

REFERRAL RESPONSE – ENVIRONMENT & SUSTAINABILITY

FILE NO: DA2022/598/1
ADDRESS: 17 Dover Road ROSE BAY 2029
PROPOSAL: Demolition of existing car park and construction of multi-storey mixed use building and car park.
FROM: Ms R Anderson – Senior Environment & Sustainability Officer
TO: Mr V Aleidzans

1. ISSUES

The proposed development is located in the catchment of Rose Bay, the works have the potential for polluted run-off to enter Sydney harbour during the development phase. Adequate mechanisms are to be installed and maintained to ensure no construction material (including solid or liquid) enters the harbour as per the Managing Urban Stormwater: Soils and construction, commonly referred to as the 'Blue Book'.

The proposed development includes a car park area that provides opportunity to install electric vehicle charging and potential for other sustainability initiatives such as rooftop solar panels and battery storage.

2. DOCUMENTATION

I refer to the following documents received for this report:

- 23/3439 Civil Stormwater Report
- 23/3441 Clause 4.6 Variation Request
- 23/3447 Energy Efficiency – Part J1 Statement of Compliance – Including EV Charging Statement
- 23/3457 Statement of Environmental Effects
- 23/3464 Architectural Drawings

3. PROPOSAL SUMMARY

The proposed development is located at 17 Dover Road, Rose Bay. The site is approximately 160 meters from the Rose Bay foreshore. The proposal involves demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.

4. ASSESSMENT

4.1 NSW Biodiversity Conservation Act 2016 (BC Act)

The proposal includes the removal of several mature *Syzygium paniculatum* (Magenta Lilly Pilly). This species is listed as Endangered and this development application should be accompanied by an impact assessment under the BC Act. Section 7.3 of the BC Act provides a framework for assessing whether an activity will significantly impact a threatened species or ecological community. I have conducted this assessment in the table below.

Test of Significance (s7.3 BC Act)	Assessment
<i>(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction</i>	The Magenta Lilly Pilly is a rainforest tree endemic to the east coast of NSW, occurring in subtropical and littoral rainforest. The individuals proposed for removal for this development are planted specimens in a carpark in a heavily urbanised area and do not represent a naturally occurring population. The removal of these individuals will not affect the life cycle of the species such that a viable local population will be placed at risk of extinction.
<i>(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction</i>	No threatened ecological community (TEC) is present on the development site.
<i>(c) in relation to the habitat of a threatened species or ecological community— (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality</i>	No TEC is present on the development site. No habitat of a threatened species is proposed to be removed or modified or become fragmented or isolated from other areas of habitat as a result of the proposal.
<i>(d) whether the proposed development or activity is likely to have an adverse effect on</i>	No areas of outstanding biodiversity value have been declared within proximity to the development site. The implementation of

<i>any declared area of outstanding biodiversity value (either directly or indirectly)</i>	storm water quality measures included in this proposal will ensure that there is no impact on the Little Penguin population in Sydney's north harbour.
<i>(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process</i>	The proposal will not contribute to any key threatening processes identified under the BC Act.

In regards to the Biodiversity Offset Scheme (BOS) entry requirements as set out under the BC Act, the proposed development;

- Is NOT mapped on the Biodiversity Values Map
- Does NOT trigger the native vegetation clearing area threshold
- Will NOT significantly impact any threatened species or ecological community, as concluded from the Test of Significance conducted above.

Entry into the BOS has not been triggered; a Biodiversity Development Assessment Report is not required.

4.2 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The proposal includes the removal of several mature Magenta Lilly Pilly, listed as Vulnerable under the EPBC Act and representing a matter of national environmental significance (MNES). This development application should be accompanied by an impact assessment in accordance with the EPBC MNES Significant Impact Guidelines 1.1. I have conducted this assessment in the table below.

Significant impact criteria for Vulnerable species (MNES Significant Impact Guidelines 1.1)	Assessment
<i>Lead to a long-term decrease in the size of an important population of a species</i>	The planted individuals of Magenta Lilly Pilly proposed for removal to not constitute part of an important population of the species.
<i>Reduce the area of occupancy of an important population</i>	No important population will be impacted by the proposal.
<i>Fragment an existing important population into two or more populations</i>	No important population will be impacted by the proposal.
<i>Adversely affect habitat critical to the survival of a species</i>	No habitat critical to the survival of the species will be impacted.
<i>Disrupt the breeding cycle of an important population</i>	No important population will be impacted by the proposal.
<i>Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline</i>	The individuals proposed for removal are located within a highly urbanised environment. The proposed development

	will not further limit the availability or quality of habitat.
<i>Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat</i>	The proposal will not introduce any invasive species into the natural habitat of the species.
<i>Introduce disease that may cause the species to decline, or</i>	The proposal will not introduce any disease that will further contribute to the species' decline.
<i>Interfere substantially with the recovery of the species.</i>	The proposal will not interfere with the recovery of the species, as the individuals on site are planted and do not constitute a natural population.

In conclusion, the proposal will not impact any species listed under the EPBC Act. A Commonwealth referral is not required.

4.3 Woollahra Local Environment Plan 2014

The Woollahra LEP 2014 states the following relevant aims (section 1.2):

- (f) to conserve built and natural environmental heritage,*
- (g) to protect amenity and the natural environment,*
- (h) to minimise and manage stormwater and flooding impacts,*
- (i) to protect and promote public access to and along the foreshores,*

The proposed development meets the above aims as long as the recommendations in the Statement of Environmental Effects are adhered to and the issues raised in this referral are addressed.

4.4 Woollahra Development Control Plan 2015

Chapter E1 Parking and Access:

- In accordance with E1.6 *Bicycle parking and end-of-trip facilities*, the proposed development must provide one bicycle parking space per 200m² gross floor area, one secure locker per bicycle parking space, and one shower and change cubicle per 5-10 bicycle parking spaces. One charging point must also be provided per five bicycle parking spaces to provide for electric bicycles. 14 bicycle parking spaces are proposed with only 12 secure lockers. No charging points have been proposed – note that a minimum of two are required in order to comply with E1.6 C5.
- It is noted that a variation has been requested in relation to E1.9.1 *Car parks with 20 or more spaces*, as the proposed rooftop carpark does not comply with the requirement to be in a basement or undercover. Installing a solar canopy (see detailed comments below) would remove the need for this variation as all car spaces would be undercover.
- In accordance with E1.11 *Electric vehicle charging points*, the proposed development must install electric circuitry to all car spaces which accommodates 'Level 2' charging. In addition, C4 stipulates that a minimum of 10% of all car spaces must have a 'Level

2' electric vehicle charging point installed. For publicly available spaces, this must be 'Level 2' fast – three-phase with 11-22kW power. This requirement has not been met. According to the Section J Statement of Compliance only 4 chargers are proposed to be installed during with project, with a further 10 being installed as part of future works. The Detailed Cost Plan indicates that one dual-port charger will be installed in the basement and one on level 3. As the proposal accommodates 229 parking spaces, a minimum of 23 electric vehicle charging spaces are required – a minimum of 12 dual-port chargers. It is also unclear whether the requirement to install electric circuitry to all car spaces which accommodates 'Level 2' charging has been met.

Chapter E2 Stormwater and Flood Risk Management

- In accordance with E2.2.2 *Water sensitive urban design* C9, the installation of a green roof should be explored. This may be possible if the recommendation for a solar panel canopy over the rooftop carpark is accepted. The installation of rainwater tanks should also be explored in accordance with C2.
- E2.2.3 *Stormwater treatment* stipulates that a raingarden is required, the size of which must be determined by a study completed by a suitably qualified practitioner.

Chapter E6 Sustainability

- Under E6.2 *Commercial and non-residential buildings*, the development should be designed to maximise winter sun and summer shade (C4) and provide for natural cross ventilation (C6). For the landscaped area, rainwater tanks, roof gardens, and irrigation systems should be explored (C10).

4.5 Notice of Motion - Solar canopies for car parking lots and rooftop car parks (23/38966) and Woollahra 2032

In February 2023, Council resolved to investigate the feasibility of installing raised solar canopies in carparks owned or managed by Council. In line with this and the goals outlined in the Community Strategic Plan *Woollahra 2032*, the applicant should explore the possibility of installing a solar canopy in the proposed carpark. Council's Environment and Sustainability Team can provide assistance with this.

It is noted that this adjustment may require a height variation, however it would remove the need for the DCP (E1.9.1) variation (as discussed above).

4.6 Biodiversity Conservation Strategy 2015-2025

The proposed development will have no impact on biodiversity values as long as the recommendations from the Statement of Environmental Effects are implemented.

4.7 Other recommendations

It is also requested that the building register the development with the Green Building Council of Australia to receive a Green Star Buildings rating as per GBCA requirements.

5. RECOMMENDATION

Council's Senior Environment and Sustainability Officer requests that the following concerns (details above) be addressed prior to further assessment:

- Installation of electric bike charging points (E1.6)
- Electric vehicle charging provisions for a minimum of 23 parking spaces and electrical circuitry accommodating level 2 charging for all spaces (E1.11)
- Potential installation of a green roof (E2.2.2)
- Installation of a raingarden (E2.2.3)
- Potential to install a rooftop solar canopy, in consultation with Council's Environment and Sustainability team
- Obtaining for a Green Star Rating for this building to ensure best practice sustainability standards.

Rachel Anderson
Senior Environment and Sustainability Officer

Date: 10 May 2023