated waste transfer/recycle centre.
- Timber - Reuse for formwork, remainder removed from site and recycled off site at nominated waste transfer/recycle centre.
- Plasterboard (offcuts) - Removal for recycling or return to supplier.
- Metal (roof sheet) - Recycled by appropriate sub-contractor.
- Floor covering - Any leftovers to be disposed of or recycled at nominated waste transfer/recycle centre.

- Packaging - Recycled by appropriate sub-contractor.
- Containers - Recycled by appropriate sub-contractor.
- Paper/cardboard - Recycled by appropriate sub-contractor.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located towards the rear car parking area and placed on the street kerb for weekly collection by Council's waste services.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins in the garbage storage enclosures located towards the rear car parking area and placed on the street kerb by LAHC contractor for fortnightly collection by Council's waste services.

Green waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located towards the rear car parking area and placed on the street kerb for fortnightly collection by Council's waste services.

Mitigation Measures

Standard Identified Requirements (Nos. 49-54) are recommended to ensure construction waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 33) is recommended to require the preparation of a final waste management plan for the site preparation, construction, and occupation phases of the development.

8.17 Resource Use & Availability

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

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

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

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Randwick City local government and surrounding area;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;

- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

- The proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, RLEP 2012, and the design principles and better practices set out in the relevant guidelines.

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

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

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

10 Appendices

10.1.1 APPENDIX A – ARCHITECTURAL PLANS

10.1.2 APPENDIX B – LANDSCAPE PLAN

10.1.3 APPENDIX C – CIVIL & STRUCTURAL PLANS

10.1.4 APPENDIX D – SURVEY PLAN

10.1.5 APPENDIX E – NOTIFICATION PLANS AND SCOPE OF NOTIFICATION

10.1.6 APPENDIX F – SECTION 10.7 CERTIFICATES

10.1.7 APPENDIX G – NOTIFICATION LETTERS AND SUBMISSIONS

10.1.8 APPENDIX H – ACCESS REPORT

10.1.9 APPENDIX I – AHIMS SEARCH

10.1.10 APPENDIX J – ARBORIST REPORT

10.1.11 APPENDIX K – BASIX CERTIFICATE

10.1.12 APPENDIX L – BCA REPORT

10.1.13 APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

10.1.14 APPENDIX N – NatHERS CERTIFICATE

10.1.15 APPENDIX O – APARTMNET DESIGN GUIDELINES CHECKLIST

10.1.16 APPENDIX P – GEOTECHNICAL INVESTIGATIONS

10.1.17 APPENDIX Q – TITLE SEARCH AND DP

10.1.18 APPENDIX R – WASTE MANAGEMENT PLAN

10.1.19 APPENDIX S – TRAFFIC REPORT

10.1.20 APPENDIX T – ACOUSTIC REPORT

10.1.21 APPENDIX U – FLOOD ASSESSMENT

10.1.22 APPENDIX V – CPTED REPORT

10.1.23 APPENDIX W – DESIGN QUALITY PRINCIPLES STATEMENT

10.1.24 APPENDIX X – STATEMENT OF COMPLIANCE WITH HOUSING SEPP

10.1.25 APPENDIX Y – CORAL SEA PARK DESIGN STATEMENT

10.1.26 APPENDIX Z – SOLAR ANALYSIS