

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

48 New Orleans Crescent, Maroubra NSW 2035

February 2025





Acknowledgement of Country

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

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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3	14/02/2025	V2	Final Edits	Various

DOCUMENT SIGN-OFF

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1 Executive Summary

The subject site is located at 48 New Orleans Crescent, Maroubra, and is legally described as Lot 234 in Deposited Plan 36345. The proposed residential flat building development is described as follows:

Demolition of existing dwelling and associated structures, tree removal, and construction of a residential flat building comprising 5 units (1 x studio, 2 x 1 bedroom and 2 x 2 bedroom units) with associated landscaping, site works and parking for 3 vehicles.

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.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument (RLEP2012) and is therefore permitted without consent under the provisions of Section 42(2) of the Housing SEPP.

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 owners and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 25 October 2024. Comments on the response are provided in Section 7.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the submission 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 demolition of an existing dwelling and associated structures, removal of trees, and the construction of a residential flat building development comprising 1 x studio, 2 x 1 bedroom and 2 x 2-bedroom units, with associated landscaping and fencing and surface parking for 3 cars at 48 New Orleans Crescent, 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:

- A Section 10.7 Planning Certificate was obtained for the 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).

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.

- 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.
- a site inspection was undertaken on 18 July 2023. 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; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing site and immediately adjoining development

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

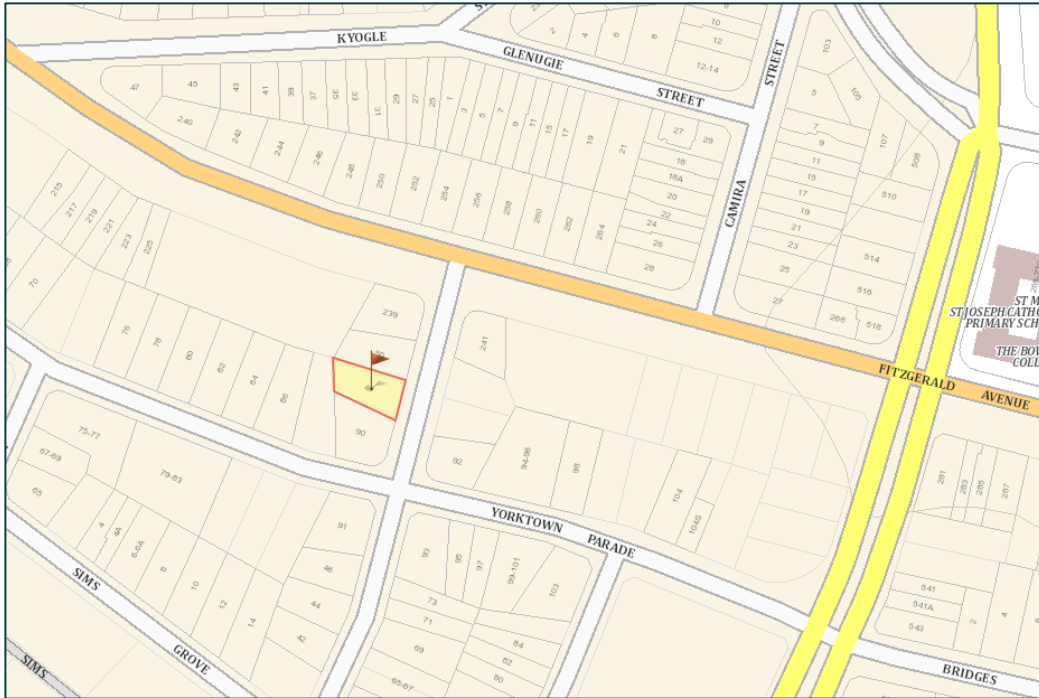


Figure 1 Location Plan (Source: SIX Maps accessed 13 September 2024)



Figure 2 Location Plan (Source: Nearmap accessed 13 September 2024)

3.2 Site description

The site is currently occupied by a single storey brick dwelling with tiled roof (refer to photograph at **Figure 3**). A copy of the Section 10.7(2) & (5) Planning Certificate (No 70100) dated 22 January 2025 is provided in **Appendix F**.

The site has a total area of 509.4m², a frontage to New Orleans Crescent of 18.29m, side (northern) boundary of 33.57m, side (southern) boundary of 29.70m and a rear (western) boundary of 15.24m. The site falls from the north-western corner (rear) at 16.80m AHD to the front southern corner at 14.62m AHD (refer to the submitted Survey Plan in **Appendix D**).

The site is not affected by flood, 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 2 trees, and 2 shrubs considered in relation to the proposed development. Two shrubs are located within the site, 1 tree (Tree 2) on a neighbouring property and the other tree (Tree 1) located within the road reserve at the site's frontage. Tree 2, located within the rear garden of the adjoining property to the south, is proposed for retention and protection, while the remaining trees and shrubs are proposed for removal.

Traffic and Access

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

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, gas, electricity, and telephone services are located along the road alignment of New Orleans Crescent. A sewer main traverses the rear boundary of the site, with a sewer manhole point located in the northern adjoining site at the rear.

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 – 48 New Orleans Crescent (Source: Site Photo, July 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 50 New Orleans Crescent contains a single storey detached dwelling house (refer to photograph at **Figure 4**).

The property immediately to the south of the subject site at 90 Yorktown Parade, contains a single storey dwelling house of brick construction with tile roofing (see **Figure 5**).

No. 88 Yorktown Parade adjoins the site to the rear and contains a three-storey RFB development with brick finish and tiled roof (refer photograph at **Figure 6**).

Opposite the site, on the eastern side of New Orleans Crescent, are existing single storey buildings, including a brick dwelling house (79 New Orleans Crescent) and a more contemporary single storey multi dwelling development at 77 New Orleans Crescent (see **Figure 7**).



Figure 4 Adjoining development to the north – 50 New Orleans Crescent (Source: LAHC Site Visit, July 2023)



Figure 5 Adjoining development to the south – 90 Yorktown Parade (Source: Google maps, April 2023)



Figure 6 Adjoining development to the west – 88 Yorktown Parade (Source: LAHC Site Visit, July 2023)



Figure 7 Neighbouring development – 77-79 New Orleans Crescent (Source: Google maps, April 2023)

Public Transport

The subject site is well serviced by the following bus services located on Fitzgerald Avenue:

- Bus stop ID: 2035185 (Fitzgerald Avenue at Camira Street) – This is located 402m walking distance northeast of the site.
- Bus stop ID: 2035180 (Fitzgerald Avenue at Malabar Road) – This is located approximately 304m walking distance east from the site.

The walking distance from the site to the above referenced bus stops is verified in *Appendix D*.

The identified bus stops are serviced by route 350 which provide return services between the site and commercial, retail and education centres as noted below.

- Route 350 provides a bus service from the site to Bondi Junction Station and Sydney Domestic Airport.

The site is also serviced by a stop nearby on Yorktown Parade (Bus stop ID: 2035121) located approximately 75m southeast of the site (Yorktown Parade after New Orleans Crescent). This stop is serviced by:

- Route 397 providing a bus service from the site to services and retail at Westfields Eastgardens.

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

The surrounding land use is predominantly residential with other uses, including open space, educational development, and recreation areas. Coral Sea Park, a public recreation site, is located approximately 350m from the site. South Maroubra Shopping Village is located approximately 750m south 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 includes demolition of a single storey detached dwelling house and associated structures, as identified in the Demolition Plan (refer to *Appendix A*).

4.2 Removal of trees

The Arboricultural Impact Assessment and Tree Management Plan undertaken for the site (*Appendix J*) considers 2 trees in relation to the proposed development, 1 tree (Tree 2) on a neighbouring property and the other (Tree 1) located within the adjoining road reserve. There are 2 smaller shrubs located within the site which were not identified in the Arboricultural Impact Assessment as they do not qualify for protection under council's tree protection policy. These shrubs are in the building footprint and are therefore proposed for removal.

Tree 1 is identified as a Harkness Bottlebrush - *Callistemon Harkness* and is in the public road reserve. Tree 1 is in direct conflict with the proposed driveway crossover and is therefore proposed for removal. As the tree is located on the road reserve, council approval is required. In principle support has been provided by council (*Appendix Z*) subject to appropriate replacement planting as demonstrated the Landscape Plan (*Appendix B*).

Tree 2, located within the rear garden of 90 Yorktown Parade, is proposed to be retained and protected. This tree was identified as a Weeping Myrtle - *Agonis flexuosa*, in good condition and is a high priority for retention.

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 5 units consisting of 1 x studio, 2 x 1 bedroom and 2 x 2-bedroom units. One unit (unit 1.02) has been designed as an adaptable unit, with all other units designed to achieve silver liveable standards.

The proposed development represents a contemporary, high-quality design. The use of a mixture of face brick, metal cladding and weatherboard panel for external walls and metal roofing is consistent with the existing and developing character in Maroubra. Three of the 5 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 8m 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, including 1 accessible space 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 a combined rainwater and stormwater detention tank with total capacity of 10,000L (5000L Rainwater and 5000L Onsite Stormwater Detention). Stormwater is to drain through the site to a proposed outlet to kerb located on New Orleans Crescent and is provided in accordance with Council standards. Roof water will be collected from downpipes and connected to the 10kL combined rainwater and stormwater detention tank.

A new 1.8m high metal panel fence is proposed along the side and rear boundaries, dropping to 1.2m palisade fencing on the side boundaries towards the street frontage. A combination of low-level face brick and metal palisade fencing will be provided at the site frontage, with the POS of Unit G.01 surrounded by a 1.8m palisade fence to provide privacy.

It is noted that unit G.01 located on the ground floor is identified as a studio, despite the bedroom being separate to the living, dining, and kitchen space. The total floor area is consistent with the minimum required under the Apartment Design Guide for a studio, and the unit will have a high level of amenity due to the indoor/outdoor design of the primary living space and the addition of a study nook in the bedroom. Despite there being no parking requirements for a studio unit, the number of parking spaces provided on site have been calculated based on unit G.01 being a 1-bedroom unit.

Figure 8 to Figure 12 include extracts from the architectural plans illustrating the proposed development.

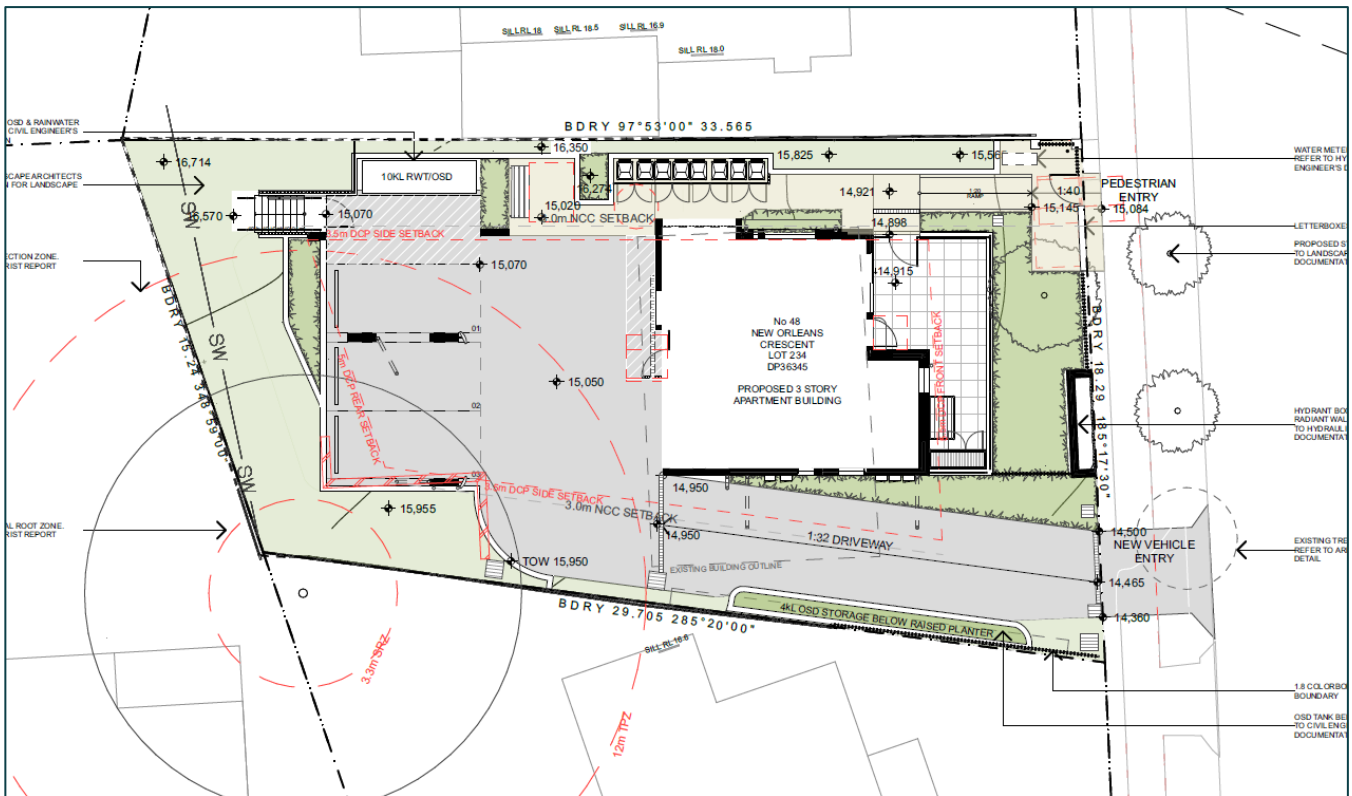


Figure 8 Extract from Architectural Plans – Site Plan (Source: Integrated Design Group, dated 13.12.2024)

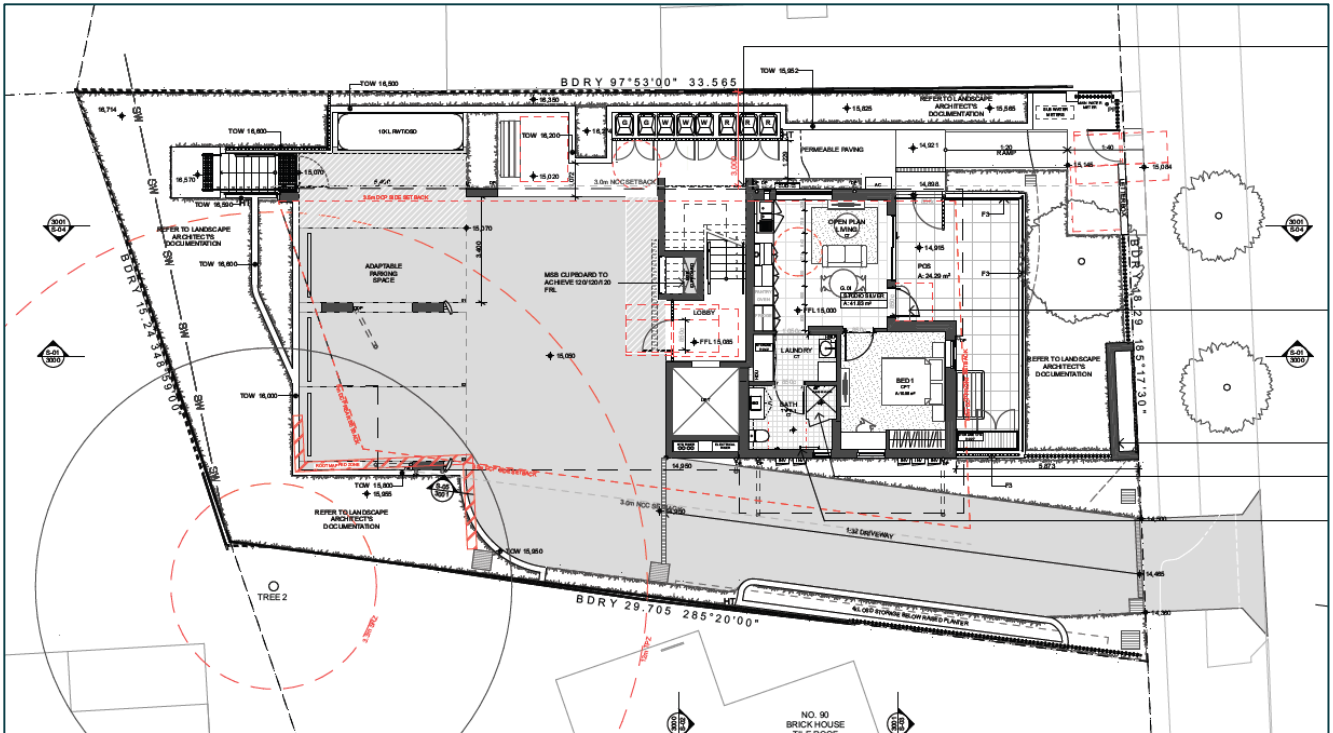


Figure 9 Extract from Architectural Plans – Ground Floor Plan (Source: Integrated Design Group, dated 13.12.2024)

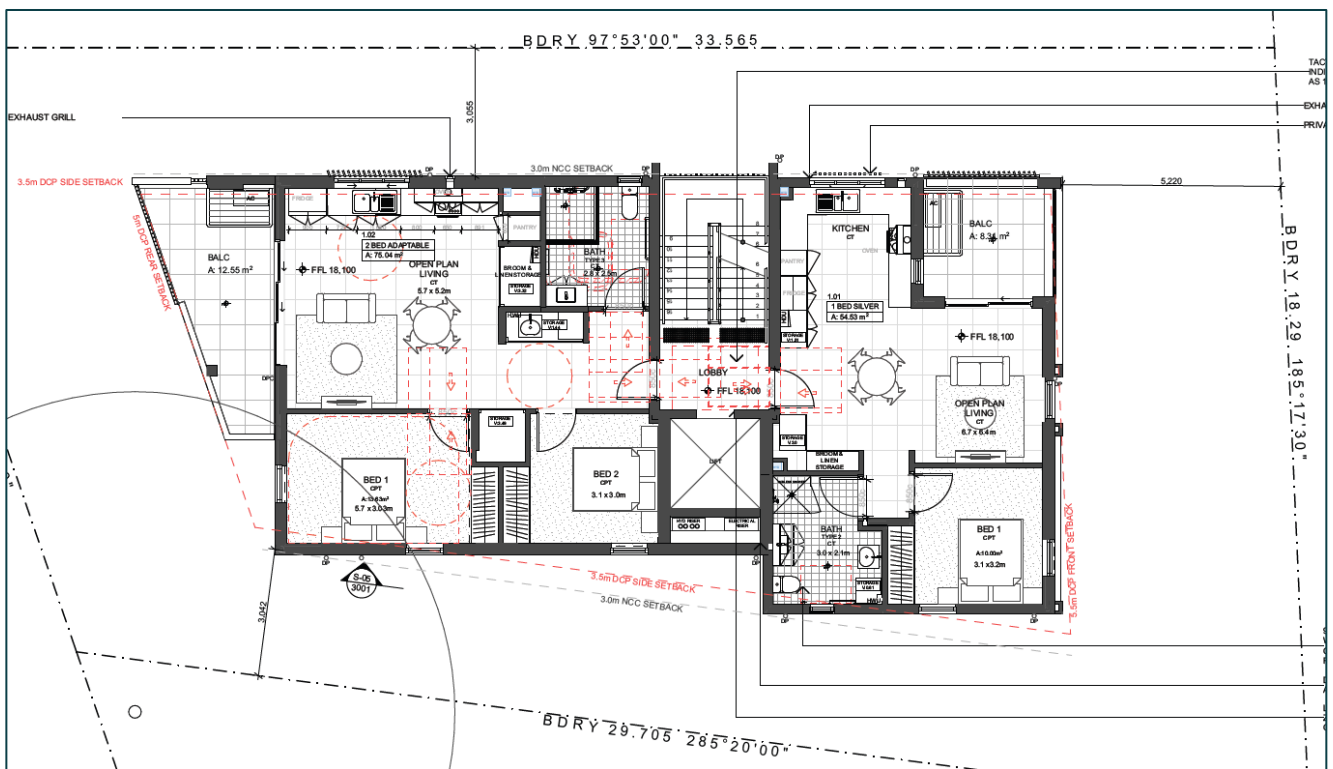


Figure 10 Extract from Architectural Plans – First Floor Plan (Source: Integrated Design Group, dated 13.12.2024)

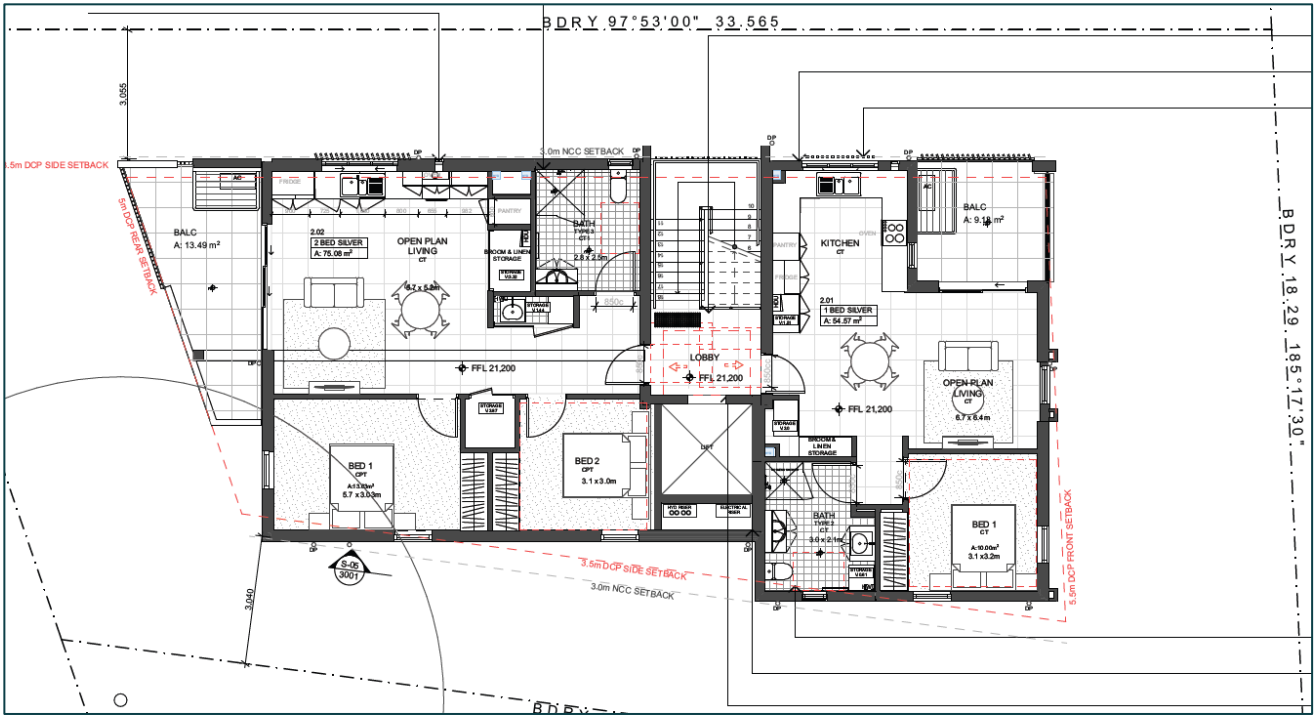


Figure 11 Extract from Architectural Plans – Second Floor Plan (Source: Integrated Design Group, dated 13.12.2024)



Figure 12 Extract from Architectural Plans – New Orleans Crescent Streetscape Perspective (Source: Integrated Design Group)

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	-	-	Integrated Design Group
BASIX Commitment	P5-0002	D	13/12/2024	Integrated Design Group
Area Calculations	P5-0003	C	13/12/2024	Integrated Design Group
SEPP 65 Diagrams	P5-0004	C	13/12/2024	Integrated Design Group
Site Plan	P5-0100	C	13/12/2024	Integrated Design Group
Site/Block Analysis	P5-0101	C	13/12/2024	Integrated Design Group
Demolition Plan	P5-0200	C	13/12/2024	Integrated Design Group
Ground Floor Plan	P5-1100	D	1/312/2024	Integrated Design Group
First Floor Plan	P5-1101	D	13/12/2024	Integrated Design Group
Second Floor Plan	P5-1102	D	13/12/2024	Integrated Design Group
Roof Plan	P5-1103	D	13/12/2024	Integrated Design Group
Elevations 01	P5-2000	D	13/12/2024	Integrated Design Group
Elevations 02	P5-2001	D	13/12/2024	Integrated Design Group
Sections 01	P5-3000	D	13/12/2024	Integrated Design Group
Sections 02	P5-3001	D	13/12/2024	Integrated Design Group
Shadow Diagrams	P5-9100	C	13/12/2024	Integrated Design Group
Eye of the Sun Diagrams	P5-9101	C	13/12/2024	Integrated Design Group
External Finishes Schedule	P5-9300	C	13/12/2024	Integrated Design Group
Landscape Plan – Appendix B				
Landscape Site Plan	L_1	C	13/12/2024	Wallman Partners Pty Ltd Landscape Architects
Planting Plan	L_2	C	13/12/2024	Wallman Partners Pty Ltd Landscape Architects
Civil Plans – Appendix C				
Cover Sheet, Drawing Schedule and Site Locality Plan	DA01	03	07/03/2024	Northrop
External Civil Works Concept Sediment & Erosion Plan	C102.01	2	19/12/2024	Northrop
External Civil Works Stormwater Management & Levels Plan	C103.01	2	19/12/2024	Northrop
Internal Civil Works Concept Sediment & Erosion Plan	C2.01	2	19/12/2024	Northrop
Internal Civil Works Stormwater Management & Levels Plan	C3.01	2	19/12/2024	Northrop
Site Catchment Area Plan	DA03	2	06/03/2024	Northrop
Contour and Detail Survey – Appendix D				
Detail and Level Survey	Sheet 1 of 1	S	28/07/2022	S.J Surveying Services Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Footpath Gradient	Sheet 1 of 1	S	22/01/2024	S.J Surveying Services Pty Ltd
Notification Plans – Appendix E				
Cover Page	P5-N01	C	13/12/2024	Integrated Design Group
Site & Landscape Plan	P5-N02	C	13/12/2024	Integrated Design Group
Development Data	P5-N03	C	13/12/2024	Integrated Design Group
Elevations	P5-N04	C	13/12/2024	Integrated Design Group
Schedule of Finishes	P5-N05	C	13/12/2024	Integrated Design Group
Shadow Diagrams	P5-N06	C	12/13/2024	Integrated Design Group
Access Report – Appendix H				
Part 5 Application Access Report	23182	C	30/04/2024	Vista Access Architects
AHIMS Web Search – Appendix I				
AHIMS search	-	-	23/01/2025	NSW Government
Arborist's Report – Appendix J				
Arboricultural Impact Assessment and Tree Management Plan	8805.1	-	29/04/2024	Redgum Horticultural
BASIX – Appendix K				
BASIX Certificate	Cert No. BSX-29652M_03	02	09/12/2024	Marc Kiho
NatHERS Certificate – Appendix N				
Nationwide house energy rating scheme – class 2 summary	No. 0009284640	-	6/03/2024	Marc Kiho
BCA Report – Appendix L				
Building Code of Australia 2022 Updated Stage C Concept Design Review	23192R04	R04	21/06/2024	Metro Building Consultancy
Geotechnical Investigation - Appendix P				
Geotechnical Investigation & Acid Sulfate Soils (ASS) Assessment	No. 22/2859	-	September 2022	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R				
Waste Management Plan	Doc 0.2	1	-	Integrated Design Group
Traffic and Parking Impact Assessment - Appendix S				
Traffic and Parking Assessment Report	23139	-	29/04/2024	Varga Traffic Planning Pty Ltd
Acoustic Report - Appendix U				
DA Acoustic Assessment	230348	R1	04/03/2024	Pulse White Noise Acoustics
Crime Prevention through Environmental Design Report – Appendix V				
CPTED Report	-	A	15/12/2023	Integrated Design Group

Section 10.7 Planning Certificates – Appendix F

Lot 234 DP 36345, Cert no. 72144, dated 22/01/2025 - Randwick City Council

Notification letters & submissions – Appendix G

Design compliance and checklists – Appendix T

Architect’s Certificate of Building Design Compliance – Integrated Design Group, dated 06/05/2024.
 Certificate of Landscape Documentation Compliance – Wallman Partners Pty Ltd, dated 13/12/2024.
 Certificate of Stormwater Documentation Compliance – Northrop, dated 06/05/2024.

Design Guide Checklist – Appendix O

Apartment Design Guide Checklist, Issue B, prepared by Integrated Design Group, dated 23/04/2024.

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 234/36345, Search date 01.07.2022, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 36345, Search Date 01.07.2022

Design of Quality Statement – Appendix W

Design of Quality Statement - Integrated Design Group, dated 06/05/2024.

Statement of Compliance – Appendix X

Statement of Compliance with Good Design for Social Housing and LAHC Design Requirements (February 2023) - Integrated Design Group, dated 06/05/2024.

Area Specific Controls – Coral Sea Park Design Statement – Appendix Y

Area Specific Controls - Coral Sea Park Estate, Maroubra - Integrated Design Group, dated 23/04/2024.

5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Randwick Local Environmental Plan 2012* (RLEP 2012) (see **Figure 13**). 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 13 Land zoning map, site outlined green (Source: NSW Planning Portal, accessed 25 October 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 as it will:

- provide new affordable housing that meets the identified needs of the community.
- 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.
- provide a high quality and attractive development that will contribute to existing streetscape and overall desired character of the area; and
- increase housing density on a site within walking distance to bus transport that links to the Sydney major commercial, retail and education centres including Bondi Junction.

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. Demolition is permitted with consent under the provisions of RLEP2012 and is therefore permitted without consent under the provisions of Section 42(2) of the Housing SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act

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 *Wilderness Act 1987*) 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 *Wilderness Act 1987*).

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
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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	
(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 5 affordable housing units to the Randwick City LGA. The development will diversify the residential uses in Randwick City LGA by introducing affordable housing that can accommodate smaller households in a location that is well serviced by existing public transport options and essential services. As such, the proposed development contributes to the objectives of the 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 on 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

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits LAHC to undertake demolition as “development without consent” provided the land the structures are located on is “non-heritage land” and is not “identified in an environmental planning instrument as being within a heritage conservation area”. The subject site contains neither of these heritage notations and therefore demolition can be undertaken by LAHC as “development without consent”. A waste management plan has been prepared, and there are several Identified Requirements recommended in the Activity Determination which deal with site safety and environmental protection during demolition and construction.

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 10.5m, consistent with 1(b)(i).
(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 0.62:1, consistent with 1(c)(i).
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 5 dwellings, consistent with 1(d).
(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 (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	The site is in an accessible area as demonstrated in section 3.3 above. The proposal provides 3 parking spaces (including 1 accessible space) in accordance with the rates identified under 1(e) which are as follows: 3 x studio/1 bedroom = 1.2 spaces (1) parking space required 2 x 2 bedroom = 1 parking space required Total parking spaces required = 3 spaces required
(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 –	Noted

Provision	Compliance
(a) the demolition of buildings and associated structures if the building or structure is on land – <ul style="list-style-type: none"> (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area, 	Demolition is proposed on land that is non-heritage land and not identified in an environmental planning instrument as being within a heritage conservation area.
(b) the subdivision of land and subdivision works.	Not applicable
(3) This Division does not apply to – <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or (b) another relevant authority. (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.	LAHC is a relevant authority, consistent with 1(b).
43A Notification before carrying out development	
(1) Before carrying out development under this Division, the relevant authority must-	

Provision	Compliance
(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 22 August 2024. Council provided a response on the same date 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 9 September 2024. Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on 6 September 2024.
(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 25 October 2024. Comments on the response are provided in Section 7.1 of this REF. One submission was received from an adjoining occupier. Comments on the submission are provided in Section 7.2 of this REF.
43B Landcom must notify Secretary of Department of Communities and Justice	
Before carrying out development to which this division applies, Landcom must – (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 – (i) used for affordable housing, and (ii) managed by a registered community housing provider, and (b) take into account the responses to the notice that are received within 21 days after the notice is given.	Not applicable to LAHC
43C Consideration of design of residential apartment development	
Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following – (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, (b) the Apartment Design Guide.	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 . Non-compliances against the Apartment Design Guide are addressed in subsection 6.5.4 .
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	(a) Refer to subsection 6.5.2 which demonstrates that the <i>Good Design for Social Housing</i> has been considered.

Provision	Compliance
<p>the Government Architect NSW, in September 2020, and</p> <p>(b) the <i>NSW Land and Housing Corporation Design Requirements</i>, published by the Land and Housing Corporation in February 2023.</p>	<p>(b) Refer to subsection 6.5.3 which demonstrates that the <i>NSW LAHC Design Requirements</i> have been considered.</p>
<p>(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.</p>	<p>Not Applicable to LAHC</p>
<p>44A Exempt development</p>	
<p>(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.</p>	<p>Noted</p>
<p>(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.</p>	<p>Noted</p>
<p>(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>.</p>	<p>Noted</p>

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.

One unit has been designed as an adaptable unit, with all other units designed to achieve silver level liveability housing standards. The development incorporates passive and active sustainable design by achieving cross-ventilation and solar access in all 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 8.1 stars which exceeds the minimum targets set by LAHC. A 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 an area for outdoor dining and the wider site will feature attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents.

Car parking is provided, and pedestrian access through the site is highly accessible.

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 contemporary external 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 2 of the 5 dwellings achieving a NatHERS score of 8 or above and another 2 of the dwellings achieving a NatHERS score of 7.9. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

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

6.5.3 Land and Housing Corporation Design Requirements

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

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

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance, refer to 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	
<p>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies; • 9m between habitable and non-habitable rooms; • 6m between non-habitable rooms. 	<p>Does not comply</p> <p>The development provides the following minimum setbacks:</p> <ul style="list-style-type: none"> • Northern boundary: minimum 3m setback (5.6m separation distance between habitable and habitable; 5.5m separation distance between habitable and non-habitable). • Southern boundary: minimum 3m setback (6m habitable to non-habitable, noting that the existing dwelling at 90 Yorktown Parade is single storey). • Western boundary: minimum 5m setback (balconies to rear COS of 88 Yorktown Parade). <p>These setbacks do not achieve numerical compliance with building separation requirements. However, notwithstanding, the resultant building separation is considered to provide an appropriate response within the site context.</p> <p>The setbacks largely comply with the minimum setback controls for residential flat buildings, as set out in the Randwick DCP, notwithstanding some minor encroachments. The DCP setback controls recognise 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 is considered to provide 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 5m setback to the boundary which the proposed development provides. Accordingly, the rear setback is considered to provide an appropriate built form response. To ensure that privacy is appropriately mitigated from the rear facing balconies at ground and first floor level, Identified Requirement No. 73 is recommended</p>

Provision	Compliance
	<p>to raise the balustrade height to 1350mm and replace the palisade balustrade type to solid panelling (material WC2).</p> <p>On balance, despite the numeric non-compliances 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 existing dwelling at 90 Yorktown Parade - the adjoining southern property (see Shadow Diagrams <i>Appendix A</i>).</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. However at least 50% of the POS of 90 Yorktown Parade will continue to receive solar access for a minimum of 3 hours between 8am-4pm midwinter, in accordance with DCP controls. In addition, the single window on the north elevation of the adjoining property will receive direct sunlight from 3pm to 4pm in mid-winter.</p> <p>The proposed residential flat building is a contextually appropriate response to the site and is commensurate with 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. This demonstrates the importance of the proposed affordable 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>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>The site area is 509.4m² therefore a communal open space area of 127.35m² is required.</p> <p>Due to site constraints including a narrow lot width, the communal open space area is 67.35m² (13%) which is less than the minimum required.</p> <p>The common areas have been densely landscaped, which will contribute to the overall amenity and sense of place within the development.</p> <p>In addition, the site is in proximity to several large public recreation areas including the Coral Sea Park which is located approximately 350m from the subject site as well as Maroubra Beach and Arthur Byrne Reserve which are approximately 650m 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 4 m² for a studio, 8m² for 1-bedroom units and 10m² for 2-bedroom units, to enhance</p>

Provision	Compliance
	the amenity of each unit and provide an opportunity for private outdoor relaxation.
3F -Visual Privacy	
<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:</p> <p>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 windows or translucent glazing to lower mullions on the north and south elevations to maintain adequate visual privacy between neighbouring buildings.</p> <p>Southern side setback:</p> <p>A minimum southern side setback of 3m is proposed between the upper side elevation of the proposed building and the boundary with 90 Yorktown Parade.</p> <p>The windows to this side elevation are mostly off bedrooms and bathrooms. The bottom pane of the bedroom windows at upper levels will be fitted with translucent glazing to ensure privacy for the neighbouring residents at 90 Yorktown Parade is maintained.</p> <p>The bedroom window for the ground floor studio unit will be setback 5.3m from the boundary with the neighbouring dwelling and separated by the access driveway. Fencing and landscaping within a raised planter bed will also be provided. Therefore, together with the ground floor level location, the privacy impacts from this window are minimal.</p> <p>Northern side setback:</p> <p>The development provides a minimum northern side setback of 3m to the boundary with 50 New Orleans Crescent. However, all windows and balconies on this elevation (excluding bathroom windows) are proposed to be screened with angled vertical louvres as demonstrated on drawing P5-2000 in <i>Appendix A</i>. Potential privacy impacts from this elevation are minimal.</p> <p>Rear setback:</p> <p>The proposal provides a setback of 5m between the balconies at the rear elevation and the common boundary with 88 Yorktown Parade to the west of the site. The proposed development has the potential to overlook the existing communal open space area at 88 Yorktown Parade.</p> <p>To minimise potential privacy impacts, Identified Requirement No. 73 is proposed to increase the balcony balustrading to Units 1.02 and 2.02 to a height of 1350mm and replace the palisade balustrade type to solid panelling (material WC2). This will minimise any perceived overlooking from the balconies to the POS of the adjoining site.</p>
4H – Acoustic Privacy; 4J – Noise and Pollution	
Adequate building separation is provided within the development and from neighbouring	Noise generated when the proposed development is completed and occupied will be entirely in keeping with their residential

Provision	Compliance
<p>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>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 T</i>) highlights recommended acoustic treatments to be implemented in mitigating noise impacts from internal and external receivers, and to ensure the proposed development achieves internal noise level design targets.</p> <p>Furthermore, Identified Requirement No. 71 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
<p>A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <i>Appendix K</i>).</p>
SEPP (Transport and Infrastructure) 2021
<p>The Transport and Infrastructure SEPP provides Planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications, and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.</p>
<p>The site is not in proximity to a State Classified Road, adjacent/near a road, rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021
<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p>
<p>Tree removal</p>
<p>The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Section 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development requires the removal of 2 shrubs located within the site, and 1 council street tree (Tree 1).</p>
<p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval, or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of vegetation within the site can be included within the REF scope and does not require a permit from Council.</p>
<p>However, removal of Tree 1 requires support from council as it is located on the road reserve. Council have provided their support from the removal of this tree as evidenced in <i>Appendix Z</i>, subject to appropriate replacement planting.</p>
<p>An assessment of the proposed tree removal has been undertaken within Section 8.9 of this REF.</p>
<p>Regulated catchment</p>

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.
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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 10.5m which exceeds the height limit permitted under the RLEP 2012.</p> <p>Despite the above, section 42(1)(b)(ii) of the HSEPP allows a maximum building height of 11m, which the development complies with.</p> <p>The development is 3 storeys and is compatible with the scale of existing development in New Orleans Crescent 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>The proposed FSR is 0.62:1.</p>
6.2	Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p>	<p>Complies</p> <p>The proposed activity includes areas of excavation, as demonstrated in the section drawings in Appendix A.</p> <p>Excavation is primarily required to accommodate the proposed parking area and is a result of the level changes across the site.</p> <p>Identified Requirements No. 7 and 13 require appropriate measures to ensure the proposed earthworks do not cause offsite stormwater impacts, and that all retaining walls and other methods necessary to</p>

Relevant Provisions / Development Standards for Residential Flat Housing

		<p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>prevent movement of excavated ground, are designed by an appropriately qualified person.</p> <p>No relic, or potential for aboriginal relics were identified in the Aboriginal Heritage Information Management System (AHIMS) basic search provided at <i>Appendix I</i>, and there were no heritage affectations on the 10.7 planning certifications (<i>Appendix F</i>). Despite this, Identified Requirement No. 44 is recommended to ensure appropriate procedures are followed in the event of unexpected finds.</p> <p>The proposed activity is considered to satisfy the requirements of clause 6.2 subject to the implementation of the above mitigation measures.</p>
6.4	Stormwater Management	<p>(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> <p>a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>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</p> <p>d) incorporates, if practicable, water sensitive design principles.</p>	<p>Complies</p> <p>Stormwater will be collected via a series of stormwater pits and gutters on the site, connected to an onsite stormwater detention (OSD) tank, and a combined rainwater tank and OSDs.</p> <p>The OSD is located at the southern boundary and will discharge stormwater from the site to a kerb inlet pit located on New Orleans Crescent. Roof water will be collected from downpipes and connected to a combined 10kL aboveground rainwater tank and OSD for re-use on site.</p> <p>Concept stormwater management plans are provided at <i>Appendix C</i>.</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 — the supply of water,</p>	<p>Complies</p> <p>The essential services as noted in Clause 6.10 are available to the site and will continue to be available post development.</p>

Relevant Provisions / Development Standards for Residential Flat Housing

the supply of electricity,
the disposal and management of
sewage,
stormwater drainage or on-site
conservation,
suitable vehicular access.

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	i. A minimum of 50% of the site area is to be landscaped open space. (50% of site = 254.7m ²)	<p>Does not comply</p> <p>The proposed landscaped area equates to 47% (240.01m²) of the site area, resulting in a minor non-compliance with clause 2.2.1.</p> <p>The proposed landscape scheme will result in a development that provides a positive contribution to the streetscape and creates a pleasant environment for tenants.</p> <p>The deep soil zones included at the front and rear of the site will accommodate new canopy trees, dense shrub planting and ground covers which will assist in improving stormwater filtration and shade. Furthermore, the landscape scheme incorporates screening plants at side boundaries to create a visual buffer between the development and neighbours and creates a sense of privacy and seclusion within the development.</p> <p>It is considered that the extent of landscaped areas provided across the site are sufficient to meet the objectives of the clause and will also enhance the development's environmental performance through micro-climate impacts.</p>
2.2.2 Deep soil area	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 = 128.85m ²)	<p>Complies</p> <p>Deep soil area provided for the development amounts to 128.85m² or 25% which is consistent with clause 2.2.2 and exceeds the minimum requirement under the Apartment Design Guide (7%).</p>

Compliance with relevant controls for medium density residential

	Note: The deep soil area is counted towards the required landscaped open space area	The proposed deep soil area will promote rainwater infiltration and stormwater management, managing air quality, and ensuring healthy growth of new tree plantings within the site.
2.3.1 Private open space	<ul style="list-style-type: none"> i. Directly accessible from the living area of the dwelling ii. Open to a northerly aspect where possible so as to maximise solar access. iii. Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas. <p>For residential flat buildings -</p> <ul style="list-style-type: none"> vi. Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from within the dwelling. vii. Private open space for apartments has a minimum area of 8 square metres and a minimum dimension of 2m. 	<p>Complies</p> <p>Private open space areas have been provided in accordance with the specifications under the LAHC Design Requirements (2023), and achieve the minimum area and dimensions specified under clause 2.3.1.</p> <p>All private open spaces are directly accessible from living areas and each has a northerly aspect to maximise solar access.</p> <p>All private open spaces are adequately screened to minimise privacy impacts while allowing for passive surveillance of the street and rear landscape area, subject to the implementation of the mitigation measures recommended under Identified Requirement No. 73 & 74.</p> <p>All private open spaces have an area exceeding the required 8m² and have a minimum dimension of 2m.</p>
3.3 Building depth	<ul style="list-style-type: none"> 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: <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>Complies</p> <p>The maximum building depth, measured from window line to window line between the side elevations, is 10m. Each unit has 3 aspects, with window openings either to the north, east and south; or north, west and south.</p>

Compliance with relevant controls for medium density residential

	Any greater depth must demonstrate that the design solution provides good internal amenity such as via crossover, double height or corner dwellings/units.																	
3.4.1 Front setback	<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 5.5m. The development proposes a front setback of 5.5m.</p>																
3.4.2 Side setback	<p>i. $18m \leq \text{Width} < 20m = 3.5m$</p> <table border="1"> <thead> <tr> <th>Site Frontage Width</th> <th>Minimum Side Setback</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>$12m \leq \text{Width} < 14m$</td> <td>2.0m</td> </tr> <tr> <td>$14m \leq \text{Width} < 16m$</td> <td>2.5m</td> </tr> <tr> <td>$16m \leq \text{Width} < 18m$</td> <td>3.0m</td> </tr> <tr> <td>$18m \leq \text{Width} < 20m$</td> <td>3.5m</td> </tr> <tr> <td>20m and above</td> <td>4.0m</td> </tr> </tbody> </table>	Site Frontage Width	Minimum Side Setback	Irregularly shaped allotments	Merit assessment	Less than 12m	Merit assessment	$12m \leq \text{Width} < 14m$	2.0m	$14m \leq \text{Width} < 16m$	2.5m	$16m \leq \text{Width} < 18m$	3.0m	$18m \leq \text{Width} < 20m$	3.5m	20m and above	4.0m	<p>Does not comply</p> <p>The proposal provides a minimum setback to the north and south side boundaries of 3m which is inconsistent with clause 3.4.2. Despite the non-compliance, the proposed development is considered to provide an acceptable response to building separation that is characteristic of the locality. The site is narrow, and the design incorporates features, such as screening to windows and balconies, to ensure there are no detrimental privacy impacts for adjoining sites.</p> <p>Detailed discussion on how the development minimises visual and privacy impacts despite the non-compliant setbacks is provided in section 6.5.4.</p>
Site Frontage Width	Minimum Side Setback																	
Irregularly shaped allotments	Merit assessment																	
Less than 12m	Merit assessment																	
$12m \leq \text{Width} < 14m$	2.0m																	
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$16m \leq \text{Width} < 18m$	3.0m																	
$18m \leq \text{Width} < 20m$	3.5m																	
20m and above	4.0m																	
3.4.3 Rear setback	<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 31.635m (average of the site depth) = 5.03m)</p>	<p>Complies</p> <p>The site is an irregular shape therefore when calculating the allotment depth, the average of the two side boundaries has been taken. This equates to 31.635m therefore a 15% setback would be 4.745m, so the greater (5m) has been applied.</p> <p>The development proposes a rear setback of 5m, consistent with clause 3.4.3.</p>																
4.4 External wall height and ceiling height	<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 9.2m is proposed. However, the bulk and scale of the proposed development is commensurate with the site constraints and the existing scale of development in nearby streets.</p> <p>The proposal incorporates a shallow, pitched roof form creating visual interest in the street; and maintains minimum floor to</p>																

Compliance with relevant controls for medium density residential

		<p>ceiling heights of 2.7m ensuring the quality and amenity of interior spaces.</p> <p>The proposal maintains an acceptable level of solar access, privacy, and visual amenity for neighbouring properties as discussed in Section 8 below. The proposal also complies with the maximum height limit under the HSEPP and is consistent with the objectives of clause 4.4.</p>
<p>4.12 Earthworks</p>	<p>Excavation and backfilling</p> <p>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).</p> <p>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> <p>Retaining walls</p> <p>iv. Setback the outer edge of any excavation, piling or subsurface walls a minimum of 900mm from the side and rear boundaries.</p> <p>v. Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.</p>	<p>Complies with intent</p> <p>The proposal includes up to 1.2m excavation to accommodate the ground level carpark. The extent of excavation is required due to site topography, which slopes up towards the rear, western boundary.</p> <p>The extent of excavation for works outside the building footprint (such as the pedestrian entry and pathway, vehicle access and internal driveway) has been minimised wherever possible (refer to Civil Plans in <i>Appendix C</i>).</p> <p>The proposed development requires sections of retaining wall that are less than 900mm from the side boundaries. However, where retaining walls are less than 900mm from a boundary they are no more than 700mm in height and have been 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 or neighbouring properties. Retaining walls do not exceed 2.2m in height at any point.</p>

Compliance with relevant controls for medium density residential

	<p>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>	
<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 constraints and orientation must demonstrate how solar access and energy efficiency is maximised. 	<p>Complies with intent</p> <p>(i) is not applicable.</p> <p>All units within the proposed development achieve at least 2 hours solar access which exceeds the minimum requirements under the Apartment Design Guide.</p> <p>All units have dual aspect, consistent with (iii)</p> <p>Private open space and living areas within units have been designed to capture natural light and ventilation from the northern and eastern aspects for Units G.01, 1.01 and 2.01 and northern and western aspects for Units 1.02 and 2.02.</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 a photovoltaic system to meet energy efficiency targets as demonstrated by the BASIX certificate for the proposal.</p>

Compliance with relevant controls for medium density residential

	<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>Shadow Diagrams (<i>Appendix A</i>) illustrate that the proposed development will generate some overshadowing impacts to the adjoining southern property at 90 Yorktown Parade.</p> <p>Overshadowing impacts are discussed in detail under Table 6 in relation to the provisions under the ADG.</p> <p>It is considered that the proposed development has been appropriately designed in response to site constraints and local context, and that the extent of overshadowing impacts are commensurate with a site that has an east-west orientation. Overshadowing has been minimised as much as practical, however there is little scope to further increase setbacks from the southern boundary due to the narrow lot width.</p> <p>The adjoining dwelling to the south will continue to receive at least 3 hours direct sunlight to the private open space area in mid-winter, and the primary living areas, which are located to the southeast of the dwelling and facing New Orleans Crescent, will not be overshadowed by the development.</p>
<p>5.2 Natural ventilation and energy efficiency</p>	<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>5 of the 5 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>
<p>5.6 Safety and security</p>	<ul style="list-style-type: none"> i. Design buildings and spaces for safe and secure access to and within the development. Design solutions include, but are not limited to: 	<p>Complies</p> <p>The proposed development achieves safety and security within the design through the following measures:</p> <ul style="list-style-type: none"> • Building entries, both vehicular and pedestrian, are easily identifiable.

Compliance with relevant controls for medium density residential

<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>	<ul style="list-style-type: none"> • Letterboxes are conveniently located at the north-eastern corner of the site adjacent to the pedestrian entry. • Whilst the ground floor unit is accessed from an internal pathway, its living area and private open space are designed to face the street thereby promoting passive surveillance. • 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. • Access to ground floor lobby from the car park area is provided via a well-lit, and clearly defined pedestrian pathway. • 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. • There are no high walls proposed around buildings or landscaped areas to obstruct views into the development. • Resident parking is open and will be well-lit. The pedestrian entry point is gated. • Secure gate access will be provided to the main lobby to ensure residents' safety. <p>Homes NSW has maintenance contractors who will be responsible for the regular upkeep of the development and will ensure 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>
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Compliance with relevant controls for medium density residential

- viii. Provide adequate lighting for personal safety in common and access areas of the development.
- ix. Improve opportunities for casual surveillance without compromising dwelling privacy 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.
- x. External lighting must be neither intrusive nor create a nuisance for nearby residents.
- xi. Provide illumination for all building entries, pedestrian paths and communal open space within the development.

6. Car parking and access

6.1 Car parking location

- i. Car parking facilities must be accessed off rear lanes or secondary street frontages where available.
- ii. The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.
- 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

Does not comply

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.

Given the relatively narrow width of the subject site, the internal driveway is setback less than 1m (0.4m to 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.

The proposal complies with the objectives of clause 6.1.

Compliance with relevant controls for medium density residential

	<p>iv. 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>	
6.2 Configuration	<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>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>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 as verified in the Traffic Report prepared by Varga Traffic Planning (<i>Appendix S</i>).</p> <p>As stated in the Traffic Report, a single lane internal driveway is proposed to service the development based on the expected trip generation rate of 3 peak hour vehicle trips.</p> <p>The proposed open parking area is located at the rear of the site and will be predominantly screened from the public domain by the proposed building. The parking area is in an under-croft and will receive adequate shade.</p>

7. Fencing and ancillary development

7.3 Side and rear fencing	<p>i. The maximum height of side, rear or common</p>	Complies
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Compliance with relevant controls for medium density residential

	<p>boundary fences is limited to 1800mm, as measured from the ground level (existing). 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>Proposed side and rear boundary fencing is 1.8m metal panel fencing in 'monument' or equivalent.</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 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> <p>i. Building materials and external finishes are to be consistent with the dominant themes in the Estate.</p> <p>ii. Site area and dimensions, particularly width, are of sufficient size to allow and maintain the existing</p>	<p>Does not comply</p> <p>i. The proposed development incorporates face brick, and vertical and horizontal cladding which is reflective of newer developments in the area.</p> <p>ii. Not applicable as the proposal does not involve the creation of new lots.</p> <p>iii. The site has a minimum frontage of 18.26m and the development is for 5 units which is consistent with other neighbouring properties within the Coral Sea Park Estate that also do not meet the control. These include:</p> <ul style="list-style-type: none"> • 31 Midway Drive – 18.7m (9 dwellings – DA/486/2012) • 28 New Orleans Crescent – 15.3m (4 dwellings – DA/824/2017) • 33 New Orleans Crescent – 14.8m (4 dwellings – DA/824/2021) <p>iv. Landscaped area is proposed within the front setback of the development; however, the area will be fenced to provide security and privacy to the POS of unit G.01. Fencing along the front boundary has a maximum height</p>
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Compliance with relevant controls for medium density residential

	<p>themes of large rear garden areas and open spaces between buildings to continue.</p> <p>iii. Sites have a minimum frontage of 20 metres for development of more than 2 dwellings.</p> <p>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.</p> <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>of approximately 1m and will comprise a low brick wall with palisade fencing on top. Additional fencing is required around the hydrant booster assembly which will be up to 2.4m in height. The higher fencing is limited to the fire booster assembly only and is required to improve the presentation of these services to the street and provide protection from vandalism. Despite this, the development has been designed to maintain low, open form fencing in the front setback area to allow a direct line of sight to landscaped areas.</p> <p>v. 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 bins are provided in the garbage storage enclosure located adjacent to the pedestrian entrance to the building. Bins will be placed on the street kerb for weekly collection by Council's waste services.</p> <p>Eight bins are illustrated on the architectural plans (<i>Appendix A</i>), consistent with Council's bin rates as detailed below:</p> <ul style="list-style-type: none"> • General waste – 3 bins • Recycling – 3 bins • Green waste – 2 bins
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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> <p>a. Careful location of crossings and laybacks</p>	<p>Complies</p> <p>The proposal includes a new crossover to the southern end of the sites frontage which will replace the existing crossover located at the northern boundary. 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</p>
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Compliance with relevant controls for medium density residential

	<ul style="list-style-type: none"> 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. vi. Ensure pedestrian and cycling safety is maintained or improved. 	<p>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 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 9 September 2024 (refer to **Appendix G**). The notification response period formally closed on 30 September 2024 and Council responded to the notification by letter dated 25 October 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>General Comments</u></p> <p>No objections are raised to the proposal subject to the comments and recommended conditions provided.</p>	Noted
<p><u>Drainage Comments</u></p> <p>The site lies within the catchment area where an onsite stormwater detention (OSD) system is generally required in Randwick LGA for new developments, as detailed in Council's Private Stormwater Code.</p> <p>The stormwater shall be discharged (by gravity) to the kerb and gutter in front of the subject site in New Orleans Crescent via the OSD system.</p>	The concept stormwater plans (Appendix C) provide OSD systems which will drain via gravity to the kerb inlet on New Orleans Crescent.
<p><u>Flooding Comments</u></p> <p>The site lies within the catchment for the Council commissioned and adopted Maroubra Bay Flood Study. The study does not predict the site will be impacted by flooding for all storm events up to and including the 1% AEP (1 in 100yr) storm event and the property has not been tagged as a "flood control lot".</p> <p>No flood controls are therefore applicable and there are no objections to the proposal from a flooding perspective.</p>	Noted
<p><u>Parking Comments</u></p> <p>The proposed 5 dwellings comprise of 3 x 1-bedroom + 2 x 2-bedroom dwellings</p> <p>Parking required = $(3 \times 0.4) + (2 \times 0.5) = 1.2 + 1 = 2.2$ spaces</p> <p>Parking proposed = 3 spaces (complies)</p> <p><u>Parking Layout</u></p> <p>The parking layout appears to comply with AS 2890.1 with regards to space dimensions, grades and clearances.</p> <p>There are no objections on parking grounds.</p>	Noted

Issues raised	Response
<p><u>Undergrounding of site feed power lines</u></p> <p>The subject site is not located within 15m of a power pole on the same side of the street hence costs associated with power pole relocation is not applicable and has not been recommended in this instance.</p>	<p>Noted</p>
<p><u>Waste Management Comments</u></p> <p>Appendix 3 in Part B6 of Council's DCP specifies a waste bin requirement rate for residential flat buildings houses of 1 x 240L bin per 2 rooms for normal garbage and 1 x 240L bin per 2 rooms for recycling.</p> <p>i.e. Garbage/recycling Bins Required = $5/2 = 3$ (rounded up to nearest whole number)</p> <p>There are no specific requirements for green waste in Part B6 of the DCP however since March of 2021 Council has introduced a Garden Organic Food organic (FOGO) collection service. As some landscape areas are also proposed it is recommended that a minimum of 2 x 240L bins also be provided for FOGO.</p> <p>Total Number of BINS required = 3(normal) + 3(recycling) + 2(FOGO) = 8 x 240L BINS</p> <p>The submitted plans only indicate provision for 6 x 240L bins and have not made any provision for FOGO. This will need to be corrected on plans submitted for construction to meet Council requirements.</p>	<p>The architectural plans (<i>Appendix A</i>) have been updated in response to Councils' comments and illustrate the addition of 2 bins dedicated to Garden Organic Food organic waste leading to a total of 8x240L bins.</p>
<p><u>Street Tree Comments</u></p> <p>Consistent with instructions issued by senior staff, comments and conditions for this application are restricted to external works/assets on public property only, with all matters on private property to be addressed by the LAHC under their 'self-approval powers'.</p> <p>This means the only vegetation that requires assessment is a mature, 3-4m tall Callistemon 'Harkness' (Bottlebrush, Tree 1 in the Arborist Report) on the New Orleans verge towards the southern site boundary, which while automatically protected by the DCP due to its location on public property, displays only fair health and condition.</p> <p>While the existing vehicle crossing is currently located on the opposite/northern site boundary, the plans show the new access leading to the internal carpark area being provided in direct conflict with this tree, and while there is ample space to provide the access/crossing elsewhere across this frontage, it has been detailed in this submission that it has been specifically positioned here as this will then allow retention of a larger tree (T2) that is beyond southwest corner, wholly on the adjoining private property at 90 Yorktown Parade, close to the common boundary.</p>	<p>Identified Requirement No. 75 is recommended to ensure the removal and replacement of the street tree, and all associated cost will be borne by LAHC. The landscape plan identifies 2 new street trees to compensate for the loss of Tree 1.</p>

Issues raised	Response
<p>Despite being the only street tree on this side of the road in this section, it is not a significant example of the species or significant to the local environment in any way, and on the basis of the factors discussed above, no objections are raised to its removal as shown and sought, with conditions requiring that all costs associated with this, as well as replacement and loss of amenity be borne wholly by the applicant.</p>	
REQUIREMENTS BEFORE A CROWN CERTIFICATE CAN BE ISSUED	
<p><u>Security Deposit</u></p> <p>1. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979: \$5000 - Damage / Civil Works Security Deposit</p>	<p>Identified Requirement No. 54 is recommended to ensure that the footpath is suitably protected against damage when plant and vehicles access the site during site preparation works.</p> <p>Furthermore, Identified Requirement No. 69 requires the cost of repairing any damage caused to Randwick City Council's assets in the vicinity of the site as a result of construction works to be met in full by the building contractor.</p> <p>As such, any potential damage to Council's asset has been adequately considered in relation to the proposed development.</p>
<p><u>Design Alignment Levels</u></p> <p>2. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:</p> <p>Proposed Driveway</p> <ul style="list-style-type: none"> • RL 14.40 AHD (southern edge of driveway) • RL 14.56 AHD (northern edge of driveway) <p>The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the Crown Certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.</p> <p>Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers. Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881.</p> <p>3. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1152 calculated at \$63.00 per metre of site frontage. This amount is to be paid prior to a Crown Certificate being issued for the development.</p>	<p>The proposed alignment levels, as shown in Appendix A are different to those specified by council. As such, Identified Requirement No. 76 is recommended to ensure the driveway is constructed in accordance with council requirements.</p> <p>Identified Requirement No. 9 requires the payment of any council inspection fees associated with the construction of the layback and crossover.</p>

Issues raised	Response
<p><u>Stormwater Drainage</u></p> <p>4. The site stormwater drainage system is to be provided in accordance with the following requirements;</p> <p>a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the Principal Certifier and details are to be included in the Crown Certificate.</p> <p>l. The stormwater must be discharged directly to the kerb and gutter in front of the subject site in New Orleans Crescent.</p> <p>b) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a 10% AEP (1 in 10 year) storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or 25 L/S, whichever the lesser.</p> <p>An overland escape route or overflow system (to Council's Street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.</p> <p>c) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.</p> <p>Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Development Engineer.</p> <p>d) The floor level of all habitable and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high waterproof barrier is to be provided.</p> <p>e) The maximum depth of ponding in any above ground detention areas and/or infiltration</p>	<p>Identified Requirement No. 41 requires detailed stormwater drainage plans to be submitted to Land and Housing Corporation prior to the commencement of construction works.</p> <p>Furthermore, Identified Requirements Nos. 5 – 8, 13 and 70 have been included to ensure stormwater management is carried out in accordance with Council's drainage code.</p> <p>This advice has been included as an advisory note in the Activity Determination. All stormwater measures will be resolved as part of the detailed design documentation.</p>

Issues raised	Response
<p>systems with above ground storage shall be as follows (as applicable):</p> <ol style="list-style-type: none"> I. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area) II. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10) III. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10 IV. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area V. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level. <p>f) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.</p> <p>g) A 'V' drain (or equally effective provisions) is to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention area.</p> <p>h) Mulch or bark is not to be used in on-site detention areas.</p> <p>i) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and shall not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.</p> <p>j) Any onsite detention/infiltration systems shall be located in areas easily accessible by residents of all units.</p>	
<p>Waste Management</p> <p>5. Waste Management provisions must be implemented in general accordance with the Waste Management Plan submitted with the development application (Prepared by Integrated Design Group) subject to the following amendments;</p> <ol style="list-style-type: none"> a) The architectural plans shall be amended so that the waste storage area is sized to contain a minimum of 8 x 240 litre bins (comprising 3 garbage bins, 3 recycle bins and 2 FOGO bins) and with adequate provisions for access to all bins. 	<p>The architectural plans (<i>Appendix A</i>) have been updated in response to Councils' comments, illustrating the addition of 2 bins dedicated to Garden Organic Food organic waste.</p>

Issues raised	Response
<p><u>Street Tree Management</u></p> <p>6. The applicant must submit a payment of \$2,248.95 (GST inclusive) to cover the following costs:</p> <p>a) For Council to remove, stump-grind and dispose of the Callistemon 'Harkness' (Bottlebrush, T1 in the Arboricultural Impact Assessment & Tree Management Plan by Redgum Horticultural Consultants, ref 8805.1, revised 29/04/24) that is located on Council's nature strip towards the southern site boundary to accommodate the new vehicle crossing in this same location as shown, noting that this design will then allow retention of a tree at the rear, beyond the southwest site corner, wholly on the adjoining private property at 90 Yorktown Parade, close to the common boundary;</p> <p>b) For Council to supply, plant and maintain 2 x 25 litre replacement street trees, <i>Tristaniopsis laurina</i> (Watergums) back on the public verge, spaced evenly between the northern edge of the new vehicle crossing and northern site boundary at the completion of all works;</p> <p>c) A loss of amenity fee in recognition that the only reason this established native tree is being removed from public property is to accommodate the development, with this part of the fee to then be directed towards additional public plantings elsewhere in the street and surrounding area.</p>	<p>Removal of the street tree will be handled by LAHC contractors and two replacement trees provided. Identified Requirement No. 78 requires an updated Landscape plan that replaces the 2 x Tuckeroo - <i>Cupaniopsis anacardioides</i> proposed in the road verge, to 2 x Watergums - <i>Tristaniopsis</i> as per councils request..</p> <p>The costs will be entirely borne by LAHC.</p>
REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS	
<p><u>Construction Traffic Management</u></p> <p>7. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in New Orleans Crescent for the duration of the demolition & construction works.</p> <p>The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.</p>	<p>Noted.</p> <p>Several conditions have been included in the Activity Determination for the management of construction impacts including:</p> <ul style="list-style-type: none"> - Identified Requirement No. 53 which ensures the public footpath and road are not obstructed by vehicles during demolition. - Identified Requirement No. 54 which ensures vehicles are appropriately covered to prevent the tracking of demolition materials onto the public road. - Identified Requirement No. 63 which also ensures vehicles transporting loose

Issues raised	Response
<p>The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.</p> <p>8. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.</p> <p>The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:</p> <ul style="list-style-type: none"> • A description of the demolition, excavation and construction works • A site plan/s showing the site, roads, footpaths, site access points and vehicular movements • Any proposed road and/or footpath closures • Proposed site access locations for personnel, deliveries and materials • Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site) • Provision for loading and unloading of goods and materials • Impacts of the work and vehicular movements on the road network, traffic and pedestrians • Proposed hours of construction related activities and vehicular movements to and from the site • Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority) • Any activities proposed to be located or impact upon Council's road, footways or any public place • Measures to maintain public safety and convenience <p><i>The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.</i></p>	<p>materials and travelling on public roads are secured to minimise dust generation.</p> <p>Furthermore, demolition and/or construction work is limited to the hours of 7am to 5pm Monday to Saturday with no work permitted on Sundays or public holidays.</p> <p>Identified Requirement No. 79 has been recommended to require a "Works Zone" permit to be obtained where required. Council's advice regarding the application for a 'Works Zone' has been included as an advisory note in the Activity Determination.</p> <p>Further Identified Requirement No. 80 has been recommended to require the preparation of a "Construction Site Traffic Management Plan" by a suitably qualified person prior to the commencement of works.</p>
REQUIREMENTS DURING CONSTRUCTION & SITE WORK	
<p>Road/Asset Opening Permit</p> <p>9. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage</p>	<p>Section 138 of the Roads Act, 1993 provides that a Public Authority, such as the Land & Housing</p>

Issues raised	Response
<p>works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:</p> <ul style="list-style-type: none"> • A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with. • The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development. • Relevant Road / Asset Opening Permit fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place. <p>For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 1300 722 542.</p>	<p>Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.</p> <p>Identified Requirement No. 69 requires the cost of repairing any damage caused to Randwick Council's assets in the vicinity of the site as a result of construction works to be met in full by the building contractor.</p> <p>As such, any potential damage to Council's asset has been adequately considered in relation to the proposed development.</p>
<p>Stormwater Drainage</p> <p>10. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.</p>	<p>Identified Requirement No. 41 requires our stormwater system to be designed in accordance with council's requirements and Identified Requirement No.70 requires a work as executed plan to be prepared demonstrating compliance. LAHC, as a Crown Authority, is not required to obtain consent for works in the road reserve.</p>
<p>REQUIREMENTS PRIOR TO THE ISSUE OF AN CROWN COMPLETION CERTIFICATE</p>	
<p>Council's Infrastructure, Vehicular Crossings & Road Openings</p> <p>11. The owner/developer must meet the full cost for a Council approved contractor to:</p> <ol style="list-style-type: none"> Construct a minimum 3m wide heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification. Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification. 	<ol style="list-style-type: none"> The proposed vehicular crossing complies with this requirement as illustrated on the Architectural Plans (<i>Appendix A</i>). Identified Requirement No. 10 requires the construction of obsolete gutter laybacks as kerb in accordance with Council's standards. The proposed development does not include the provision of a new footpath along the site's frontage as there is already an existing footpath. Proposed reconstruction is only required for level adjustment or new driveway works. <p>The obsolete gutter layback shall be constructed as kerb in accordance with Council's standards.</p>

Issues raised	Response
<p>12. Prior to issuing a final Crown Completion Certificate, the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.</p>	<p>Identified Requirement No. 69 requires the cost of repairing any damage caused to Randwick Council's assets in the vicinity of the site as a result of construction works to be met in full by the building contractor.</p> <p>As such, any potential damage to Council's asset has been adequately considered in relation to the proposed development.</p>
<p>13. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances - Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:</p> <p>a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.</p> <p>b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.</p> <p>c) The civil works must be completed in accordance with the above, prior to the issuing of a Crown Completion Certificate for the development, or as otherwise approved by Council in writing.</p>	<p>Identified requirement No. 9 ensures that vehicular crossing and layback are constructed in accordance with Randwick City Council's standard requirements.</p> <p>LAHC, as a Crown Authority, is not required to obtain consent for works in the road reserve.</p>
<p>Stormwater Drainage</p> <p>14. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.</p> <p>Notes:</p>	<p>Identified Requirement No. 70 ensures that a positive covenant and restriction-as-to-user is placed over the onsite detention system in accordance with Randwick City Council's on-site detention policy.</p>

Issues raised	Response
<p>a) The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.</p> <p>b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the “restriction on the use of land” and “positive covenant” being executed by Council.</p> <p>c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.</p>	
<p>15. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):</p> <ul style="list-style-type: none"> • Finished site contours at 0.2 metre intervals; • The location of any detention basins/tanks with finished surface/invert levels; • Confirmation that orifice plate/s have been installed and orifice size/s (if applicable); • Volume of storage available in any detention areas; • The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; • Details of any infiltration/absorption systems; and • Details of any pumping systems installed (including wet well volumes). 	<p>Identified Requirement No. 70 covers this requirement.</p>
<p>16. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.</p> <p>The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.</p>	<p>Pursuant to s6.28 (previous S.109R) of the Act, the Land & Housing Corporation, as a Crown authority, is authorised to certify its own building works as complying with the state’s building laws (ie the Building Code of Australia) and is therefore not required to appoint a principal certifying authority.</p> <p>Relevant conditions have been included to ensure stormwater management is carried in accordance with relevant standards.</p>
<p>Waste Management</p> <p>17. Prior to the occupation of the development, the owner or applicant is required to contact Council’s City Services department, to make the necessary arrangements for the provision of waste services for the premises.</p>	<p>Noted, this has been included as an advisory note in the Activity Determination.</p>

Issues raised	Response
18. The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Crown Completion Certificate.	Identified Requirement No. 77 is recommended to ensure compliance.

OPERATIONAL CONDITIONS

<p>Stormwater Detention/Infiltration System</p> <p>The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.</p>	<p>Identified Requirement No. 70 requires a positive covenant and restriction-as-to-user be placed over the onsite detention system to ensure that the system is adequately maintained in accordance with Council's on-site detention policy.</p>
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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 22 August 2024. Council provided an email response on the same date 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.



Legend	
★	Site
★	Properties to be notified by LAHC

Figure 14 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 6 September 2024. Copies of the

notification letters are provided at *Appendix G*. The notification response period formally closed on 2 October 2024 and 1 submission was received.

A response to the key issues raised in the submission is discussed in **Table 11**.

Table 11 Key issues raised by adjoining owners / residents

Issues raised	Homes NSW Response
<p>Parking and Traffic</p> <p><i>'There is not enough onsite parking as street parking is already an issue'</i></p>	<p>The subject site is identified as an accessible area as it is located less than 400m from a bus stop that is serviced by a regular bus service at the required frequency in accordance with the requirements set out under section 42(1)(e) of the Housing SEPP.</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> <p>Furthermore, as detailed in Traffic and Parking Assessment prepared by Varga Traffic Planning and dated 29 April 2024, the projected net increase in traffic activity because of the development is considered minimal. Additionally, New Orleans Crescent provides unrestricted parking along both kerb sides of the road.</p> <p>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>
<p>Concerns with density and neighbourhood character</p> <p><i>'3 dwellings, 3 car spaces and single storey building would be the maximum to remain in line with surrounding houses and complexes'</i></p>	<p>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. The proposed building height of 10.5m is compliant with the provisions of the Housing SEPP which allows for a maximum building height of 11m.</p> <p>The proposed development has been designed in line with the following considerations:</p> <ul style="list-style-type: none"> • Use of neighbouring setbacks as a precedent • Incorporation of adequate landscaping to improve streetscape character and provide a pleasant environment for tenants and neighbours. • Similar massing and scale as that of approved and/or existing small to medium scale residential flat and multi-unit developments within the local area such as at 31 Midway Drive, 28 and 33 New Orleans Crescent. <p>As a result of the above, the proposed development is compatible with the scale of existing developments and the likely future character of the area.</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 and metal clad external façades, low pitched 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 0.62:1 and a maximum height of 10.5m 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, providing 1 adaptable unit with the remaining units design to achieve compliance with the Silver Level Livable housing standards.

The compliant floor space ratio in conjunction with landscaped deep soil areas 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 New Orleans Crescent streetscape. 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 Coast Banksia - *Banksia integrifolia* tree to an approximate mature height of 10m and various shrubs to mature heights of 0.9-2m. Two new street trees, Tuckeroo - *Cupaniopsis anacardioides* reaching an approximate mature height of 8m are also proposed to further enhance the streetscape. 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 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 New Orleans Crescent with landscaping, including a tree and

shrubs, proposed within the front setback as well as two street trees, 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. Fencing is setback approximately 3.2m from the front boundary, with lower fencing providing at the site frontage consistent with the established character of New Orleans Crescent.
- Adequate boundary setbacks are proposed, a minimum 3m to the northern and southern side boundaries, and 5m to the western rear boundary, to assist with mitigating overlooking to adjacent developments. Setbacks provided are consistent with that envisaged for the area, and appropriate treatments are provided to mitigate privacy impacts.
- Units 1.02, 1.03, 2.02 and 2.03 balconies are orientated toward the western rear boundary with a 5m setback and the integration of additional buffer planting to a mature height of 0.9–10m along the fence line will assist with minimising privacy impacts.
- Privacy screening in the form of ‘timber look’ aluminum vertical battens, is proposed to be fixed to parts of the external façade especially upper-level balconies and stairwell areas to prevent overlooking of neighbouring properties.
- 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.
- 1.8m metal panel side and rear boundary fencing, and 1.5m palisade front boundary fencing with landscaping, will mitigate 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 the balcony balustrading of the rear (western) balconies be increased to 1.35m, and the palisade balustrade type replaced with solid panelling (material WC2).
- Identified Requirement (74) 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, and private open spaces. The submitted Architectural Plans (*Appendix A*) demonstrate that all dwellings will receive at least 2 hours direct solar access to the living and POS areas on June 21 (mid-winter), which exceeds the requirements of the Apartment Design Guide. All units have a dual orientation, providing quality solar access and internal amenity year-round.

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

Shadow Diagrams (*Appendix A*) illustrate overshadowing impacts to the adjoining southern property at 90 Yorktown Parade during mid-winter. The north-south spatial relationship, and relatively narrow lot width of the subject site limits the potential for compliance with overshadowing requirements. In view of this, design responses such as a skillion roof form to the southern portion of the development, and the positioning of the driveway to the southern boundary to increase separation have been employed.

The survey plan (*Appendix D*) identifies that the existing dwelling at 90 Yorktown Parade has a single window on the northeast elevation, with no other windows identified. It is unknown whether this is a living room window however it is noted that the dwelling appears to address the street frontages rather than the northern boundary. This window will receive direct sunlight for 2 hours from 3pm to 4pm. Furthermore, the private open space of 90 Yorktown Parade will receive a minimum 3 hours direct sunlight to at least 50% of the private open space during the hours of 1pm to 3pm.

The level of overshadowing is considered reasonable and expected outcome, in the context of the site and applicable controls.

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 service 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 New Orleans Crescent to accommodate any overflow parking demand generated by the proposed development, and the site is in proximity to frequent bus services on Fitzgerald Avenue.

The Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (*Appendix S*) indicates that the development will have a projected nett increase of 3 vehicle trips during peak hour 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 and included swept path diagrams to demonstrate the ability of a B85 design vehicle to enter and exit parking spaces in a forward direction. The report confirms that car parking facilities are designed in accordance with Australian Standards.

Mitigation measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Redgum Horticultural (*Appendix J*). The report considers 2 trees; Tree 1 located within the New Orleans Crescent road reserve and Tree 2 located on an adjoining property to the south. There are 2 shrubs also located within the site which weren't considered in the Arboricultural Impact Assessment as they did not qualify for consideration under council's tree protection policy.

The proposed activity includes the following in relation to management of trees:

- Tree No. 1 (Harkness Bottlebrush – *Callistemon 'Harkness'*) – Tree 1 is located within New Orleans Crescent and conflicts with the proposed driveway footprint. The extent of encroachment into the Tree Protection Zone (TPZ) of this specimen is major, and therefore this tree is proposed for removal. Given this tree is in council's road reserve, their support for its removal has been obtained (as evidenced in **Appendix Z**) subject to appropriate replacement planting. Two new street trees are proposed to compensate for the loss of Tree 1.
- Tree No. 2 (Weeping Myrtle – *Agonis flezuosa*) – Tree 2 is located within the rear garden of 90 Yorktown Parade and is recommended for retention. The Arboricultural Impact Assessment identifies that the proposed development is sufficiently setback from Tree 2 for it to be retained.
- Shrubs on subject site – There are 2 shrubs located on the subject site, as identified on the survey plan (**Appendix D**). These shrubs are in the location of the proposed building footprint and therefore require removal. The proposed landscape scheme (**Appendix B**) includes substantial replacement planting with a variety of canopy trees, shrubs and ground covers.

Appropriate replacement planting is proposed to compensate for the loss of existing vegetation on the site and in the road reserve, 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 10m, 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 and 35) are included in the **Activity Determination** which require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment (**Appendix J**).

Identified Requirement No. 78 requires the Landscape Plan to be updated to replace the proposed 2 x Tuckeroo street trees with 2 x watergums as per Council's recommendations.

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 23 January 2025 (**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. 44 & 45) 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 sands. The topsoil is present to depths of 0.2 metres. Very loose becoming loose natural sands underlie the topsoil to depths of 5.6 to 6.0 metres. Medium dense natural sands underlie the loose sands to the maximum depth of drilling 7.5 to 10.0 metres.
- No groundwater was observed during drilling works.
- The report classifies the site as a *problem site (P)* based on the underlying very loose sands to a depth greater than the proposed depth of excavation, 3.0 metres. The site is therefore not reclassified due to presence of low strength sands.

Based on the subsurface, 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 dS/m for the site are consistent with the presence of non-saline soils.

Mitigation Measures

Identified Requirement No.1 is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by STS Geotechnics Pty Ltd. 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 a combined rainwater and stormwater detention tank with total capacity of 10,000L (5000L Rainwater and 5000L Onsite Stormwater Detention). Stormwater is to drain through the site to a proposed outlet to kerb located on New Orleans Crescent and provided in accordance with Council standards. Roof water will be collected from downpipes and connected to the 10kL combined rainwater and stormwater detention tank.

The Section 10.7(2) & (5) Planning Certificate issued by Randwick City Council for the subject site indicates that the land is not within the flood planning area and is therefore not subject to flood related development controls.

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

Mitigation Measures

Identified requirements (Nos. 5-8, 13, 41 & 70) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Site Preparation / Construction

During demolition/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.

Mitigation Measures

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

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

Appropriate identified requirements (Nos. 2, 58 & 71) 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. 59, 62 & 63) 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 demolition/building contractor.

During Demolition

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

- Excavation Material – Excess material is to be removed by excavation contractor.
- Green waste – Mulched, stored on site and re-used in landscaping.
- Bricks/Pavers - Crushed and utilised at the principal entrance to the site for gravel shaker ramp to minimise soil deposits on the surrounding road network.
- Concrete - Reused for filling, levelling or road base. All excess material to be recycled at nominated waste transfer/recycle centre.
- Timber - Reuse for formwork, remainder removed from site and recycled off site at nominated waste transfer/recycle centre.
- Plasterboard - Any leftovers to be disposed of or recycled at nominated waste transfer/recycle centre.
- Roof tile - Any leftovers to be disposed of or recycled at nominated waste transfer/recycle centre.
- Glass - Any leftovers to be disposed of or recycled at nominated waste transfer/recycle centre.
- Fixtures and fittings - Any leftovers to be disposed of or recycled at nominated waste transfer/recycle centre.
- Hazardous waste - All quantities of asbestos will be determined at the time of demolition. Removal and Disposal will be in accordance with the relevant Australian Standards, OH&S and EPA guidelines. All work to be completed by a suitably qualified and registered 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 recyclable waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosure located adjacent to the pedestrian access into the main building lobby and placed on the street kerb for weekly collection by Council's waste services. Green waste will be collected fortnightly.

Mitigation Measures

Identified requirements No. 47-54 are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

Identified requirement No. 36 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 local government area and surrounds 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 studio, 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 PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – SECTION 10.7 CERTIFICATE
- 10.1.7 APPENDIX G – NOTIFICATION LETTERS AND COUNCIL SUBMISSION
- 10.1.8 APPENDIX H – ACCESS REPORT
- 10.1.9 APPENDIX I – AHIMS SEARCH
- 10.1.10 APPENDIX J – ARBORIST REPORT
- 10.1.11 APPENDIX K – BASIX CERTIFICATE
- 10.1.12 APPENDIX L – BCA REPORT
- 10.1.13 APPENDIX M – DESIGN COMPLIANCE CERTIFICATES
- 10.1.14 APPENDIX N – NatHERS CERTIFICATE
- 10.1.15 APPENDIX O – APARTMENT 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 – COUNCIL FLOOD REPORT
- 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 – STREET TREE REMOVAL CORRESPONDENCE