

<b>JRPP Reference</b>	2011NTH009
<b>File Reference</b>	DA 2011/72
<b>Applicant</b>	Greenwood Grove Estate Pty Ltd
<b>Property</b>	Lot 8 DP 1122975, Tallow Wood Place & Lot 11, DP 258095, No. 56 Greenfield Road, Lennox Head
<b>Proposal</b>	Affordable Rental Housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 comprised of 74 dwellings, 74 car parking spaces, associated landscaping and infrastructure
<b>Report By</b>	Kerry Gordon – Kerry Gordon Planning Services
<b>Purpose of Report</b>	Peer review of development assessment report prepared by Ballina Shire Council (Regulatory Services Group)

## **EXECUTIVE SUMMARY**

### **Purpose of Report**

This report is a peer review of the development assessment report prepared by Ballina Shire Council (Regulatory Services Group) that has been requested in response to the subject site being in close proximity to a property owned by a staff member of Ballina Shire Council. As such, the report provides an independent peer review and is intended to be read in conjunction with the assessment report prepared by Ballina Shire Council (Regulatory Services Group).

### **Review of Ballina Shire Council (Regulatory Services Group) Report**

The peer review of the assessment report prepared by Ballina Shire Council (Regulatory Services Group) (Council's report) has concluded that the proposed development raises significant issues that for the most part cannot be appropriately addressed by conditions of consent. In this regard the conclusions and recommendations of the report prepared by Council are generally concurred with and supported.

The issues of concern raised in this peer review in relation to the application are addressed in detail throughout this report and are summarised following.

- The proposal relies on works on adjoining properties which do not form part of the application and no owner's consent has been provided for the proposed offsite works including drainage infrastructure and asset protection zones. As such the application is not complete and cannot be granted consent.
- The site is not located in reasonable proximity to a centre offering shopping and community facilities or employment, and is not considered to be an appropriate location for an affordable housing estate of the size proposed and as such is considered to be an inappropriate site for the development proposed.
- The application fails to provide for an appropriate treatment train for runoff from Satinwood Place and the runoff is to be diverted, untreated, into the onsite Endangered Ecological Community (Littoral Rainforest).
- No assessment has been made of the impact upon the onsite Endangered Ecological Community (Littoral Rainforest) of the untreated upstream flows or of the change in quantity and velocity of flows.
- The Flora and Fauna Assessment Report for Development Application No. 2010/678 indicates it is predicated on the development footprint being separated from the "*core littoral rainforest remnant*" on site by a 10m buffer and an additional width buffer of asset protection zone that has a minimum width of 7m. No assessment or justification has been provided in the current Flora and Fauna Report as to why the previously suggested 10m buffer and additional 7m separation to development is now appropriately as low as a 3m buffer and 3m separation to the development (road to Buildings K and L).
- No assessment has been made within the flora and fauna report of the impact of the location of the asset protection zone and the proposed stormwater treatment basin within the protection area for the Hairy Joint Grass located onsite and within the proposed APZ to the north of the site.
- A poor level of amenity is provided for some of the future residents of the estate due to the following poor design choices:
  - The location of some of the parking areas and internal roads immediately adjoining bedrooms of dwellings provides for inadequate protection of visual and aural privacy and from headlight glare;
  - The location of some communal pathways immediately adjoining bedrooms will result in unacceptable visual and aural privacy impacts; and
  - The distance from some dwellings (up to 160m) to the garbage storage areas is inappropriate.
- The bulk and scale of several buildings, particularly in relation to their length, is inappropriate and inconsistent with the character of the area.
- The proposed development is designed poorly with regard to protection of privacy of adjoining properties.

The proposal is therefore considered to be an overdevelopment of an inappropriately located and sensitive site. The number of dwellings proposed and extent of parking provided results in the following poor design choices:

- An inability to provide for appropriate asset protection zones on the subject site, with asset protection zones proposed in unreasonably close proximity to the Endangered Ecological Community (Littoral Rainforest) and on the adjoining property.
- An inability to provide for sufficient onsite stormwater treatment, relying upon adjoining properties for the placement of the infrastructure and inappropriately providing infrastructure in sensitive areas within the site.
- Inadequate protection of onsite Endangered Ecological Community (Littoral Rainforest) and Hairy Joint Grass due to a lack of provision of an appropriate buffer clear of required asset protection zones and inappropriately located drainage infrastructure.
- Inadequate separation distance from the onsite vegetation to the dwellings in order to provide for passive mosquito treatment, with the proposed active mosquito treatment methods considered a poor and uncertain alternative.
- Provision of bulky buildings of excessive length in close proximity and with inadequate setbacks from some side boundaries, resulting in a lack of onsite landscape provision and detrimental visual impacts as viewed from adjoining properties.
- The provision of some inappropriately bulky buildings which are not characteristic of the area.
- Inadequate landscaping of front setback areas due to inappropriately located garbage structures and parking resulting in an unacceptable streetscape presentation which is uncharacteristic of the area.
- Inappropriate dwelling orientation resulting in the overlooking of adjoining properties.
- Poor onsite amenity due to inappropriately designed and located dwellings which will have poor visual and aural privacy and will be impacted by headlight glare.

## **Conclusion**

In the conclusion, it is my opinion that the location of the site for such a large affordable housing estate is inappropriate. The proposal constitutes an overdevelopment of the site which has not been designed with due regard to the constraints of the site and would potentially have unacceptable impacts upon the onsite and nearby remnant Endangered Ecological Community (Littoral Rainforest), Hairy Joint Grass and SEPP 14 Wetland.

The development would also have unacceptable impacts upon the character and amenity of the locality and would provide for an unacceptably low level of amenity for residents within the development.

I am of the opinion that the above concerns with the proposal are significant and the majority cannot be addressed by conditions of consent, or even necessarily by a redesign unless it involved a substantial reduction in the density and potentially a change in the type of development proposed, and that subsequently I cannot support the granting of consent to the application. In this regard I am of the opinion that the site is not suitable for an affordable housing development of the size proposed.

## PEER REVIEW REPORT

### 1.0 Preparation of Report

During the preparation of the peer review the following documentation was reviewed:

- All documentation submitted with the development application
- Additional information, dated 31 May 2011, submitted in response to Council's letter of 11 April 2011
- Summary of submissions to notification of application
- Relevant legislation, etc including, in particular
  - Environmental Planning and Assessment Act, 1979 (EP&A Act)
  - State Environmental Planning Policy (Affordable Rental Housing) (ARHSEPP) – both the original version and the recently amended version
  - Ballina Local Environmental Plan 1987 (BLEP)
  - Draft Ballina Local Environmental Plan 2010 (DBLEP)
  - Ballina Shire Combined Development Control Plan (BDCP)

A site inspection was carried out in the presence of Council officers in relation to the previously lodged development application for the site (DA 2010/678). Given the current application is not substantially different from that application, a second inspection was not carried out. Council officers made themselves available to answer queries that arose during the peer review process.

In order to maintain the independence of the peer review process, an assessment of the application was made and conclusions determined prior to reading the Council's report or having discussions in relation to Council's assessment.

As such the assessment and conclusions contained in this report were arrived at independently and whilst they are generally consistent with the conclusions of Council's report, there are some difference in the assessment and conclusions.

In order to keep the contents of this report as concise as possible and to avoid needless repetition, the report format will not follow a traditional development application assessment report which is legislation led. In this regard, I am of the opinion that the report prepared by Council adequately addresses the legislative requirements of the Act in this regard.

Similarly, there is no purpose in repeating the description of the site or proposal or the development history of the site, which can be read in Council's report, given this report is intended to be read in conjunction with the report which it reviews.

However, the Council report does not make clear the differences and similarities of this application and Development Application No. 2010/678 and for that reason I will briefly describe the differences and similarities.

Rather, the report will be issues based and will address each issue of relevance to the assessment of the application and will then conclude as to whether, in my opinion, the application should be supported. In this regard, the report is designed to review the assessment report and provide additional information that may assist the Joint Regional Planning Panel (JRPP) in making its determination of development application No. 2011/72.

For the purposes of this report, a reference to the subject site is a reference to the approved subdivided allotment upon which the development is sought, being Approved Lot 1 in Development Consent No. 2010/677 for a boundary adjustment between Lot 8, DP 1122975 and Lot 11, DP 2598095. A reference to Approved Lot 2 is a reference to the second allotment within this subdivision containing the dwelling currently located at Lot 11, DP 2598095, No. 56 Greenfield Road.

## **2.0 Comparison to Development Application No. 2010/678**

Whilst it is not relevant to the assessment of the current application, it may be of assistance to the JRPP to understand the similarities/differences between the current and the previous application, which was assessed by Council but not determined by the JRPP due to it being withdrawn by the applicant. This may be useful as some of the reports submitted in support of that application are addressed in this report.

The application is substantially for the same development as previously sought, with the following changes:

- The means of access to the first floor dwellings has been changed to provide access from ground level to most of the first floor dwellings such that the form of development could be defined as multi dwelling housing rather than residential flat buildings under the provisions of AHRSEPP;
- Some small subsequent changes to the layout of dwellings resulted from the changes to access;
- Some small changes were made to the location of internal access paths and the location of the parking spaces to Units 69-74; and
- Some small changes were made to the location of windows to improve the amenity of some of the proposed units having regard to their proximity to parking spaces and the internal road.

The current application no longer includes a two lot boundary adjustment as this boundary adjustment has been approved under a separate development application.

Some additional supporting information was submitted with the current application, including a deed for the granting of an easement across three adjoining properties to allow for an Asset Protection Zone and stormwater drainage works to be created.

Supporting reports were mainly slightly amended from those submitted with the previous application, though the proposed engineering works and bushfire hazard reduction works remain the same.

The flora and fauna report was reworked, with some additional survey work/inspections having occurred and a Mosquito Management Operational Manual was submitted.

Additional information was provided during the assessment process, including peer reviews of the Flora and Fauna Assessment Report and the Mosquito Management Operational Manual.

### **3.0 Inclusion of Land in Application/Owner's Consent**

The application proposes stormwater disposal, and construction of scour prevention measures, as well as the provision of an Asset Protection Zone (APZ) on adjoining land to the north, being Lot 1 in DP 829277 and Lot 99 in DP 755684 and to the west, being Lot 1 in DP 1070446.

Whilst these works should form part of the application, and whilst there is a deed for creation of an easement for those works, the works are not included in the development application. The three allotments are not included on the application form as being part of the site the subject of the application and no owner's consent is included to the lodgement of the application which relies upon these works.

In my opinion, a condition cannot be included in any consent burdening other properties that are not the subject of the application and for which no owner's consent has been received, requiring the creation of easements and the carrying out of works.

Therefore, as the application is reliant upon those other properties for stormwater works and asset protection zones, the application does not make adequate provision for stormwater disposal or bushfire safety and in my opinion cannot be supported.

It is further noted that the deed indicates that the easement for the APZ can be extinguished upon the burdened land being rezoned to a residential zoning. It is noted that the zoning of the land does not provide for adequate bushfire protection, rather the use of the land does. As such if the management of the APZ ceases upon rezoning of the land to residential but it is not redeveloped, the proposed development would become vulnerable to bushfire risk. As such, even were the owner's consent, subject site and proposal all described and provided satisfactorily in relation to the application, the form of the deed is unacceptable and affords no certainty of protection of the proposed development into the future from bushfire risk.

## 4.0 Permissibility

The application seeks approval for the erection of 74 dwellings for the purpose of affordable rental housing under the provisions of ARHSEPP and indicates that the proposal is for multi dwelling housing.

Council's report indicates that the site is zoned 2(a) – Living Area pursuant to BLEP and that the development is defined as a residential flat development, which is a permissible use in that zone. The provisions of clause 10 of *State Environmental Planning Policy (Affordable Rental Housing)* (ARHSEPP) permit in-fill affordable housing, which the development was defined as at the time of lodgement of the application, on land zoned R1 – General Residential or its equivalent zone. Council's report indicates that the Department of Planning has identified the 2(a) zone under BLEP as being equivalent to the R1 General Residential zone. As such the proposed affordable housing was permissible with consent at the time the application was lodged. Please note that the provisions of ARHSEPP have subsequently been amended and a full discussion of the implications is contained in Section 5.0 of this report.

As such, I concur with the assessment contained in Council's report that the proposed development is wholly permissible with consent.

## 5.0 Legislative Requirements

The provisions of ARHSEPP were amended on 20 May 2011 by *State Environmental Planning Policy Amendment (Affordable Rental Housing) 2011*. The current application was lodged prior to the amendments to ARHSEPP coming into effect, however, at clause 54A, savings provisions were inserted into ARHSEPP.

The form of the savings provisions inserted was not the normal form of savings provisions, which require assessment of an application lodged prior to the gazettal of an instrument to occur as if the gazetted instrument had not been gazetted and the wording of the savings provision usually takes the form "*the application **must** be determined as if this Plan had been exhibited but had not commenced*" (bold emphasis added).

However, in this instance the savings provision appears to give the determining authority the ability to assess the application either under the previously existing version or under the newly commenced version of AHRSEPP, with the wording taking the form "*the application **may be** determined as if the amending SEPP had not been made*" (bold emphasis added).

I note, however, that the savings provision gives no discretion as to the application of the new requirement that "*the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area*".



Again, it is unusual that one provision is exempt from a savings provision and I also note that the provision does not require a development to be compatible with the character of the local area, but rather requires the determining body to consider the compatibility with the character.

In this regard, I concur with the interpretation of the savings provision contained in the Council report.

It is my opinion that the flexibility was provided to allow a consent authority to approve an excellent application for affordable housing which had been lodged but not determined prior to the amendments, notwithstanding whether it complied with the original or amended version of AHRSEPP and notwithstanding whether it was compatible with the character of area. But, I am also of the opinion that the flexibility was also designed to allow for a consent authority to refuse a poor application for affordable housing which had been lodged but not determined having regard to the more stringent requirements of the amended version of AHRSEPP.

The proposed affordable housing development is primarily defined for the purposes of ARHSEPP, by virtue of the provisions of clause 4(2), pursuant to the definition contained in the Standard Instrument as a multi dwelling housing development as the first floor dwellings are generally provided with access at the ground level.

However, Building J is shown, at Drawing No. A16, to provide only first floor access to Unit 54 and contains 4 dwellings and as such Building J is defined as a residential flat building pursuant to the following definition contained in the Standard Instrument:

***“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”***

Attached dwellings are defined following, and the proposal does not satisfy the definition, involving dwellings located above other dwellings and not providing each dwelling on a separate lot.

***“attached dwelling means a building containing 3 or more dwellings, where:***

- (a) each dwelling is attached to another dwelling by a common wall, and*
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and*
- (c) none of the dwellings is located above any part of another dwelling.”*

Multi dwelling housing is defined following, and Building J does not satisfy the definition as Unit 54 does not have a separate access at ground level.

*“multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.”*

In this regard I am generally in agreement with the assessment contained in Council's report other than in relation to the definition of Building J.

Residential flat development is a permissible use within the 2(a) – Living Area zone under BLEP, not being an identified prohibited use and therefore being an innominate permissible use. As part of the application is defined as residential flat development under ARHSEPP and is also defined as a residential flat development under BLEP (see the following definition), the provisions of clause 11(a) of ARHSEPP are applicable to most of the development, but not to Building J, and the provisions of clause 11(b) are applicable to Building J.

*“residential flat development means a building or development containing 2 or more dwellings on a single parcel of land.”*

Clause 13 of ARHSEPP sets a maximum FSR for development of the existing maximum FSR contained in BDCP plus 0.5:1, giving a maximum FSR of 1:1, which the development satisfies.

As most of the development is development referred to in clause 11(a) of ARHSEPP, the provisions of clause 14(1) are applicable in part, but are not applicable in relation to Building J. Clause 14(1) of ARHSEPP sets a series of numerical standards, which if met cannot be used as reasons for refusal, including density and scale, site area, landscaped area, deep soil zones and solar access. It is noted that the proposal satisfies these standards. It is also noted that the changes to ARHSEPP remove density and scale from the provision, which would mean that density and scale could be used as reasons for refusal of an application were the JRPP of a mind to determine the application under the current version of ARHSEPP.

Clause 14(2) of ARHSEPP, however, is applicable to all development under Division 1 and as such is applicable to the application and it sets numerical standards for parking and dwelling size (which the application satisfies), which if met cannot be used as reasons for refusal.

I note that in this regard, in relation to the interpretation of the applicable provisions of ARHSEPP, I concur with the assessment contained in Council's report, other than in relation to Building J.

Having assessed the application under the original provisions, I now give consideration to the amended provisions and in particular the two new provisions which are particularly applicable to the subject application, being the new location criteria and the compatibility criteria.

As is discussed following in Section 6.0, the site's location would not satisfy the new requirements of clause 10(3), which would make the provision of affordable housing under ARHSEPP prohibited on this site. I am of the opinion that the site is not suitably located for a large scale affordable housing development such as is proposed, being too isolated from services, facilities and employment opportunities to be appropriate for lower income households who would be less likely to have two cars, and as such the location would be likely to result in an unreasonable level of social isolation for the residents.

Secondly, having addressed the bulk and scale of the development, the lack of setbacks and the general lack of landscaping located throughout the development (ie providing visual relief to the bulk of the buildings or the expanses of paving) in Section 11.0 of this report, I am of the opinion that the design is incompatible with the low density character of the area. In this regard, I concur with the assessment contained in the Council report.

As I am of the opinion that the development is poorly designed in terms of protection of the amenity of adjoining properties and provision of a suitable level of amenity for the future residents and as the site is poorly located, I am of the opinion that there is no justification to approve a development that is incompatible with the character of the area.

## **6.0 Suitability of the Site**

Council's report indicates that the site is located within an established low density residential precinct which is characterized by single dwelling houses located on large allotments and immediately adjoins land zoned for not currently zoned for urban purposes. Council's report indicates that Council recently exhibited a draft LEP for the area which would have the effect of rezoning the subject site to R2 Low Density Residential. The R2 zone will prohibit the more intensive residential development forms including residential flat building and multi dwelling housing. Existing low density development to the south of the site is also to be zoned R2. As such the desired future character of the area is for low density housing and this is likely to continue under the draft LEP.

The property to the immediate north of the subject site, over which it is proposed to create an easement for an Asset Protection Zone (APZ) and for drainage works, is currently zoned 1(d) Rural (Urban Investigation). This land is the subject of a current planning proposal to rezone the majority of the land to Residential 2(a) – Living Area Zone and the remainder 7(a) – Environmental Protection (Wetlands). It is noted that the portion of the land adjacent to the western portion of the northern boundary of the subject site is within 100m of a listed wetland and as such the potential for this land to be rezoned for residential purposes is limited by the need to provide a suitable buffer to the wetland. Further, a vulnerable species, Hairy Joint Grass has been found in this area. As such, the future of the land immediately to the north of the subject site is uncertain.

Further, the report indicates that the site is located approximately 2.3 km (travelling by car) from Lennox Head Village Centre and 13km from Ballina Central Business District. There is no bus service with bus stops in close proximity to the site.

As such the site is located at the edge of the residential area and is isolated from public transport connections, which would make residents of the estate heavily reliant upon private transport (ie cars).

ARHSEPP contains criteria for the location of affordable infill housing in the Sydney Metropolitan Region based on the distance of a site from a transport stop, setting a maximum 800m walking distance to a train station and a maximum 400m distance to a bus stop or light rail stop. The Affordable Housing Fact Sheet indicates that these criteria are set to ensure affordable housing is developed in areas that are accessible by public transport.

No such controls were originally set in regional areas, however the recent amendment to ARHSEPP require in-fill affordable housing to be located within 400m of certain zones (in which services and facilities would be available) and as such require affordable housing to be appropriately located.

An assessment of the application under the new clause 10(3) would result in the site being considered to be inappropriately located for affordable housing and as such the use would not be permitted by Division 1, Part 2 of AHRSEPP as amended.

Whilst it is apparently at the discretion of the JRPP (see previous discussion in relation to the savings provision in Section 5 of this report) as to whether they apply this provision or not, I am of the opinion that appropriate affordable housing, particularly of the size proposed, should be provided in areas that are reasonably accessible by public transport or in close proximity to services, facilities and employment centres.

I am of the opinion that large scale and densely developed infill affordable housing developments, such as the one proposed, are most appropriately located in close proximity to either a village shopping centre or a public transport stop to minimize the potential for isolation of lower income families.

In this regard, low income families are more likely to have no or limited access to private vehicles as a means of transport and if they have a car, they are less likely to own more than one car, which would potentially result in significant isolation of one or more members of the families within the proposed development.

It is acknowledged that the application provides one parking space for each dwelling, presumably in response to the isolated location of the site, whereas ARHSEPP originally only required the provision of 1 space per 2 dwellings, presumably due to an assumption that public transport will be a significant form of transport for the occupants of affordable rental housing.

However, the extra provision for onsite parking does not resolve the concern with the distance of the site from a public transport stop, shopping centres and places of employment.

I am of the opinion that the approximately 1.2km walk necessary to reach the nearest bus stop is unacceptably long, particularly for parents who must travel with children or for older residents and therefore I am of the opinion that the site is inappropriately located, being too isolated, for such a large scale and densely developed affordable housing estate.

I note that in this regard, in relation to the unsuitability of the site for a large scale affordable housing development, I concur with the assessment contained in Council's report.

## **7.0 Stormwater Treatment**

The Conceptual Stormwater Management Plan submitted with the application indicates a proposed suite of treatment methods for stormwater to address quality and quantity impacts as a result of the development.

In this regard, bio-retention basins and vegetated buffers are to be utilized to filter runoff from hardstand areas and the dwellings prior to sheet flow into the environmental buffer areas or to adjoining land. The upstream flows are to be concentrated in pipes and overland flow paths which are to be discharged either to the Endangered Ecological Community (Littoral Rainforest) onsite or onto adjoining properties.

Concerns are raised with the proposed stormwater management plan in that upstream flows are to be concentrated and discharged across a downstream property without details of the treatment to prevent erosion on the adjoining property. The Plan indicates that discussions have been had with the adjoining property owner to allow a 10m x 10m scour protection zone to be constructed on the adjoining property to ensure the runoff does not erode that property. This work does not appear to form part of the application (with no plans of the proposed work provided and with the adjoining site not included in the development site description on the application form) and no owner's consent has been provided (though a deed of agreement has been submitted as part of the application).

Accordingly, if approved, the development would result in downstream property damage by soil erosion based on the information contained in the Plan as it is not open to the determining authority to condition works on another site that does not form part of the application. All treatment for stormwater flowing through the subject site should be located on the subject site and any inability of the applicant to do so is indicative of an overdevelopment of the site.

It is also noted that the approved 19 lot subdivision (of which the subject site forms part) does not appear to have satisfactory completed required stormwater treatment works, which were to occur on the subject site, and as such water from upstream properties does not currently appear to be appropriately treated in terms of quality or rate of flow, though the subject site currently appears to contribute to some form of treatment due to infiltration.

It would appear that additional treatment and/or detention works were intended to be provided on the subject site for the 19 lot subdivision and have not occurred and that the development of the subject site in the manner proposed would preclude those works from being carried out in the future, ultimately resulting in unacceptable impacts upon downstream properties.

Concern is also raised that the upstream runoff from Satinwood Place (which appears not to be treated) is to be discharged via an overland flow path across the driveway to Precinct 2 into the Endangered Ecological Community (Littoral Rainforest) on the site. No assessment appears to have been carried out in the Flora and Fauna report of the impact of this water entering the Endangered Ecological Community (Littoral Rainforest) in relation to either water quality or water quantity.

Finally, concern is raised that several drainage structures appear to be inappropriately located in relation to the retention of significant vegetation on the site, with

- a bio-retention basin proposed in proximity to the protection area for the Hairy Joint Grass;
- a bio-retention basin proposed within 10m of the Endangered Ecological Community (Littoral Rainforest), and hence within the 10m buffer indicated as necessary in the Flora and Fauna Assessment Report for Development Application No. 2010/678, adjacent to Building F; and
- a bio-retention basin proposed within 10m of the Endangered Ecological Community (Littoral Rainforest), and hence within the 10m buffer indicated as necessary in the Flora and Fauna Assessment Report for Development Application No. 2010/678), adjacent to Building K.

As is noted in the flora and fauna section of this report, the Flora and Fauna Assessment Report for Development Application No. 2010/678 bases its assessment on a 10m landscaped buffer being provided around the Endangered Ecological Community (Littoral Rainforest) to ensure its appropriate protection and no assessment has been made of the proposed drainage structures within that buffer area. The current Flora and Fauna Assessment Report provides no justification of why a smaller buffer, as little as 3m, is appropriate, nor how it will protect the EEC.

I note that in this regard, in relation to the adequacy of the stormwater treatment proposed and its location, I concur with the assessment contained in Council's report.

An inability to provide for sufficient onsite stormwater treatment, relying upon adjoining properties for the placement of the infrastructure and inappropriately providing infrastructure in sensitive areas within the site is, in my opinion, indicative of an overdevelopment of the site and that the design of the development has not had due regard to the constraints of the site.

## **8.0 Bushfire Protection**

The proposed bushfire measures contained within the Bushfire Threat Assessment Report are the same as those previously proposed for Development Application No. 2010/678 and were assessed as being satisfactory by the RFS for that application, with the issuing of a bushfire safety authority. However, the bushfire safety authority was subject to the provision of a number of conditions, including the provision of managed Asset Protection Zones (APZ) on adjoining properties and the provision and maintenance of inner protection zones of the distances shown in the table on page 3 of that Report.

The reliance on the creation of an APZ on adjoining land is unacceptable, as the land does not form part of the application and no owner's consent has been given for the works. As such there is no power to require the works to be carried out or to require the ongoing maintenance of it by way of condition.

This is notwithstanding that a deed to grant an easement for an APZ has been included in the development application.

It is further noted that the deed indicates that the easement for the APZ can be extinguished upon the burdened land being rezoned to a residential zoning. It is noted that the zoning of the land does not provide for adequate bushfire protection, rather the use of the land does. As such if the management of the APZ ceases upon rezoning of the land to residential but it is not redeveloped, the proposed development would become vulnerable to bushfire risk. As such, even were the owner's consent, subject site and proposal all described and provided satisfactorily in relation to the application, the form of the deed is unacceptable and affords no certainty of protection of the proposed development into the future from bushfire risk.

Secondly, concern is raised that some of the APZ distances shown in the table on page 3 of that Report conflict with the provision of an appropriate vegetated buffer to the Endangered Ecological Community (Littoral Rainforest), which was identified in the Flora and Fauna Assessment Report for Development Application No. 2010/678 as being necessary to protect the area. In this regard parts of the 10m buffer would need to be maintained as an IPA, including adjacent to Building K, Building I and Building G. No assessment has been made in the Flora and Fauna Report of the reduction in efficacy of the buffer in protecting the Endangered Ecological Community (Littoral Rainforest) as a result of portions of the buffer being required to be maintained as an inner protection area.

Further, Council's report indicates that Council staff has identified Hairy Joint Grass within the proposed APZ on the adjoining land. As a result the report indicates that consideration of the rezoning of that portion of land for residential purposes has been deferred pending assessment of the implications of the location of the Hairy Joint Grass.

The Council report indicates that there is disagreement between the author of the Flora and Fauna Report and Council staff as to the impact of hazard reduction measures on the survival of the Hairy Joint Grass. The Flora and Fauna Report indicates that winter slashing of the area may assist ongoing establishment of the Hairy Joint Grass, which is not disputed by Council staff. However, Council staff concludes that regular slashing would be required to maintain fuel loads, with slashing increasing during the peak summer fire season. It is noted by Council staff that the peak summer fire season coincides with the primary growing and seeding season (November to May) of the Hairy Joint Grass.

It is therefore my opinion that the application in its current form will not be able to comply with the conditions of the bushfire safety authority previously issued (and likely to be the same for the current application) and that compliance with the requirements of the Report may result in the degradation of the Endangered Ecological Community (Littoral Rainforest) and unacceptable impacts upon the vulnerable Hairy Joint Grass.

In this regard, I concur with the assessment in Council's report that the proposed bushfire protection measures are unacceptable in their current form.

I am also of the opinion that the inability to provide the required APZs on the site and without impact upon a 10m buffer around the remnant littoral rainforest or upon the Hairy Joint Grass is indicative that the proposal constitutes an overdevelopment of the site and that the design of the development has not had due regard to the constraints of the site.

## **9.0 Impact on Flora and Fauna**

The Flora and Fauna Assessment that forms part of the application identifies that the site contains Littoral Rainforest which is listed as an Endangered Ecological Community, within which five threatened plant species (Stinking Laural, Arrow-head Vine, White Lace Flower, Rough-shelled Bush Nut and Xylsoma) exist. The site also contains a vulnerable species on the north-western portion of the site (Hairy Joint Grass).

In the Flora and Fauna Assessment Report lodged with Development Application No. 2010/678 at page 9 it is stated that:



*“The development footprint has been located wholly on grassland of little ecological value. However, littoral rainforest of high conservation value occurs proximal to the development footprint. The littoral rainforest has been restored over the past few years and a 10m buffer planted around its perimeter. The development is separated from the core littoral rainforest remnant by the 10m planted buffer and an additional variable width buffer which comprises the asset protection zone (APZ) (Fig.1).”*

It is noted that the current proposal has not been altered in terms of the buffer areas proposed and the proposal does not provide the above suggested 10m buffer plus the APZ, with the APZ located partially within the 10m buffer, particularly in proximity to Buildings F, G, I and J and the road to Buildings K and L is also located within the 10m buffer planting area.

The current Flora and Fauna Assessment no longer makes any reference to the 10m buffer planting which was suggested previously as being appropriate. The plans show buffer planting as narrow as 6m wide adjacent to Building F, 5.5m wide adjacent to Building G, 6m wide adjacent to Building I, 5m wide adjacent to Building J and 3m wide adjacent to the road to Buildings K and L.

I can find no discussion within the current Flora and Fauna Assessment that would suggest that buffer planting areas as narrow as 3m can now provide a suitable buffer to allow for the protection of the onsite EEC, particularly given the previous report suggested 10m would be appropriate. Whilst I am not an expert in the field, it is my understanding that buffers provided to protect against edge effects where an EEC adjoins a medium density residential development are usually much larger than 3m in width. Further, as a driveway is located only 7m from the EEC and runoff from that driveway and Satinwood Place is to enter the EEC untreated, it would seem there is a high risk of the EEC being impacted by such things as pollutants and weed infestation, with little buffer area to protect it.

I note that a peer review of this report has been undertaken by Kevin Mills and Associates and that it does provide for a more in-depth consideration of potential impacts upon the EEC due to the development, including edge impacts. However, again no justification is provided or no assessment made of the need for a specified buffer area. The peer review assumes that as the previous works to protect the EEC have been successful they will continue to be so in the future. This does not take into account that the land is not currently occupied and will be occupied by 74 dwellings under this proposal. Nor does it take into account the runoff of untreated stormwater from Satinwood Place and the driveway to Buildings K and L into the EEC.

Notwithstanding these deficiencies it is also noted that the protection of the EEC onsite is based on appropriate human activity and no inappropriate human activity, rather than relying on a physical buffer that would be more likely to give some certainty as to the future of the EEC.

Further, page 32 of the Flora and Fauna Assessment states the following of the Stormwater Management Plan:

*“The Cardno results establish that the proposed development will substantially treat and reduce nutrient loads passing from nearby urban drainage systems through the site. This will mitigate any potential impact on natural habitats located north of the site.”*

Whilst it is true that the Cardno report looked at the before and after development nutrient loads and provides for some onsite treatment to reduce nutrient dispersal to land to the north, there is no proposed treatment of nutrients/pollutant runoff from Satinwood Place, with runoff from that road and from the driveway to Buildings K and L being directed as sheet flow directly towards the onsite retained vegetation. No assessment appears to have been made of the impact of this untreated and potentially polluted runoff upon the EEC onsite. The runoff from Satinwood Place is indeed proposed to be treated onsite before discharge downstream, but that treatment occurs only by infiltration within the EEC area.

Finally, Council's report indicates that, notwithstanding the Flora and Fauna Assessment has not found any Hairy Joint Grass within the proposed 10m wide APZ on the adjacent land to the north of the site, the Grass has been identified by Council staff as occurring in that area. The Flora and Fauna Assessment report indicates it is appropriate that the Hairy Joint Grass protection area occur outside the APZ, but that is not the case and concern is raised as to the impact of the APZ maintenance regime upon the Grass.

Given the above, I am not satisfied that the development has been designed appropriately to protect the endangered and vulnerable species on the subject site, the Endangered Ecological Community (Littoral Rainforest) and the Hairy Joint Grass, or the Hairy Joint Grass off the site. In this regard I concur with the assessment contained in Council's report.

I am also of the opinion that the apparent inability to provide an appropriate buffer plus asset protection zone within the site to protect the Endangered Ecological Community (Littoral Rainforest) and to provide drainage structures clear of the buffer plantings and the Hairy Joint Grass protection area is indicative that the proposal constitutes an overdevelopment of the site and that the design of the development has not had due regard to the constraints of the site.

## **10.0 Mosquito Protection**

The Mosquito Management Operation Manual lodged with the application identifies that the site is impacted by several mosquito species, including ones known to carry serious viruses.

The Manual recommends use of an integrated mosquito management (IMM) involving maintenance of clear open space buffers between the units and retained vegetation, installation of mosquito screens, seasonal application of residual insecticide to garden shrubs outside units and entomological review of the effectiveness of the control.

The Manual indicates that IMM has worked in other areas such as Byron Bay and Hervey Bay and that the subject site is a good opportunity to test its efficacy in the local context. The Manual also indicates that IMM is an appropriate approach to mosquito management *“where physical site constraints do not allow for wide open space buffers alone to provide mosquito attenuation.”*

It is noted that the separation distances provided for passive control will be reduced over time as the vegetation in the buffer areas to the retained vegetation onsite grow, and as such necessarily increase in both height and width. Currently the minimum separation distances are shown on the plans to range from 7.2m – 14.2m.

In the Results Discussion section of the Mosquito Risk Assessment Report lodged with Development Application No. 2010/678 (which has the same layout and separation distances) at page 7 the following is recommended.

*“Relatively narrow areas of open exposed ground (vegetated by mown grass only) 20m wide have been shown to have a significant disruption in dispersal of Ve funereal. It would be recommended that Greenwood Chase will require such buffers adjoining the two areas of rehabilitated vegetation (trap sits 1 and 2). These may superimpose on asset protection zones and access roadways as appropriate.”*

In that report design and management strategies were also recommended to address the hazard caused by stormwater structures such as rainwater tanks. The Manual does not contain a section addressing hazard reduction measures for stormwater structures.

I am of the opinion that the site is not physically constrained to such an extent that the ‘risk’ of an unproven IMM system to be trialed in this area is warranted. The components of the site located off Satinwood Place and Tallow Wood Place are not physically constrained such that a 20m buffer could not be maintained with a more appropriate design which utilized the buffer area for other appropriate uses such as APZ, driveways, parking and communal open space. The portion of the site off Rosewood Place is physically constrained to such an extent that its development potential would be lost if 20m separation distances were applied.

In Council’s report concern was raised as to the potential for the use of residual pesticides to impact other species, such as native bees, and have negative impacts upon the onsite Endangered Ecological Communities (EECs). Concern was also raised that the maintenance of suitable separation distances would require ongoing lopping/trimming of the buffer planting to the retained EEC, which is currently immature and will continue to spread outwards towards the proposed dwellings, reducing the separation distances.

I concur with the Council report that the ongoing requirement to manage mosquitoes is an inferior outcome to one where the design provides for passive measures where that is possible on a site.

This is particularly the case where the source of mosquitoes will remain (ie the Endangered Ecological Community (Littoral Rainforest) and nearby wetland) and will not be removed or reduced significantly in the future by other developments. In such a case where the active treatments were likely to be for a short or medium period until future development occurred, they may be considered appropriate. However, as this is not the case and as the residents who would be affected by the mosquitoes have no control over the active management (as they are tenants not owners) it may be difficult to ensure ongoing treatments.

I note that a peer review of the mosquito assessment has been prepared by Richard C. Russell. The peer review generally agrees with much of the mosquito assessment and identifies in particular that the risk of only 1 of the 6 pest species may be ameliorated by increased separation distances, with the other 5 species either being more widely travelled or there being no information on distances travelled. The peer review indicated that wider separation distances might be appropriate for that species but would not assist with the others. The peer review indicated the use of residual insecticide may be appropriate in concert with the separation, but that the proposed treatment only on ornamental shrubs may not give effective treatment as other case studies involved application to walls and fences as well. Finally, the peer review indicated the efficacy of the insecticide would depend on appropriate application and ongoing application, which could be affected by sensitivity of residents to the pesticide and the willingness of the owner (or body corporate if there is a future subdivision) to pay for the ongoing work.

I am also of the opinion that the apparent inability to provide the specified 20m buffer for passive management of some mosquitoes species is indicative that the proposal constitutes an overdevelopment of the site and that the design of the development has not had due regard to the constraints of the site.

## **11.0 Bulk and Scale**

The area in which the development is proposed is located at the edge of a low density, large lot, single dwelling precinct and a non-urban zone and as such is characterized by either one to two storey dwellings (some quite large) located in landscaped gardens or open grassland and remnant native vegetation.

Whilst the provisions of ARHSEPP allow for a significantly higher density of development on the site than the provisions of BLEP and BDCP, the ARHSEPP requires that assessment of the design of an infill affordable housing development to have regard to the provisions of *Seniors Living Policy: Urban Design Guidelines for Infill Development* to the extent that the provisions are consistent with ARHSEPP.

The Guidelines require consideration of the development's "fit" within the character of the area in terms of building bulk, landscape provision and rhythms of building separation and in particular seek to reduce the density of development in back yard areas (in this case next to adjoining properties).

Further, the recent amendments to ARHSEPP require that consideration be given to "*whether the design of the development is compatible with the character of the local area*", it being noted that this requirement is not protected by a savings provision. I also note that the provision is not written in a manner so as to prevent the JRPP from approving a development that was not compatible with the character of the local area, but does require it to consider its compatibility.

In my opinion elements of the design are contradictory to the Guidelines and are incompatible with the character of the area, both when considered having regard to the current zonings and also in the light of the potential rezoning of the adjoining property to allow residential uses (likely to be low density, large lot residential according to Council's report). In this regard the following elements are considered to be inappropriately designed:

- The proximity of Building L to the rear yard of the adjacent dwelling to the south, given its 23m length.
- The proximity and length of Buildings D, E and F, with only small separations which will not allow for the planting of any substantial vegetation to soften the built form, to the rear yard of the adjacent dwelling to the south of Buildings D, E and F.
- The provision of parking forward of the building line related to Building M and the provision of garbage storage structures adjacent to the frontage which limits the provision of traditional front yard landscaping.
- The provision of access paths between the parking areas severely limits the opportunities to provide trees within the parking area to provide shade and soften the visual impact of the parking area.
- The length of Building H, at almost 40m, is uncharacteristic of the built form in the area and will present an unacceptable bulk when viewed from within the site and from the potential future residential area to the north of the site.
- The length of Building M, at 30m, is uncharacteristic of the built form in the area and will present an unacceptable bulk when viewed from Satinwood Place.

In this regard, I concur with the assessment in Council's report that the proposed bulk and scale of the development is inappropriate.

I am also of the opinion that the bulk and scale of the proposed buildings, lack of provision for landscaping to soften the built form and lack of appropriate streetscape presentation is indicative that the proposal constitutes an overdevelopment of the site and that the design of the development has not had due regard to the character of the area.

Whilst the provision of affordable housing in the local government area is needed and supported, such housing should be appropriately located and designed and not result in detrimental impacts upon the visual character of the area in which it is located. As such I am of the opinion that the public benefit of the provision of affordable housing does not outweigh the impact upon the character of the area, particularly given the poor location of the site (as discussed in Section 6.0 of this report).

## **12.0 Amenity Impacts on Surrounding Development**

The proposal has unacceptable impacts upon the surrounding development due to its bulk and scale, lack of setback for landscaping and the design of the dwellings. The bulk and scale impacts and the lack of setback for appropriate landscaping have been addressed above.

Other impacts which occur as a result of the proposed development relate to privacy and of concern is the design of the following elements of the proposal:

- The balcony to Dwelling 16 directly overlooks the adjoining residential property to the east.
- The balcony to Dwelling 30 directly overlooks the adjoining residential property to the west.
- The living room window of Dwelling 68 directly overlooks the adjoining residential property to the south.
- The balcony to Dwellings 58 and 62 directly overlook the adjoining residential property to the east.
- The kitchen window to Dwellings 52 and 54 directly overlook the adjoining residential property to the west.
- The balconies of all 22 dwellings within Buildings G, H and K overlook the potential future residential land to the north of the subject site.

I am also of the opinion that the design of the proposed buildings and lack of privacy measures to protect the amenity of adjoining properties is indicative that the proposal constitutes an overdevelopment of the site and that the design of the development has not had due regard to the constraints of the site.

## **13.0 Amenity Afforded to Future Residents**

The proposed design will afford an unacceptable level of amenity to some of the dwellings within the development and of concern is the design of the following elements of the proposal.

- A poor level of acoustic and visual privacy will be experienced by the residents of Dwellings 2, 7-8, 31 (unless allocated the adjoining space), 37 (unless allocated the adjoining space), 40-42, 44, 49, 55-56, 58 (unless allocated the adjoining space), 69 and 74 (unless allocated the adjoining space) due to the proximity to the internal road and/or parking spaces to their bedroom windows.

- A poor level of amenity due to headlight glare will be afforded to the bedrooms of Dwellings 2, 7-8, 37, 40-42, 49, 55-56 and 69 due to their location in relation to the internal road and/or elevated parking areas.
- The distance from some dwellings (up to 160m) to the garbage storage areas is inappropriate, making disposal of garbage and recyclable material problematic.
- A poor level of visual privacy within the development is provided, with no detail of how privacy will be achieved to the ground level living areas and terraces of Dwellings 1-3, 7-8, 14, 19-20, 23-24, 27, 31, 51 and 63-66.

In regard to privacy, the schematic typical landscape plan is inadequate to ascertain whether a suitable level of privacy will be afforded to the dwellings.

## **14.0 Landscaping**

The schematic typical landscape plan is considered to be inadequate to assess the suitability of the landscape provision of a development of this size, particularly given

- the lack of setback and the bulk of the development to some boundaries with adjoining properties.
- the proliferation of driveways, garbage structures and parking spaces forward of the building line and the small frontages to the streets.
- the lack of provision shown on the site plans for landscaping of the car parking areas.
- the proximity of car parks and communal paths to habitable rooms.
- The provision of stormwater structures in much of the available area for landscaping around and between the buildings and parking areas.

For a development of this scale the minimum acceptable information related to landscaping would be a concept design for the whole site showing the location of trees, shrubs and ground covers, with a species list addressing the bushfire prevention guideline requirements.

## **15.0 Overdevelopment of the Site and Suitability of Design**

The proposal is considered to be an overdevelopment of an inappropriately located and sensitive site. The number of dwellings proposed and extent of parking provided, together with the site constraints related to the onsite EEC and Hairy Joint Grass and mosquito problems and bushfire risks results in the following poor design choices:

- An inability to provide for appropriate asset protection zones on the subject site, with asset protection zones proposed within the landscaped buffer to the Endangered Ecological Community (Littoral Rainforest) and in areas of Hairy Joint Grass and proposed on the adjoining property.

- An inability to provide for sufficient onsite stormwater treatment, relying upon adjoining properties for the placement of the infrastructure and inappropriately providing infrastructure in sensitive areas within the site.
- Inability to treat stormwater runoff from Satinwood Place and the driveway to Building K and L prior to it entering the EEC onsite.
- Inadequate protection of the onsite Endangered Ecological Community (Littoral Rainforest) and Hairy Joint Grass due to a lack of provision of a suitable buffer clear of required asset protection zones and inappropriately located drainage infrastructure.
- Inadequate separation distance from the onsite vegetation to the dwellings in order to provide for passive mosquito treatment, with the proposed active mosquito treatment methods considered a poor alternative.
- Provision of bulky buildings of excessive length in close proximity and with inadequate setbacks from some side boundaries, resulting in a lack of onsite landscape provision and detrimental visual impacts of the development as viewed from adjoining properties.
- The provision of some inappropriately bulky buildings which are not characteristic of the area and will be visible from public places.
- Inadequate landscaping of front setback areas due to inappropriately located garbage structures and parking resulting in an unacceptable streetscape presentation.
- Inappropriate dwelling orientation resulting in the overlooking of adjoining properties.
- Poor onsite amenity due to inappropriately designed and located dwellings which will have poor visual and aural privacy and will be impacted by headlight glare.

I also note that in preparation of the design of the development, the designers have sought to provide a significant number of necessary risk reduction and protection measures and necessary infrastructure works by way of works on adjoining property or by requiring ongoing expensive labour intensive measures which would necessarily need to be funded in perpetuity by the owner of the property. Given the intention to use the site for lower income rental housing for the next 10 years the incentive of the owner to continue to carryout such expensive, labour intensive measures would be lowered and the residents on the site would have little power to ensure the works occurred. This may lead to enforcement problems for Council, which have occurred previously on this site, and it is reminded that the enforcement of the stormwater works and APZ management on the adjoining land could not occur as they cannot be legally conditioned.

In this regard, the applicant says that in order for the development to be appropriate the following labour intensive and expensive works needs to occur:

- An APZ is required to be created and maintained regularly both on the site and on the adjoining land. This may involve the need to lop or trim existing buffer vegetation as it grows and potentially impact upon the ongoing survival of the Hairy Joint Grass given its spring/summer growth period. This work on the adjoining land cannot be enforced.



- The onsite EEC needs to be extensively managed by way of weeding, rubbish removal and maintenance/replacement of fencing to ensure it is not degraded by the proximity of the residential development.
- The development needs to be routinely and regularly (in season) sprayed to minimize mosquito risk.
- The onsite stormwater treatment facilities need to be regularly inspected and potentially cleared of siltation and replanted to ensure ongoing efficacy.

These costs are on top of the ongoing costs of maintenance of the buildings, roads, paths and landscaping on the site and plan for their funding has been forwarded. It is noted that as the site is not to be subdivided under this application, a condition cannot be included requiring the strata management fees to cover these costs.

## **CONCLUSIONS**

The peer review of the assessment report prepared by Ballina Shire Council (Regulatory Services Group) (Council's report) has concluded that the proposed development raises significant issues that for the most part cannot be appropriately addressed by conditions of consent. In this regard the conclusions and recommendations of the report prepared by Council are generally concurred with and supported.

The issues of concern raised in this peer review in relation to the application are addressed in detail throughout this report and are summarised following.

- The proposal relies on works on adjoining properties which do not form part of the application and no owner's consent has been provided for the proposed offsite works including drainage infrastructure and asset protection zones. As such the application is not complete and cannot be granted consent.
- The site is not located in reasonable proximity to a centre offering shopping and community facilities or employment, and is not considered to be an appropriate location for an affordable housing estate of the size proposed and as such is considered to be an inappropriate site for the development proposed.
- The application fails to provide for an appropriate treatment train for runoff from Satinwood Place and the runoff is to be diverted, untreated, into the onsite Endangered Ecological Community (Littoral Rainforest).
- No assessment has been made of the impact upon the onsite Endangered Ecological Community (Littoral Rainforest) of the untreated upstream flows or of the change in quantity and velocity of flows.

- The Flora and Fauna Assessment Report for Development Application No. 2010/678 indicates it is predicated on the development footprint being separated from the “*core littoral rainforest remnant*” on site by a 10m buffer and an additional width buffer of asset protection zone that has a minimum width of 7m. No assessment or justification has been provided in the current Flora and Fauna Report as to why the previously suggested 10m buffer and additional 7m separation to development is now appropriately as low as a 3m buffer and 3m separation to the development (road to Buildings K and L).
- No assessment has been made within the flora and fauna report of the impact of the location of the asset protection zone and the proposed stormwater treatment basin within the protection area for the Hairy Joint Grass located onsite and within the proposed APZ to the north of the site.
- A poor level of amenity is provided for some of the future residents of the estate due to the following poor design choices:
  - The location of some of the parking areas and internal roads immediately adjoining bedrooms of dwellings provides for inadequate protection of visual and aural privacy and from headlight glare;
  - The location of some communal pathways immediately adjoining bedrooms will result in unacceptable visual and aural privacy impacts; and
  - The distance from some dwellings (up to 160m) to the garbage storage areas is inappropriate.
- The bulk and scale of several buildings, particularly in relation to their length, is inappropriate and inconsistent with the character of the area.
- The proposed development is designed poorly with regard to protection of privacy of adjoining properties.

The proposal is therefore considered to be an overdevelopment of an inappropriately located and sensitive site. The number of dwellings proposed and extent of parking provided results in the following poor design choices:

- An inability to provide for appropriate asset protection zones on the subject site, with asset protection zones proposed in unreasonably close proximity to the Endangered Ecological Community (Littoral Rainforest) and on the adjoining property.
- An inability to provide for sufficient onsite stormwater treatment, relying upon adjoining properties for the placement of the infrastructure and inappropriately providing infrastructure in sensitive areas within the site.
- Inadequate protection of onsite Endangered Ecological Community (Littoral Rainforest) and Hairy Joint Grass due to a lack of provision of an appropriate buffer clear of required asset protection zones and inappropriately located drainage infrastructure.
- Inadequate separation distance from the onsite vegetation to the dwellings in order to provide for passive mosquito treatment, with the proposed active mosquito treatment methods considered a poor and uncertain alternative.

- Provision of bulky buildings of excessive length in close proximity and with inadequate setbacks from some side boundaries, resulting in a lack of onsite landscape provision and detrimental visual impacts as viewed from adjoining properties.
- The provision of some inappropriately bulky buildings which are not characteristic of the area.
- Inadequate landscaping of front setback areas due to inappropriately located garbage structures and parking resulting in an unacceptable streetscape presentation which is uncharacteristic of the area.
- Inappropriate dwelling orientation resulting in the overlooking of adjoining properties.
- Poor onsite amenity due to inappropriately designed and located dwellings which will have poor visual and aural privacy and will be impacted by headlight glare.

In the conclusion, it is my opinion that the location of the site for such a large affordable housing estate is inappropriate. The proposal constitutes an overdevelopment of the site which has not been designed with due regard to the constraints of the site and which would potentially have unacceptable impacts upon the onsite and nearby remnant Endangered Ecological Community (Littoral Rainforest) and Hairy Joint Grasses. The development would also have unacceptable impacts upon the character and amenity of the locality, would provide for an unacceptably low level of amenity for residents within the development and be likely to lead to the social isolation of some residents.

This review therefore supports the conclusions and recommendations of Council's report which concludes that the deficiencies with the application cannot all be appropriately ameliorated by conditions of consent.

I am of the opinion that the above concerns with the proposal are significant and cannot all be addressed by conditions of consent, or even necessarily by a redesign unless it involved a substantial reduction in the density and potentially a change in the type of development proposed, and that subsequently I cannot support the granting of consent to the application.