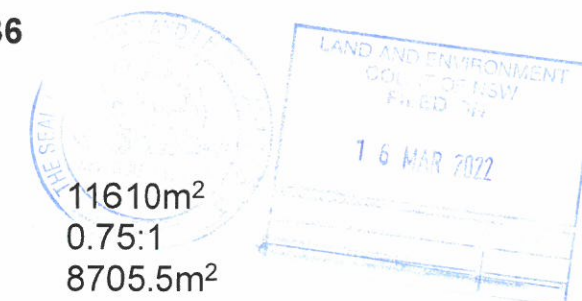




**11-27 Jennifer St,
Little Bay NSW 2036**

Controls:

Site area 11610m²
FSR 0.75:1
GFA_{max} 8705.5m²



Proposed:

FSR not to exceed 0.75:1

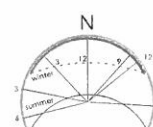
Landscaped area LA 7795m² (67%)
Deep soil area 6009m² (77% of LA)
and 52% of the site area

Communal open space 3749m² (32%)
(excluding 4752m² (41%) of protected ESBS area)

Potential unit mix:

32 x 1-bedroom apartments = 34%
37 x 2-bedroom apartments = 39%
25 x 3-bedroom apartments = 27%
94 apartments in total

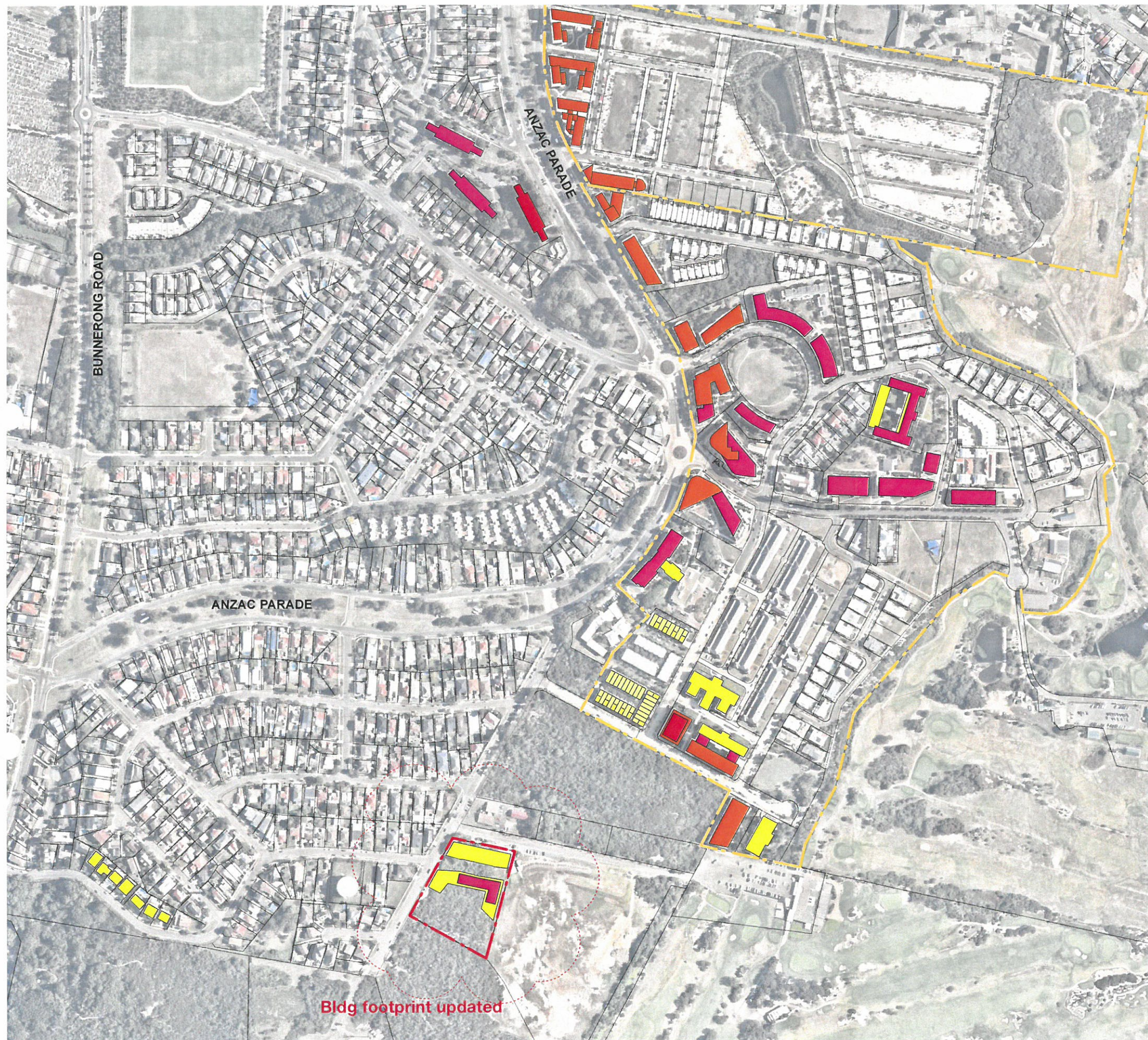
All dwellings are either cross ventilated or their
primary open space has a northerly aspect.
No dwellings have single orientation south.



A proposal's built form:
concentrated to the north and tapering in plan form towards the southern
ESBS.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL: 0.15 (North Street)
Date: 10/10/2021
100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/1280/1281/1282/1283/1284/1285/1286/1287/1288/1289/1290/1291/1292/1293/1294/1295/1296/1297/1298/1299/1300/1301/1302/1303/1304/1305/1306/1307/1308/1309/1310/1311/1312/1313/1314/1315/1316/1317/1318/1319/1320/1321/1322/1323/1324/1325/1326/1327/1328/1329/1330/1331/1332/1333/1334/1335/1336/1337/1338/1339/1340/1341/1342/1343/1344/1345/1346/1347/1348/1349/1350/1351/1352/1353/1354/1355/1356/1357/1358/1359/1360/1361/1362/1363/1364/1365/1366/1367/1368/1369/1370/1371/1372/1373/1374/1375/1376/1377/1378/1379/1380/1381/1382/1383/1384/1385/1386/1387/1388/1389/1390/1391/1392/1393/1394/1395/1396/1397/1398/1399/1400/1401/1402/1403/1404/1405/1406/1407/1408/1409/1410/1411/1412/1413/1414/1415/1416/1417/1418/1419/1420/1421/1422/1423/1424/1425/1426/1427/1428/1429/1430/1431/1432/1433/1434/1435/1436/1437/1438/1439/1440/1441/1442/1443/1444/1445/1446/1447/1448/1449/1450/1451/1452/1453/1454/1455/1456/1457/1458/1459/1460/1461/1462/1463/1464/1465/1466/1467/1468/1469/1470/1471/1472/1473/1474/1475/1476/1477/1478/1479/1480/1481/1482/1483/1484/1485/1486/1487/1488/1489/1490/1491/1492/1493/1494/1495/1496/1497/1498/1499/1500/1501/1502/1503/1504/1505/1506/1507/1508/1509/1510/1511/1512/1513/1514/1515/1516/1517/1518/1519/1520/1521/1522/1523/1524/1525/1526/1527/1528/1529/1530/1531/1532/1533/1534/1535/1536/1537/1538/1539/1540/1541/1542/1543/1544/1545/1546/1547/1548/1549/1550/1551/1552/1553/1554/1555/1556/1557/1558/1559/1560/1561/1562/1563/1564/1565/1566/1567/1568/1569/1570/1571/1572/1573/1574/1575/1576/1577/1578/1579/1580/1581/1582/1583/1584/1585/1586/1587/1588/1589/1590/1591/1592/1593/1594/1595/1596/1597/1598/1599/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609/1610/1611/1612/1613/1614/1615/1616/1617/1618/1619/1620/1621/1622/1623/1624/1625/1626/1627/1628/1629/1630/1631/1632/1633/1634/1635/1636/1637/1638/1639/1640/1641/1642/1643/1644/1645/1646/1647/1648/1649/1650/1651/1652/1653/1654/1655/1656/1657/1658/1659/1660/1661/1662/1663/1664/1665/1666/1667/1668/1669/1670/1671/1672/1673/1674/1675/1676/1677/1678/1679/1680/1681/1682/1683/1684/1685/1686/1687/1688/1689/1690/1691/1692/1693/1694/1695/1696/1697/1698/1699/1700/1701/1702/1703/1704/1705/1706/1707/1708/1709/1710/1711/1712/1713/1714/1715/1716/1717/1718/1719/1720/1721/1722/1723/1724/1725/1726/1727/1728/1729/1730/1731/1732/1733/1734/1735/1736/1737/1738/1739/1740/1741/1742/1743/1744/1745/1746/1747/1748/1749/1750/1751/1752/1753/1754/1755/1756/1757/1758/1759/1760/1761/1762/1763/1764/1765/1766/1767/1768/1769/1770/1771/1772/1773/1774/1775/1776/1777/1778/1779/1780/1781/1782/1783/1784/1785/1786/1787/1788/1789/1790/1791/1792/1793/1794/1795/1796/1797/1798/1799/1800/1801/1802/1803/1804/1805/1806/1807/1808/1809/1810/1811/1812/1813/1814/1815/1816/1817/1818/1819/1820/1821/1822/1823/1824/1825/1826/1827/1828/1829/1830/1831/1832/1833/1834/1835/1836/1837/1838/1839/1840/1841/1842/1843/1844/1845/1846/1847/1848/1849/1850/1851/1852/1853/1854/1855/1856/1857/1858/1859/1860/1861/1862/1863/1864/1865/1866/1867/1868/1869/1870/1871/1872/1873/1874/1875/1876/1877/1878/1879/1880/1881/1882/1883/1884/1885/1886/1887/1888/1889/1890/1891/1892/1893/1894/1895/1896/1897/1898/1899/1900/1901/1902/1903/1904/1905/1906/1907/1908/1909/1910/1911/1912/1913/1914/1915/1916/1917/1918/1919/1920/1921/1922/1923/1924/1925/1926/1927/1928/1929/1930/1931/1932/1933/1934/1935/1936/1937/1938/1939/1940/1941/1942/1943/1944/1945/1946/1947/1948/1949/1950/1951/1952/1953/1954/1955/1956/1957/1958/1959/1960/1961/1962/1963/1964/1965/1966/1967/1968/1969/1970/1971/1972/1973/1974/1975/1976/1977/1978/1979/1980/1981/1982/1983/1984/1985/1986/1987/1988/1989/1990/1991/1992/1993/1994/1995/1996/1997/1998/1999/2000/2001/2002/2003/2004/2005/2006/2007/2008/2009/2010/2011/2012/2013/2014/2015/2016/2017/2018/2019/2020/2021/2022/2023/2024/2025/2026/2027/2028/2029/2030/2031/2032/2033/2034/2035/2036/2037/2038/2039/2040/2041/2042/2043/2044/2045/2046/2047/2048/2049/2050/2051/2052/2053/2054/2055/2056/2057/2058/2059/2060/2061/2062/2063/2064/2065/2066/2067/2068/2069/2070/2071/2072/2073/2074/2075/2076/2077/2078/2079/2080/2081/2082/2083/2084/2085/2086/2087/2088/2089/2090/2091/2092/2093/2094/2095/2096/2097/2098/2099/2100/2101/2102/2103/2104/2105/2106/2107/2108/2109/2110/2111/2112/2113/2114/2115/2116/2117/2118/2119/2120/2121/2122/2123/2124/2125/2126/2127/2128/2129/2130/2131/2132/2133/2134/2135/2136/2137/2138/2139/2140/2141/2142/2143/2144/2145/2146/2147/2148/2149/2150/2151/2152/2153/2154/2155/2156/2157/2158/2159/2160/2161/2162/2163/2164/2165/2166/2167/2168/2169/2170/2171/2172/2173/2174/2175/2176/2177/2178/2179/2180/2181/2182/2183/2184/2185/2186/2187/2188/2189/2190/2191/2192/2193/2194/2195/2196/2197/2198/2199/2200/2201/2202/2203/2204/2205/2206/2207/2208/2209/2210/2211/2212/2213/2214/2215/2216/2217/2218/2219/2220/2221/2222/2223/2224/2225/2226/2227/2228/2229/2230/2231/2232/2233/2234/2235/2236/2237/2238/2239/2240/2241/2242/2243/2244/2245/2246/2247/2248/2249/2250/2251/2252/2253/2254/2255/2256/2257/2258/2259/2260/2261/2262/2263/2264/2265/2266/2267/2268/2269/2270/2271/2272/2273/2274/2275/2276/2277/2278/2279/2280/2281/2282/2283/2284/2285/2286/2287/2288/2289/2290/2291/2292/2293/2294/2295/2296/2297/2298/2299/2300/2301/2302/2303/2304/2305/2306/2307/2308/2309/2310/2311/2312/2313/2314/2315/2316/2317/2318/2319/2320/2321/2322/2323/2324/2325/2326/2327/2328/2329/2330/2331/2332/2333/2334/2335/2336/2337/2338/2339/2340/2341/2342/2343/2344/2345/2346/2347/2348/2349/2350/2351/2352/2353/2354/2355/2356/2357/2358/2359/2360/2361/2362/2363/2364/2365/2366/2367/2368/2369/2370/2371/2372/2373/2374/2375/2376/2377/2378/2379/2380/2381/2382/2383/2384/2385/2386/2387/2388/2389/2390/2391/2392/2393/2394/2395/2396/2397/2398/2399/2400/2401/2402/2403/2404/2405/2406/2407/2408/2409/2410/2411/2412/2413/2414/2415/2416/2417/2418/2419/2420/2421/2422/2423/2424/2425/2426/2427/2428/2429/2430/2431/2432/2433/2434/2435/2436/2437/2438/2439/2440/2441/2442/2443/2444/2445/2446/2447/2448/2449/2450/2451/2452/2453/2454/2455/2456/2457/2458/2459/2460/2461/2462/2463/2464/2465/2466/2467/2468/2469/2470/2471/2472/2473/2474/2475/2476/2477/2478/2479/2480/2481/2482/2483/2484/2485/2486/2487/2488/2489/2490/2491/2492/2493/2494/2495/2496/2497/2498/2499/2500/2501/2502/2503/2504/2505/2506/2507/2508/2509/2510/2511/2512/2513/2514/2515/2516/2517/2518/2519/2520/2521/2522/2523/2524/2525/2526/2527/2528/2529/2530/2531/2532/2533/2534/2535/2536/2537/2538/2539/2540/2541/2542/2543/2544/2545/2546/2547/2548/2549/2550/2551/255



The local site catchment includes mixes of low and medium density housing, the industrial activities of Port Botany further to the west.

Low density typically occupies the western side of Anzac Parade, in torrens title subdivisions which are individually owned land parcels. The eastern side of Anzac Parade and Jennifer Street includes multiple large landholdings, formerly or currently occupied by public uses. The Prince Henry Hospital site and Little Bay Cove sites are examples of the change on this eastern side.

Built form ranges from single to some three storey houses in the lower density areas. There are three public housing blocks reaching 4 and 6 storeys.

On the eastern side of Anzac Parade and Jennifer Street, there is a range of scales within each development- but predominantly 4-6 storeys as the major visible scale to Anzac Parade along the topographic spine, and 3 - 5/6 storeys on east west spine streets such as Pine Avenue and Harvey Street.

There is a current proposal to further upzone lands on the Meriton site at Little Bay to tower forms of up to 22 storeys, since refused.

This proposal for the Jennifer Street site respects the more established 3 - 5 storey patterns that are evolving.

It proposes a mix of 3 and 4 storeys on the site tailored to

- distribute built form to preserve existing ESBS + appropriate buffers
- protect the public vista along Reservoir Street view
- define the permissible 3 storey scale to the Jennifer Steet frontage
- reinforce corners as per the established pattern on sites to the north

Some areas of 4 storey are explored, along the recreational corridor, to enable development form to better address the expansive coastal landscape to the east

- 6 storey volume
- 5 storey volume
- 4 storey volume
- 3 storey volume

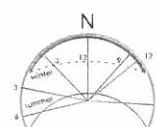
Stage 1 Concept Development Application Jennifer Street, Little Bay

20.23
11-27 Jennifer Street, Little Bay
EG Property Advisory

Built form - Footprint + Height

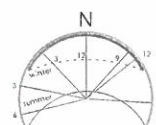
DA 1.5 A

15/3/22



hill thalis
ARCHITECTURE • URBAN PROJECTS PTY LTD

LEVEL 4, 15 Little Street
Sydney NSW 2010 Australia
Tel: 02 9211 1234 Fax: 02 9211 1235
E: info@hillthalis.com.au W: www.hillthalis.com.au
Hill Thalishillthalis.com.au 15/3/22



A proposal's built form:
concentrated to the north and tapering in plan form towards the southern
ESBS.

hill thalis
ARCHITECTURE • URBAN PROJECTS PTY LTD
LEVEL: 0 - 15 Little Street
Sydney NSW 2015 Australia
Tel: 02 9211 9221 Fax: 02 9211 9222
E: gordon@hillthalis.com.au www.hillthalis.com.au
Members of the Australian Planning Institute and the Australian Urban Property Group

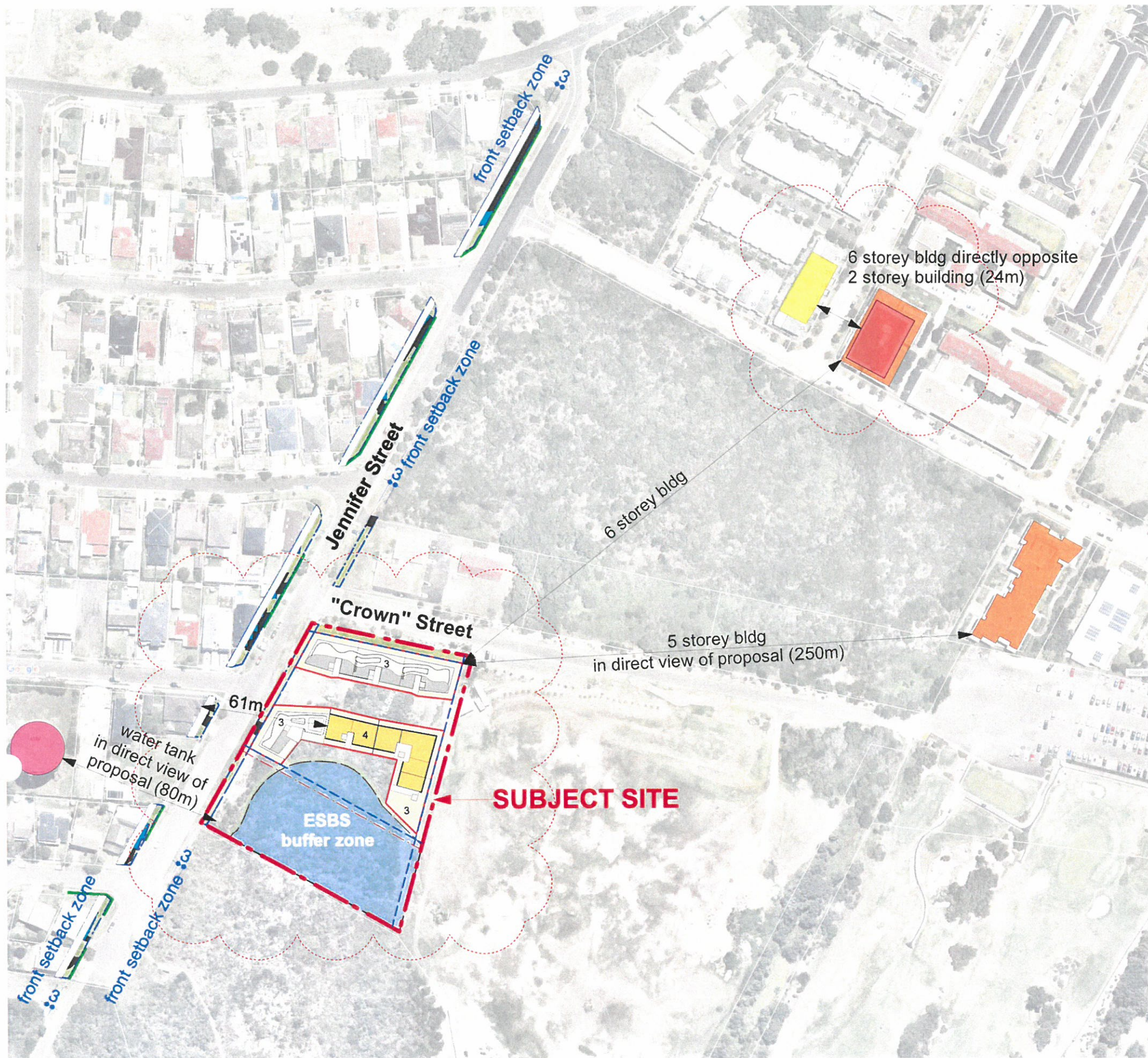
Stage 1 Concept Development Application
Jennifer Street, Little Bay





20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Location Plan, Site Analysis

DA 2.01 A

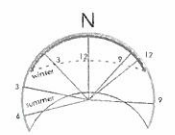
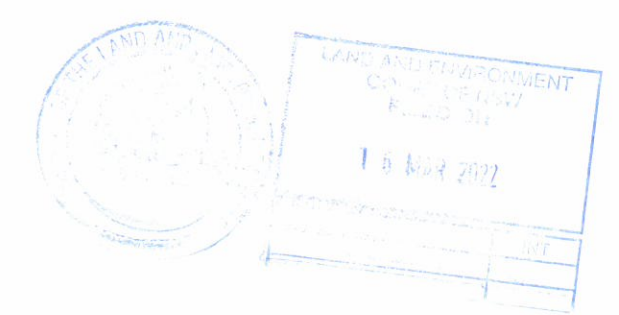
1:5000 @ A3 15/3/22



-  Hardscape Area
-  Deep soil landscape Area
-  Structure within the 6m front setback zone
-  High boundary wall, metal or timber fence

Amendments include:

- Bldg footprint modified
- Context information added

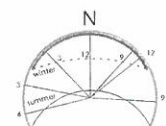


This design is informed by a thorough analysis of the evolving urban conditions. The scale of neighbouring buildings is diverse; older 1 and 2 storey houses predominate west of Jennifer Street, while heights between 3 and 6 storeys predominate in the new areas directly to the north

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

Stage 1 Concept Development Application
Jennifer Street, Little Bay
20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Site Analysis
DA 2.02 A
1,5000 @ A3 15/3/22



The site plan deliberately leaves open the vista along Reservoir Street eastward towards the horizon, which is an important public view. Overall, the design responds to its particular site conditions, appropriately addressing the street frontage.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4, 15 Foster Street
Sydney NSW 2010 Australia
Phone: +61 (0)2 9211 1234
Email: info@hillthalis.com.au
Website: www.hillthalis.com.au

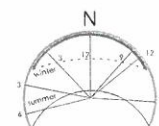
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Private views analysis

DA 2.04 A

1:1000 @ A3 15/3/22



The RLs are the proposed ground floor levels of the building envelopes. The building envelopes indicate the layout of cores, apartments, common elements and apartment size, distribution and mix.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

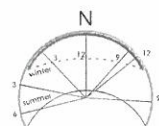
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Indicative Ground Floor Plan

DA 2.11 A

1:1000 @ A3 15/3/22



The building envelopes indicate the layout of cores, apartments, common elements and apartment size, distribution and mix.
The articulation zones permit balconies, bay windows, projections, eaves and the like.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4, 15 Forster Street
Sydney NSW 2010 Australia
T 02 9211 6171 F 02 9211 6172
E info@hillthalis.com.au
Hill Thalys Architecture Pty Ltd ABN 75 111 111 111

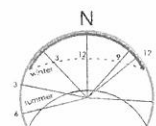
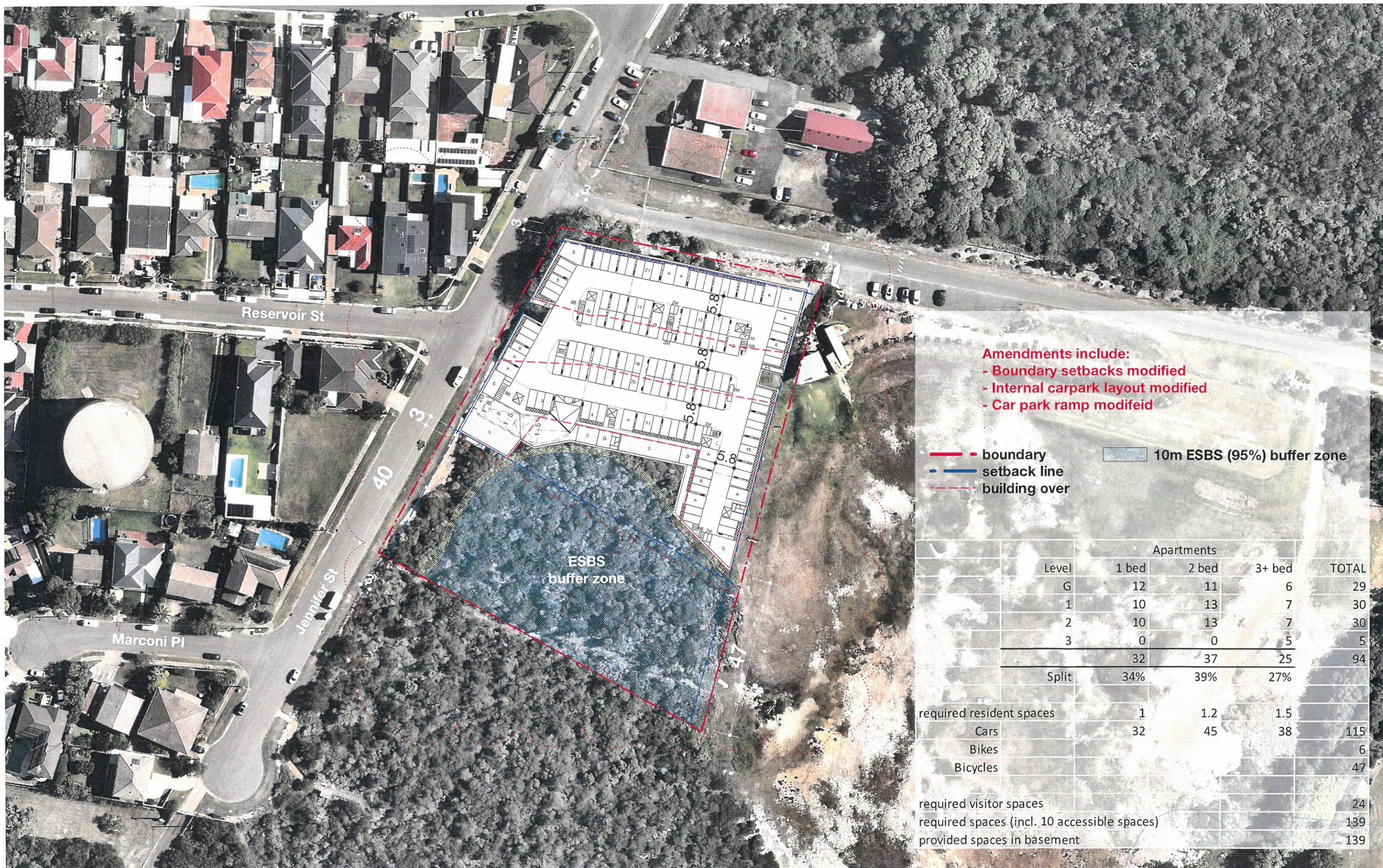
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Indicative Typical Floor Plan

DA 2.12 A

1:1000 @ A3 15/3/22



The efficient single level basement car park is predominantly under the building footprint, reserving the entire perimeter and southern part as deep soil landscape. The basement accommodates the required car parking, bikes and motorbikes and indicative garbage rooms, services, cores and escape stairs.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4: 13 Princes Street
Sydney NSW 2010 Australia
T: 61 2 9211 6274 F: 61 2 9211 6275
E: info@hillthalis.com.au www.hillthalis.com.au
Hill Thalis Architects Pty Ltd ABN 62 627 015 000

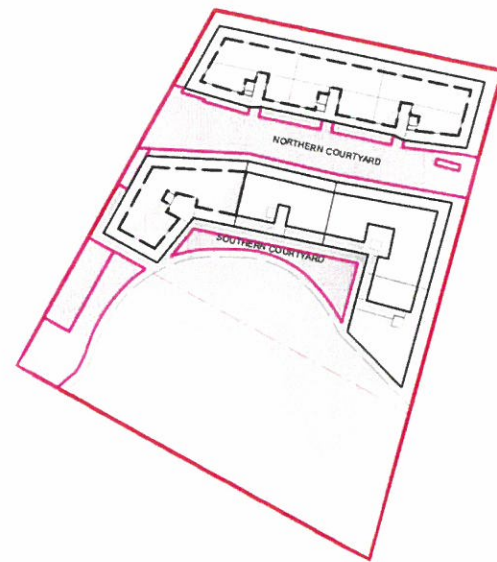
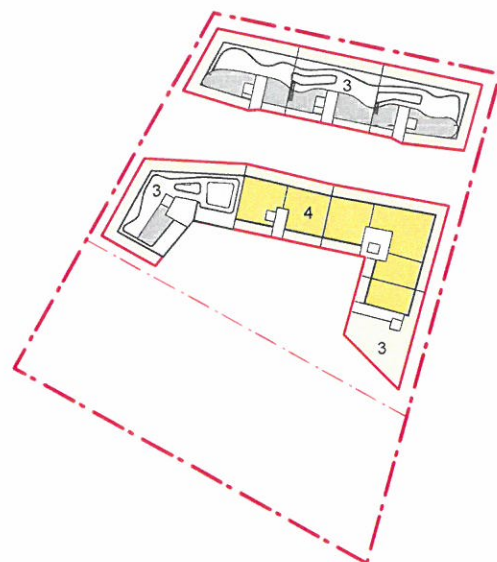
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

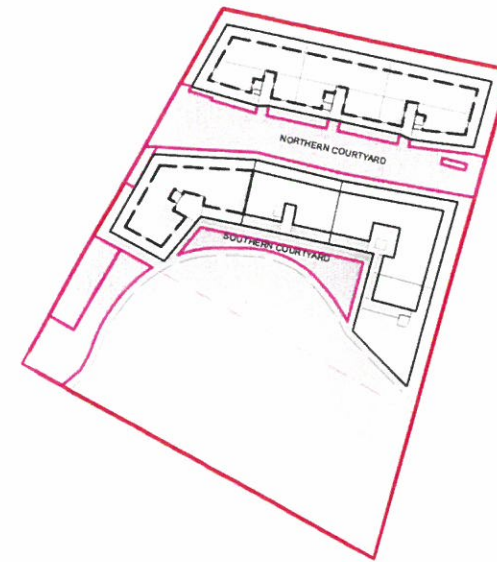
Indicative Basement Parking

DA 2.14 A

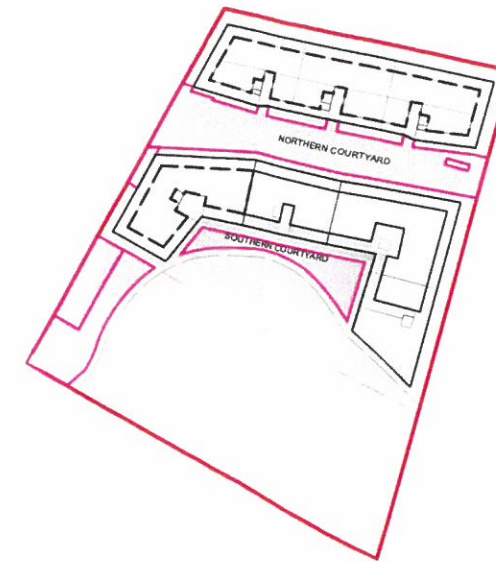
1:1000 @ A3 15/3/22



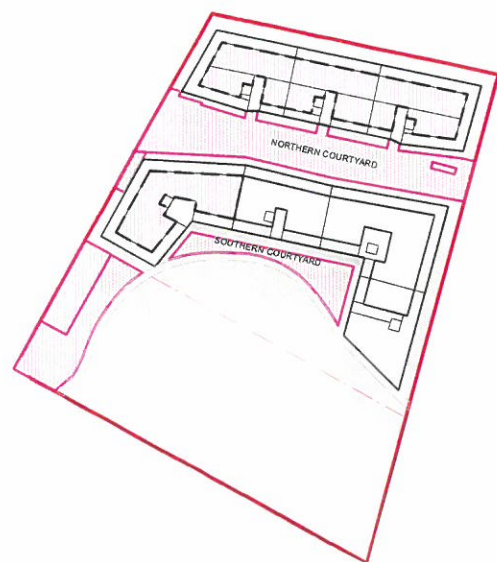
Sun analysis 21 June 9am



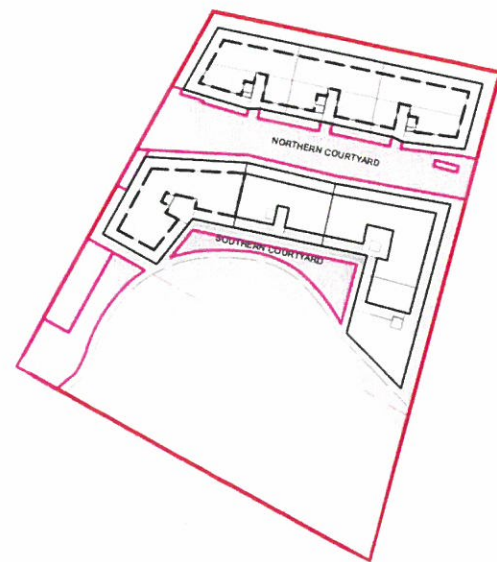
Sun analysis 21 June 10am



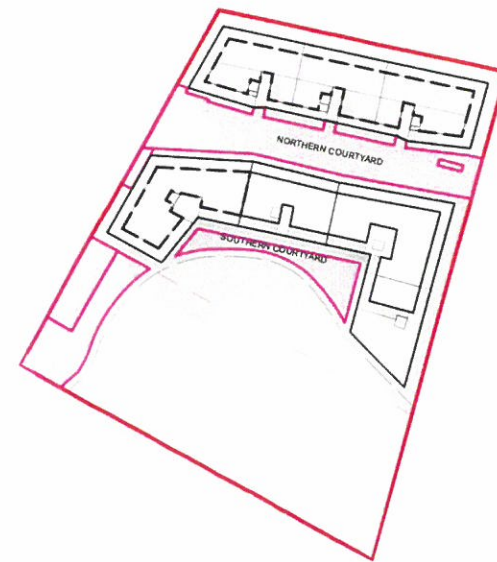
Sun analysis 21 June 11am



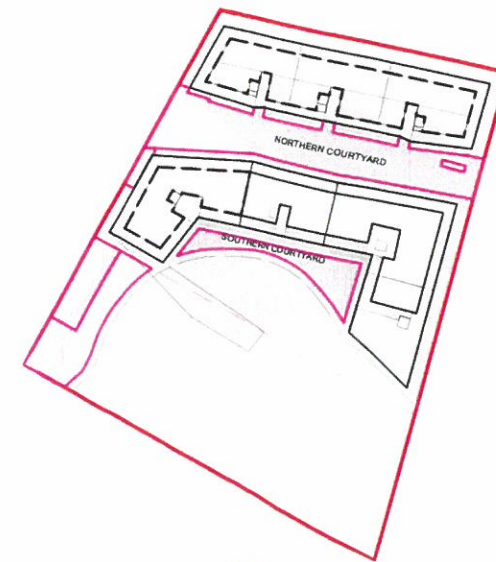
Sun analysis 21 June 12pm




Sun analysis 21 June 1pm

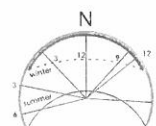


Sun analysis 21 June 2pm



Sun analysis 21 June 3pm

 Communal open space (COS)



The mid winter shadow diagrams show that the ESBS retained on site receives excellent sun throughout the day.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4, 15 Archer Street
Sydney NSW 2010 Australia
T 02 9211 8276 F 02 9211 8277
E info@hillthalis.com.au
Hill Thalis Architecture Pty Ltd ABN 62 627 518 525

Stage 1 Concept Development Application
Jennifer Street, Little Bay

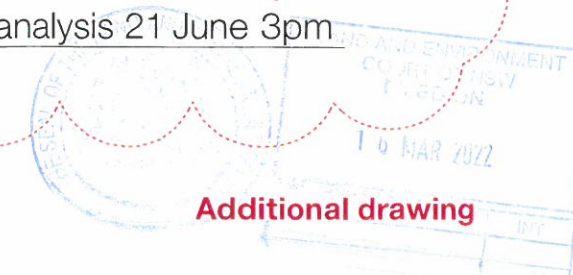
20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

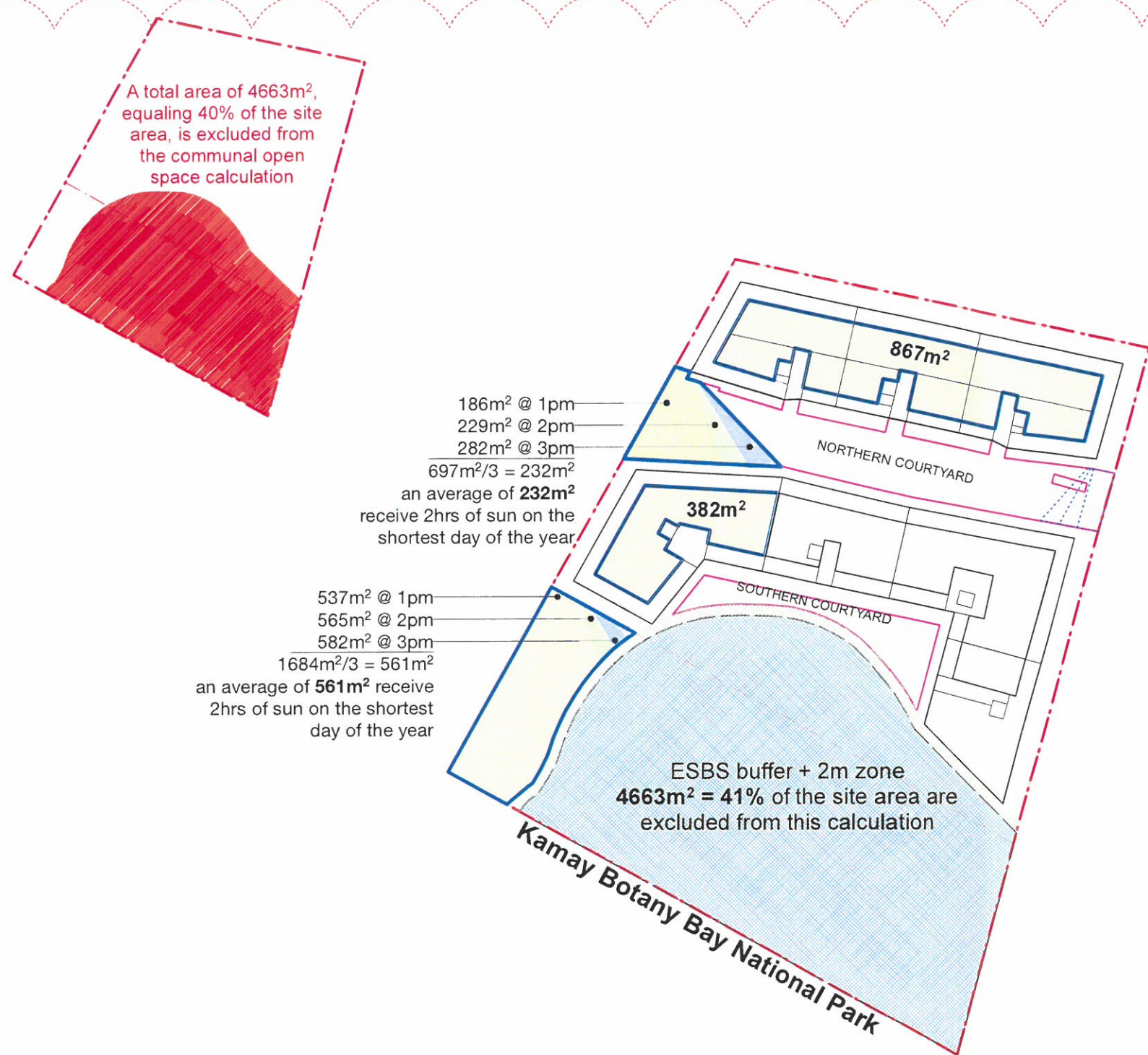
Sun Analysis to COS

DA 2.16 A

1:5000 @ A3 15/3/22

Additional drawing





Additional drawing

867m²
+ 232m²
+ 382m²
+ 561m²
At least **2043m²**, or **70%** of the required area of communal open space (2902.5m²) receive at least 2hrs of direct sun on 21 June.

- Legend:**
- Boundary
 - Communal open space,
 - Communal open space, with at least 2hrs of direct sun**

Landscaped area + communal open space

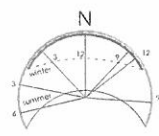
	sqm	
Site Area (SA)	11610	100%

Required Landscaped Area (LA), DCP	5805	50%
Proposed Landscaped Area (LA)	7795	67%

Required Deep Soil Area, DCP	2903	50% of LA
Proposed Deep Soil Area	6009	77% of LA 52% of SA

ADG requirements	2903	25% of SA
Communal open space at GF	1911	16%
Communal roof terrace	1283	11%
Proposed communal open space	3194	28%

Additional communal open space	599	5%
Total communal open space	3793	33%



The communal open space areas exceed the requirements of the Apartment Design Guide, despite the exclusion a significant area (4663sqm = 41%) from the calculation, that provides a connection to natural environment for residents, valuable breathing space and outlook.

3D Communal and public open space

Communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between apartment buildings. It also contributes to the appeal of a development and the wellbeing of residents. Some communal open space is accessible and usable by the general public.

The size, location and design of communal or public open space will vary depending on the site context and the scale of development. The function of open space is to provide amenity in the form of:

- landscape character and design
- opportunities for group and individual recreation and activities
- opportunities for social interaction
- environmental and water cycle management
- opportunities to modify microclimate
- amenity and outlook for residents.

The useable part of the communal open space area may be supplemented by:

- additional landscape area, circulation space and areas for passive use and outlook
- public land used for open space and vested in or under the control of a public authority.

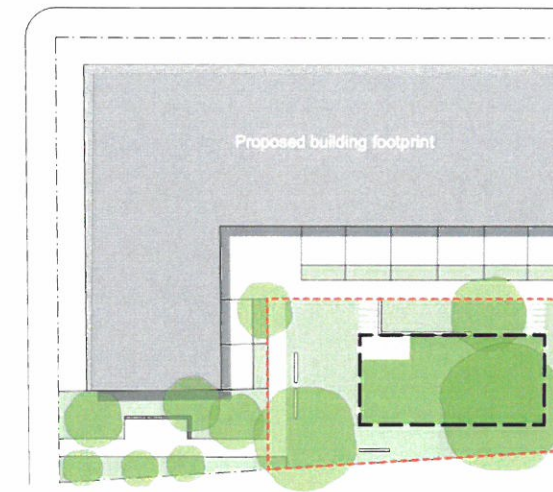
High quality open space is particularly important and beneficial in higher density developments (for private open space requirements see section 4E Private open space and balconies).



Figure 3D.1 Quality landscape design of communal spaces and pathways is particularly important for high density developments



Figure 3D.2 Communal open spaces can be located on the podium or roofs and should offer gathering areas to provide opportunity for social interaction amongst residents



- — — Minimum deep soil zone
- - - - Principal usable part of communal open space area
- · · · · Site boundary

Figure 3D.3 The principal usable part of communal open spaces should be consolidated



Figure 3D.4 Recreation areas such as the communal garden setting above allow residents to relax and connect to the natural environment

Objective 3D-1

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Design criteria

1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)
2. 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)

Design guidance

Communal open space should be consolidated into a well designed, easily identified and usable area

Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions

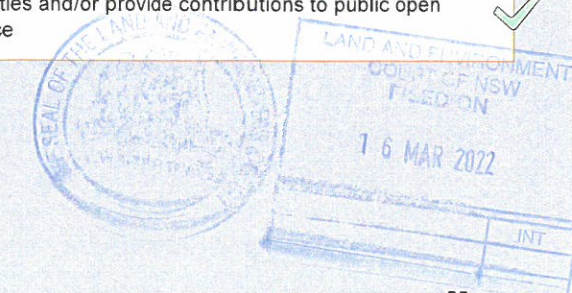
Communal open space should be co-located with deep soil areas

Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies

Where communal open space cannot be provided at ground level, it should be provided on a podium or roof

Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room
- provide larger balconies or increased private open space for apartments
- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space



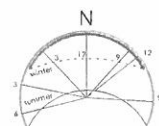
The communal open space areas exceed the requirements of the Apartment Design Guide, despite the exclusion a significant area (4663sqm = 41%) from the calculation, that provides a connection to natural environment for residents, valuable breathing space and outlook.



3 storeys
 4 storeys
 Community room
1B _ number of bedrooms B

INDIVIDATIVE SPLIT PER LEVEL

Level	Apartments			TOTAL
	1 bed	2 bed	3+ bed	
G	12	11	6	29
1	10	13	7	30
2	10	13	7	30
3	0	0	5	5
	32	37	25	94
Split	34%	39%	27%	



The building footprints accommodate a wide mix of housing types and sizes. Heights are indicated in yellow, while the blue areas are the apartments proposed to be allocated for the 20% Affordable Housing SEPP component.

hill thalis
 ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4 13 Foster Street
 Sydney NSW 2010 Australia
 T 61 2 9211 4226 P 61 2 9211 3411
 E admin@hillthalis.com.au www.hillthalis.com.au
 Hill Thalys is a registered Professional Architect No. 14175

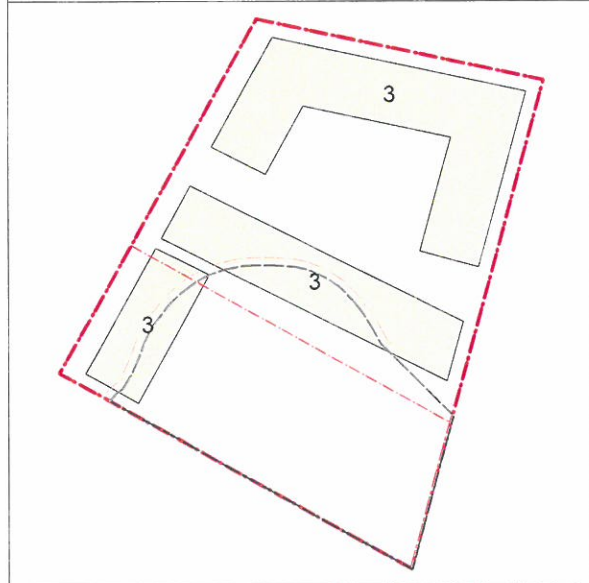
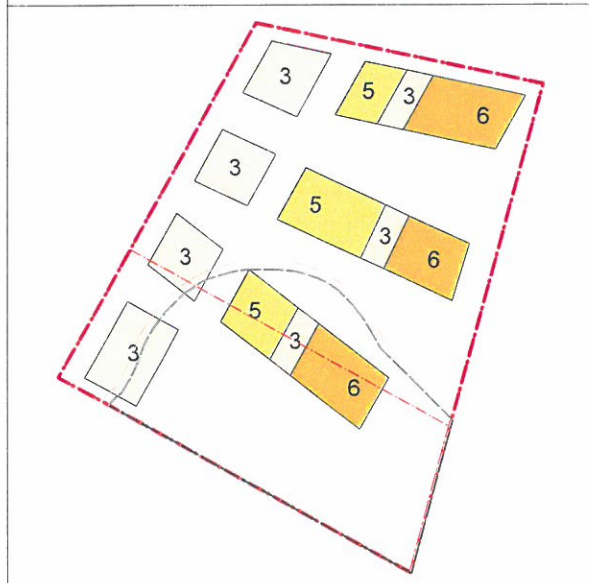
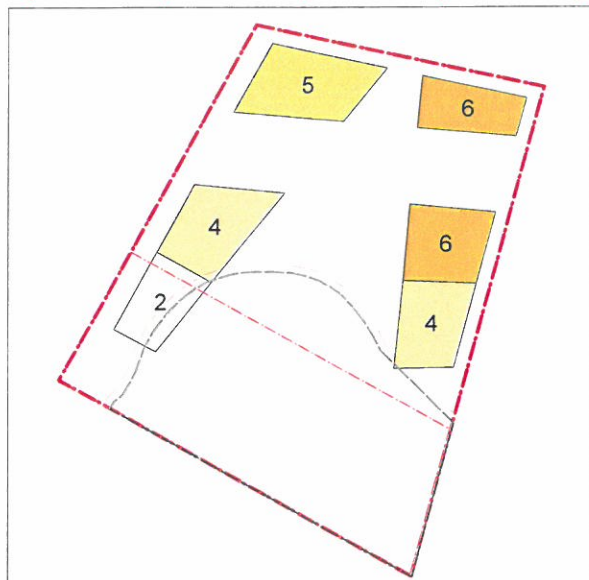
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
 11 - 27 Jennifer Street, Little Bay
 Urban Property Group

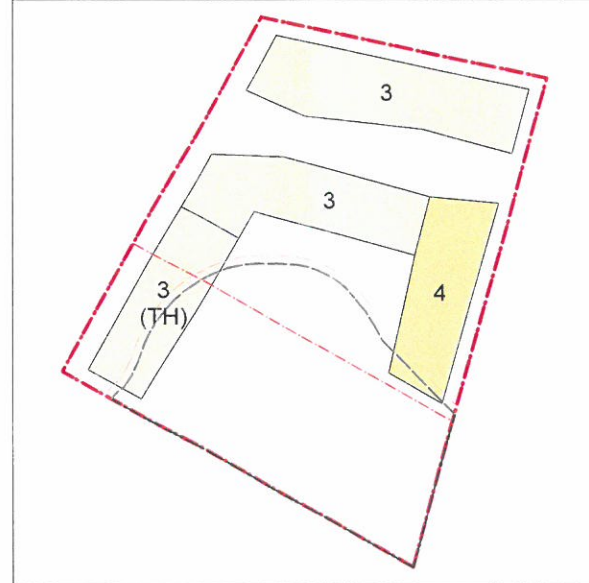
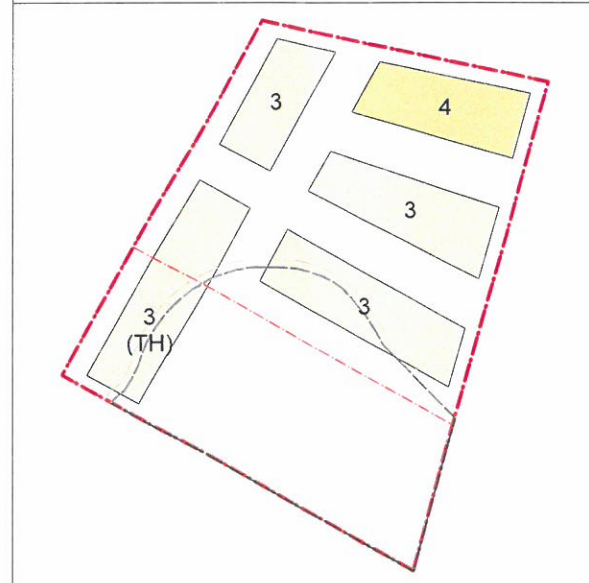
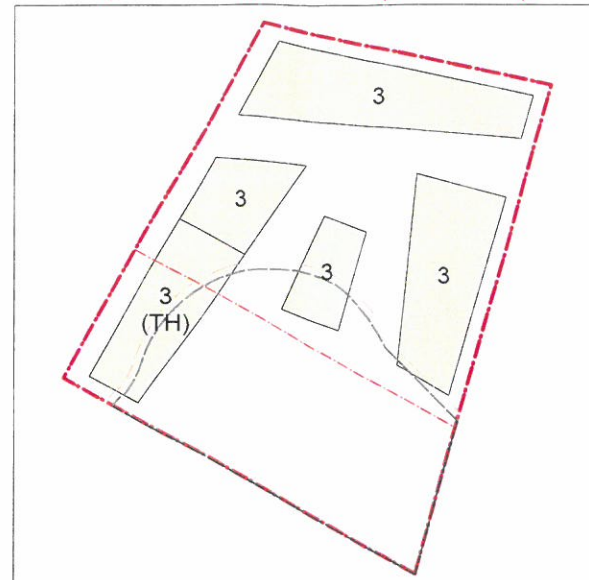
Indicative apartment mix

DA 2.19 A

15/3/22



Initial schemes



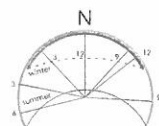
Refined schemes

Additional drawing

- 2 storeys
- 3 storeys
- 4 storeys
- 5 storeys
- 6 storeys



Proposed Scheme



The designs are informed by a thorough analysis of the evolving urban conditions and respond to the scale of neighbouring buildings; older 1 and 2 storey houses predominate west of Jennifer Street, while heights between 3 and 6 storeys predominate in the new areas directly to the north.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4, 12 Princes Street
Sydney NSW 2010 Australia
T 61 2 9211 6274 F 61 2 9211 3171
E info@hillthalis.com.au www.hillthalis.com.au
Hill Thalish Architects Pty Ltd ABN 62 618 454 545

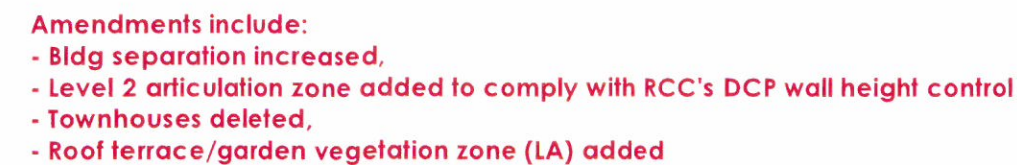
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Footprint Comparison

DA 2.20 A

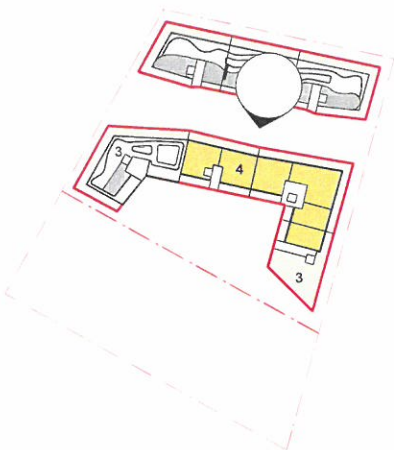
15/3/22



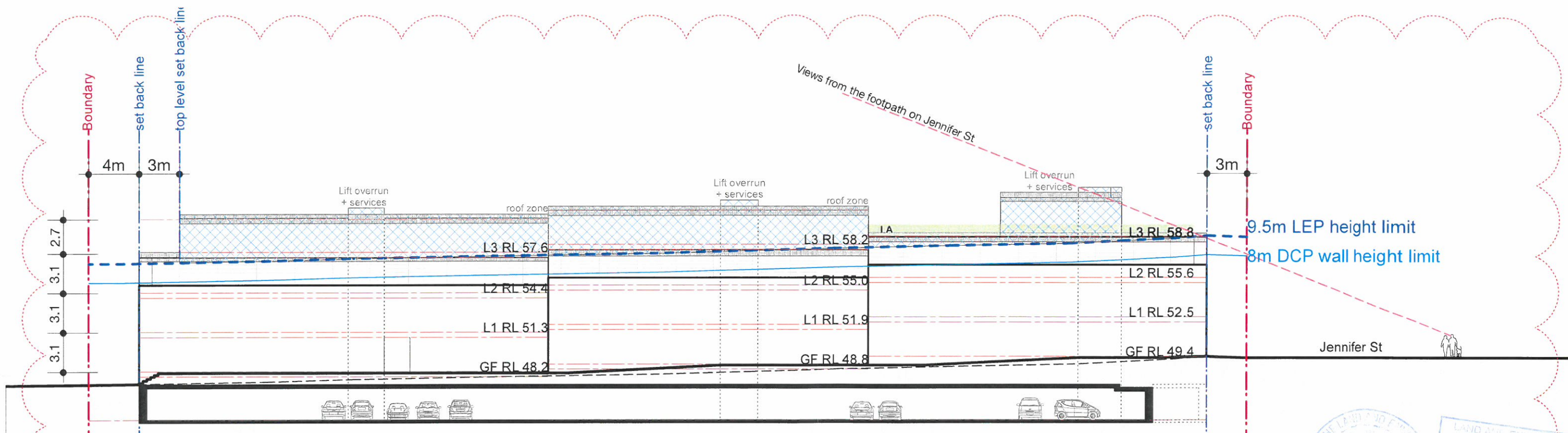
hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4, 115 Foster Street
Sydney Hills NSW 2110 Australia
t 02 9291 6272 f 02 9291 3811
e caroline@hillthalis.com.au www.hillthalis.com.au
Mountain Road Australia Pty Ltd. Details: 067805040, Hill H5005

1:300 @A3 15/3/22

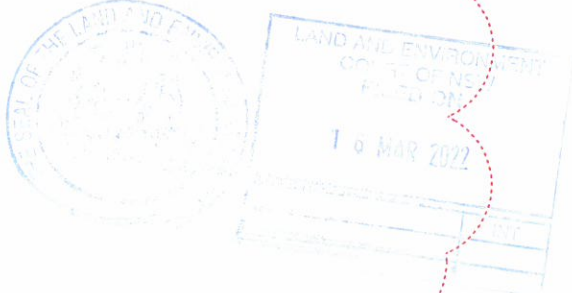


- Amendments include:
- RLs amended,
 - Level 2 articulation zone added to comply with RCC's DCP wall height control
 - Roof terrace/garden vegetation zone (LA) added



SCHEMATIC NORTH ELEVATION, SOUTHERN BLDG (THROUGH NORTHERN COURTYARD)

- PARTS OF THE BLDG EXCEEDING THE 9.5M HEIGHT LIMIT
- LA** REFER TO LANDSCAPE ARCHITECT'S DRAWINGS

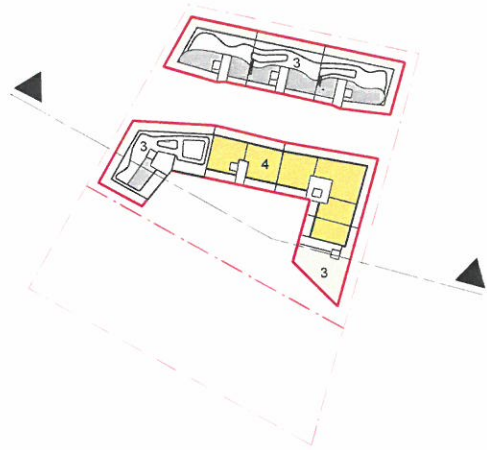


The building envelope steps with the sloping ground. The 4th storey component is not visible to Jennifer Street. The public view through the site through the northern courtyard is retained and framed.

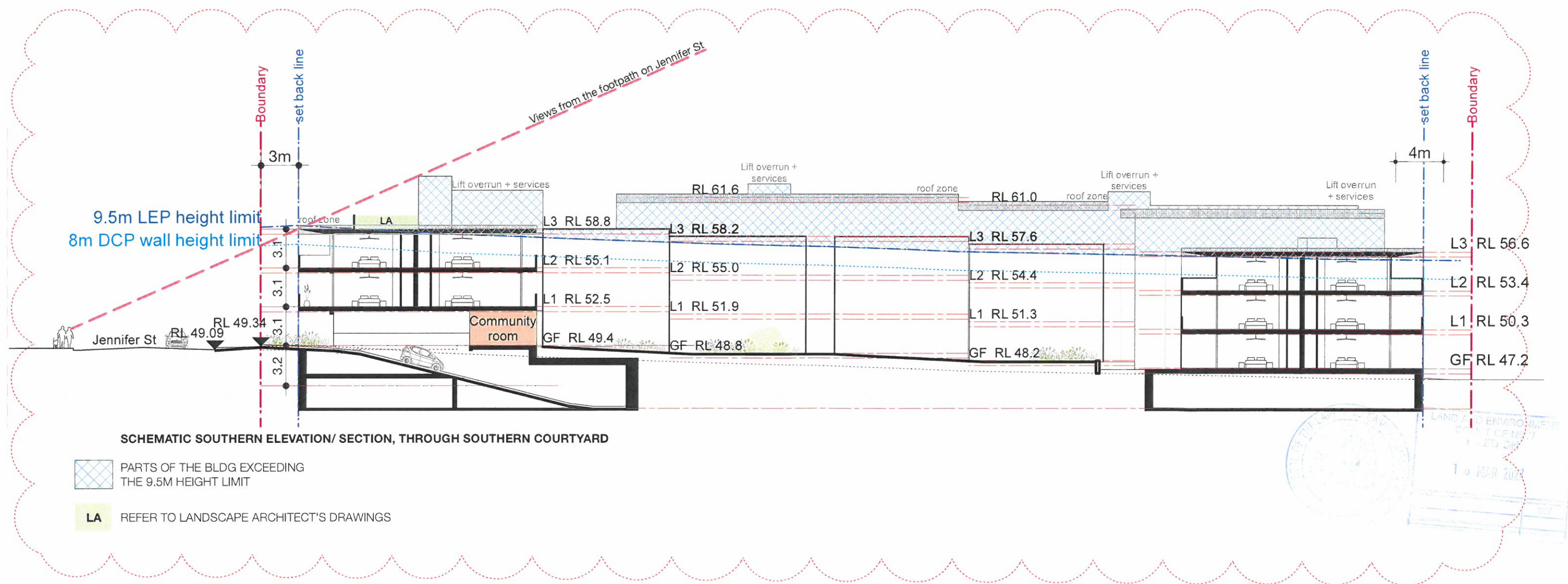


Stage 1 Concept Development Application
Jennifer Street, Little Bay
 20.23
 11 - 27 Jennifer Street, Little Bay
 Urban Property Group

North Elevation/ Section
DA 2.24 **A**
 1:300 @A3 15/3/22



- Amendments include:**
- RLs amended,
 - Level 2 articulation zone added to comply with RCC's DCP wall height control
 - Roof terrace/garden vegetation zone (LA) added



The southern courtyard is a broad deep soil landscaped space, open to ESBS to the south.
The community room is placed above the basement driveway.

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4 - 15 Fitch Street
Newcastle NSW 2060 Australia
T 02 4921 1234 F 02 4921 1235
E info@hillthalis.com.au www.hillthalis.com.au
Hill Thalys Architecture Pty Ltd ABN 65 655 555

Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

Section/ South Elevation

DA 2.25 A

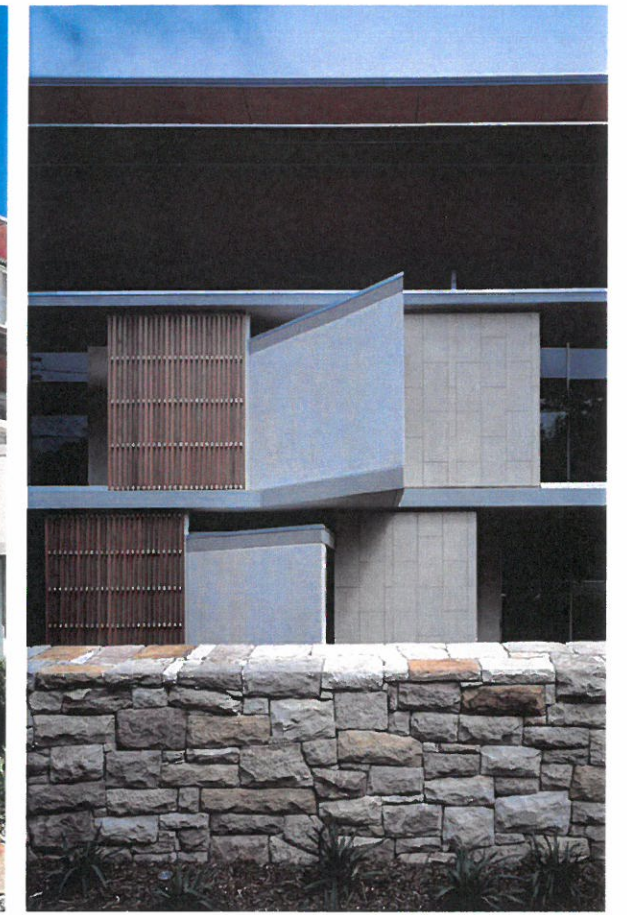
1:300 @A3 15/3/22



© Candalepas Associates



© Candalepas Associates

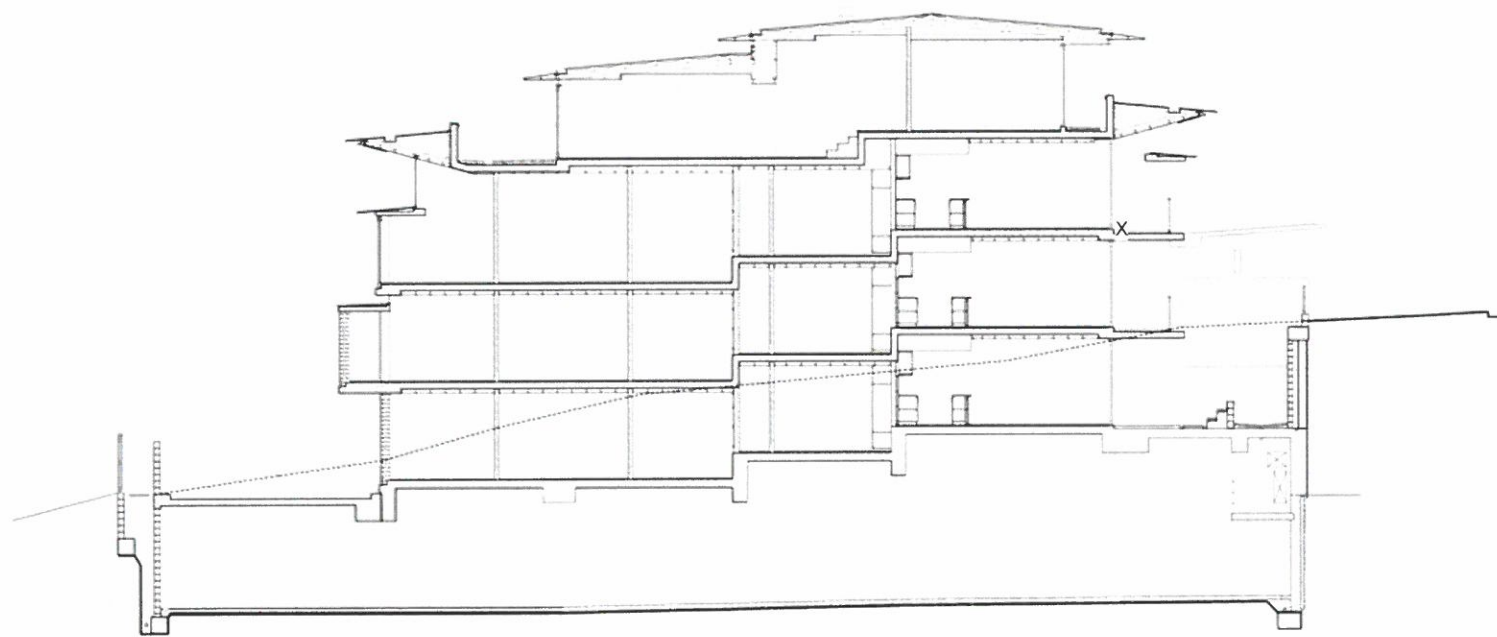


Pindari Apartments by Candalepas Associates

AIA National Architecture Award Multiple Housing, 2009

AIA NSW Architecture Award Multi-unit Residential, 2009

AIA NSW Architecture Award Multi-unit Residential, 2006



Additional drawing



68-72 Wentworth St, Randwick NSW 2031

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4, 12 Finkler Street
Sydney NSW 2000 Australia
T: 02 9211 1010 F: 02 9211 1011
E: info@hillthalis.com.au www.hillthalis.com.au
Hill Thalys Architects Pty Ltd ABN 62 617 018 111

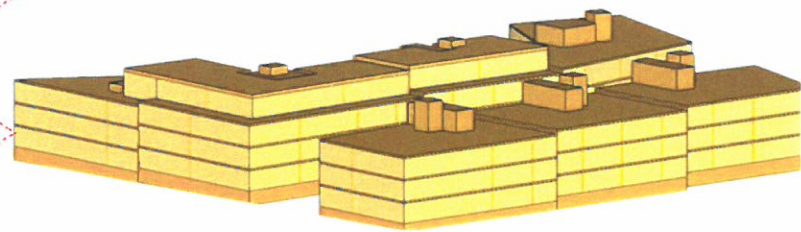
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11 - 27 Jennifer Street, Little Bay
Urban Property Group

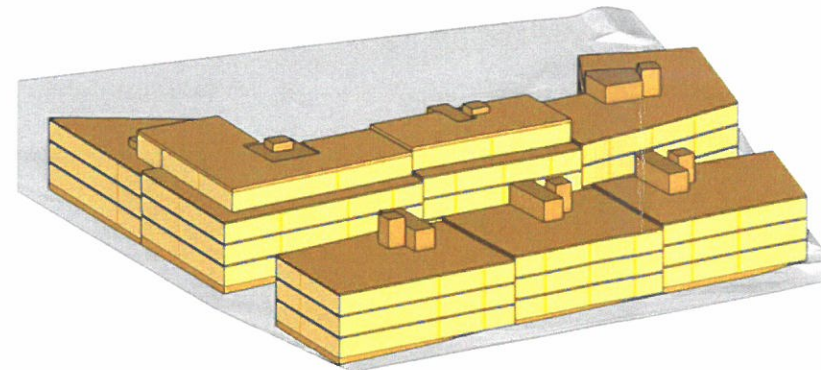
PRECEDENTS

DA 2.27 A

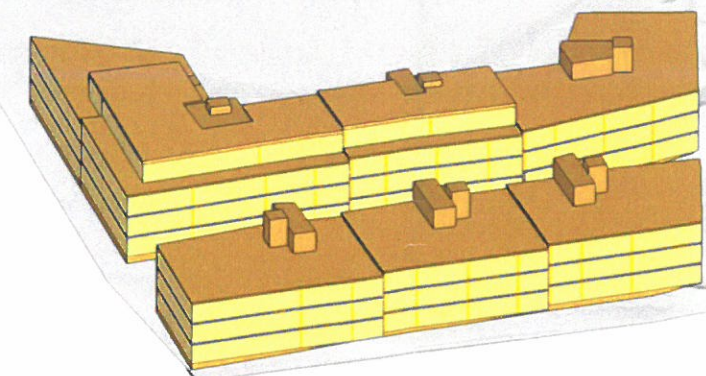
NTS 15/3/22



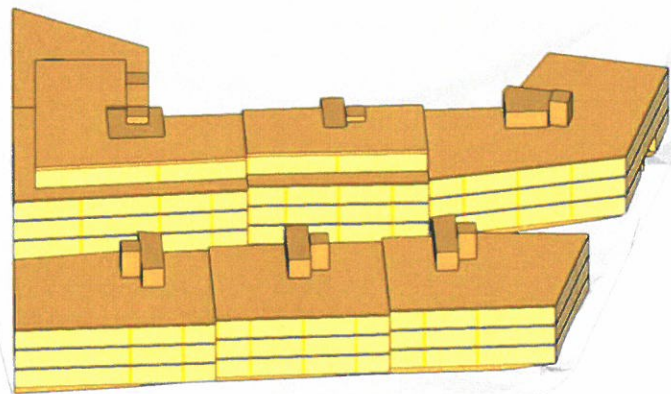
View from sun 21 June 8am



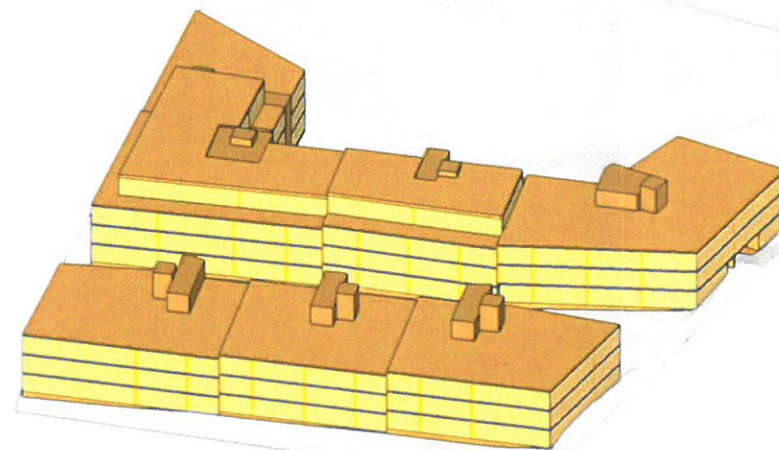
View from sun 21 June 9am



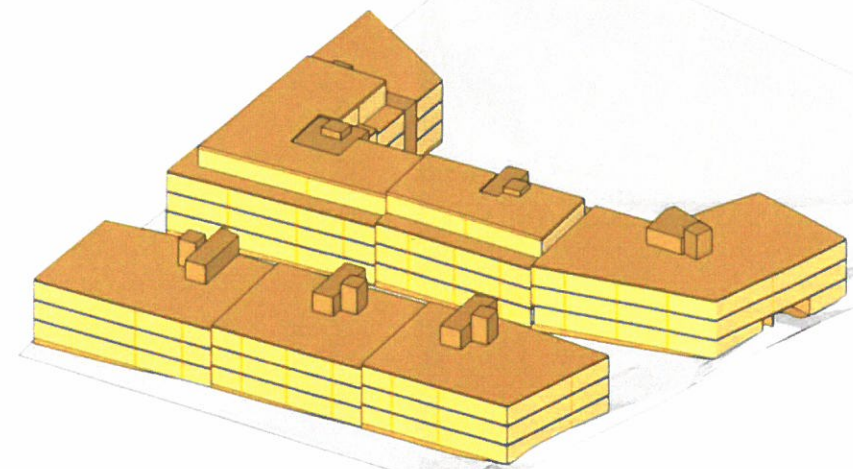
View from sun 21 June 10am



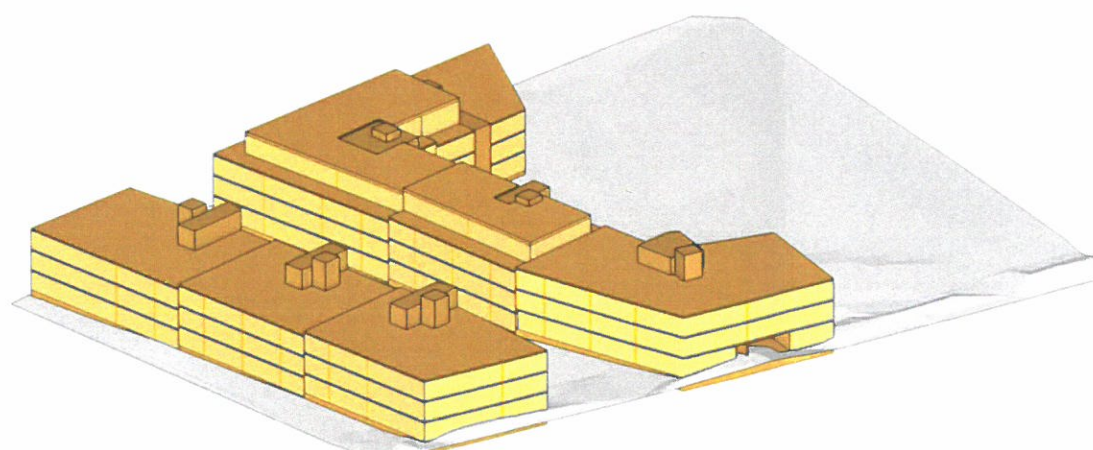
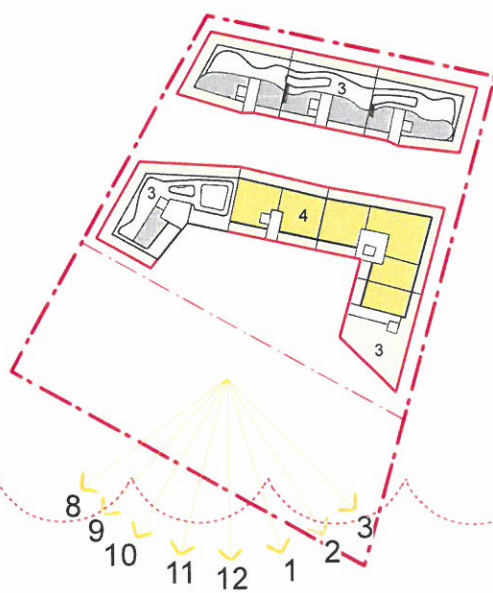
View from sun 21 June 11am



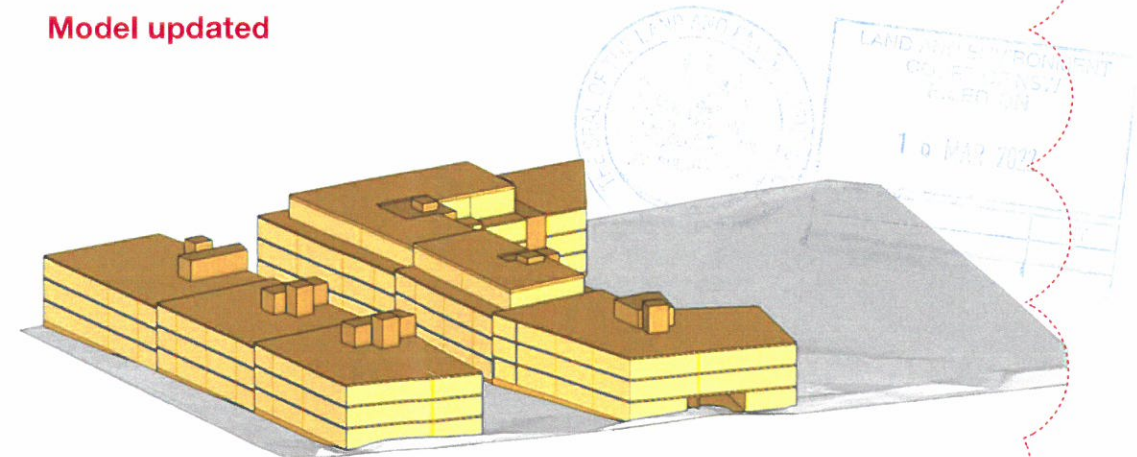
View from sun 21 June 12pm



View from sun 21 June 1pm

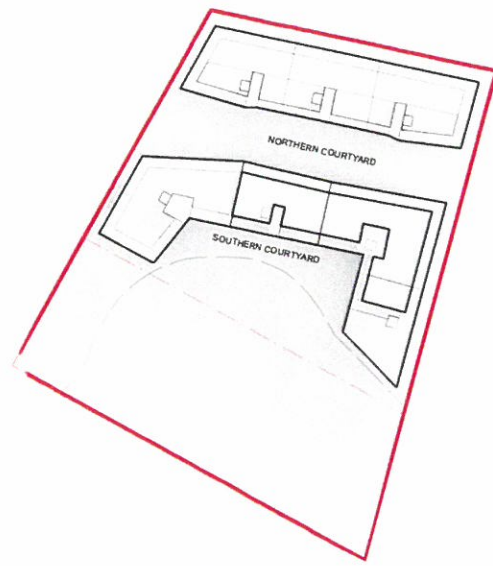
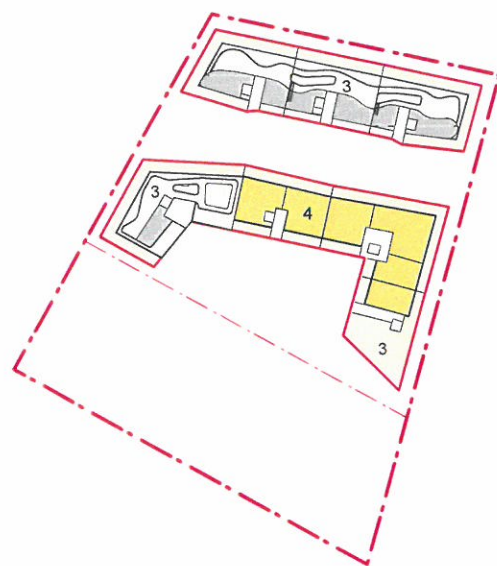


View from sun 21 June 2pm

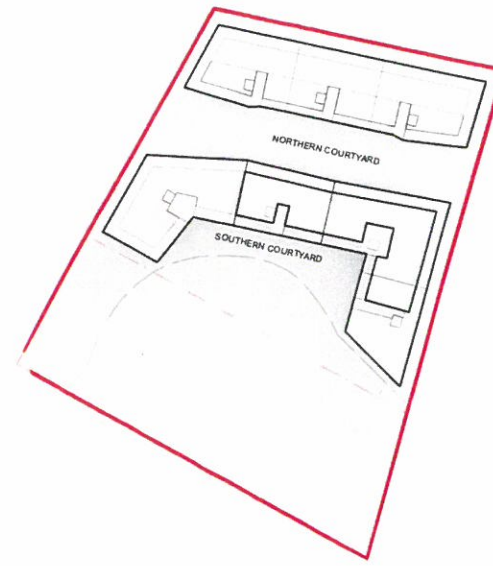


View from sun 21 June 3pm

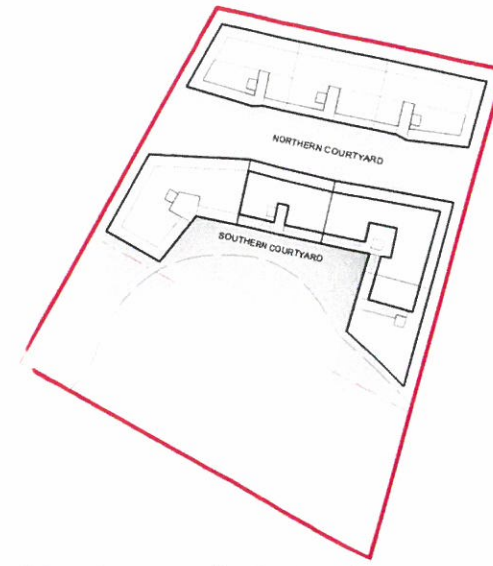
A proposal approximating the permissible floor space ratio, with built form distributed in north south orientation, concentrated to the north and tapering in height and plan form towards the southern ESBS.



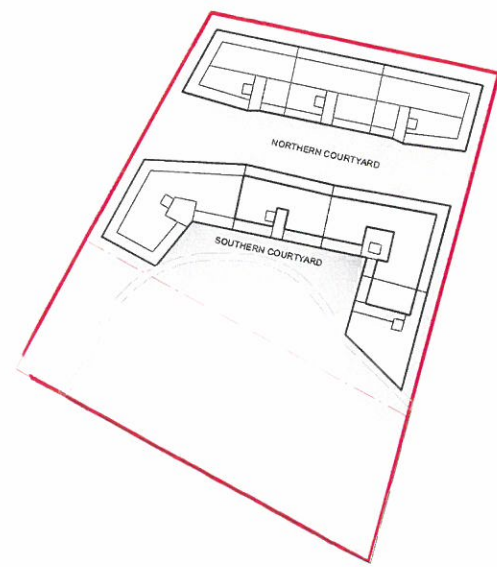
Shadow analysis 21 June 9am



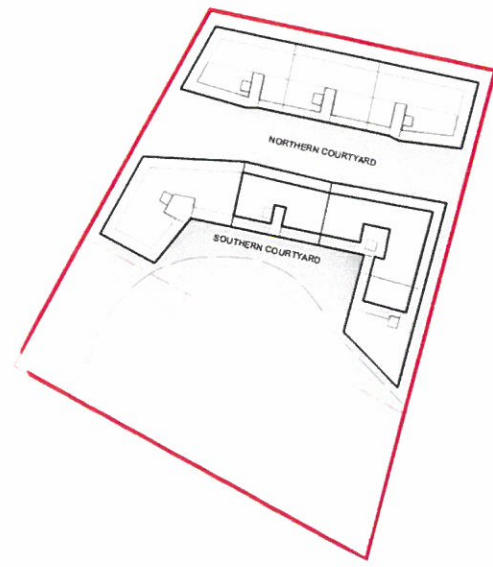
Shadow analysis 21 June 10am



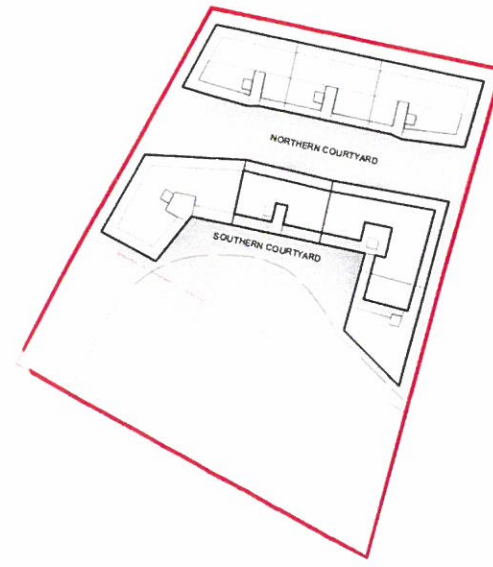
Shadow analysis 21 June 11am



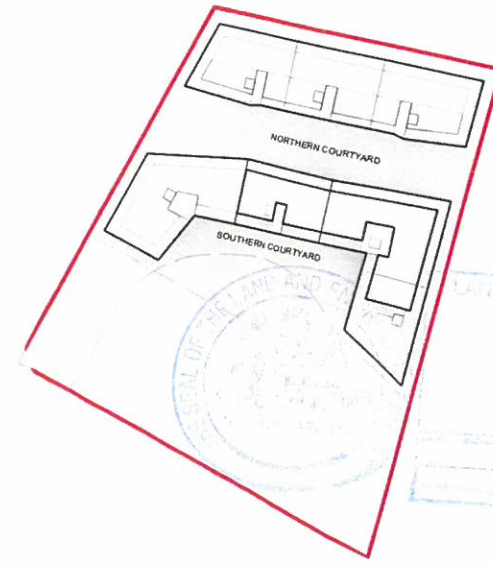
Shadow analysis 21 June 12pm



Shadow analysis 21 June 1pm

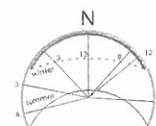


Shadow analysis 21 June 2pm

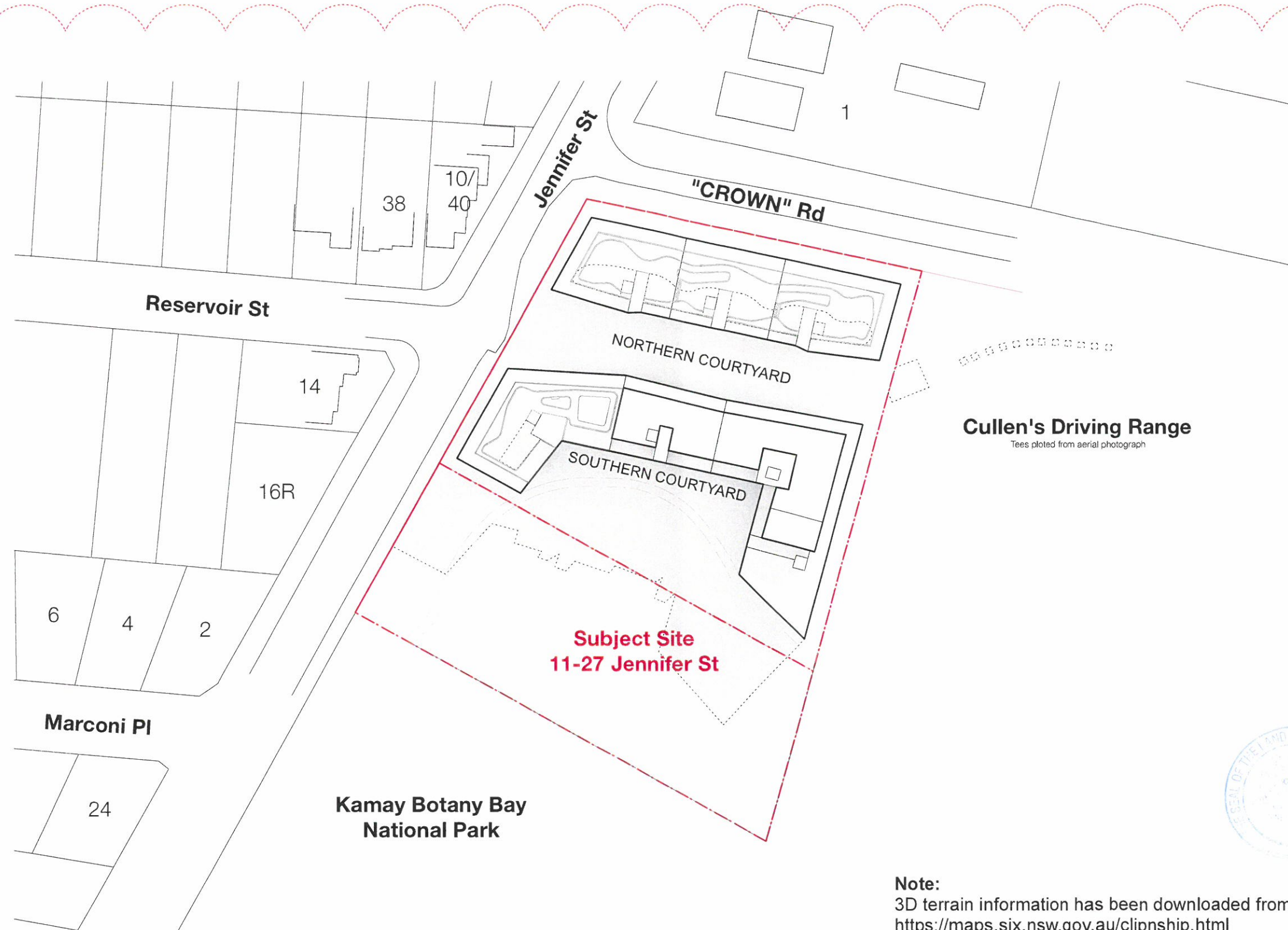


Shadow analysis 21 June 3pm

Model updated



The mid winter shadow diagrams show that the ESBS retained on site receives excellent sun throughout the day.



Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipship.html>

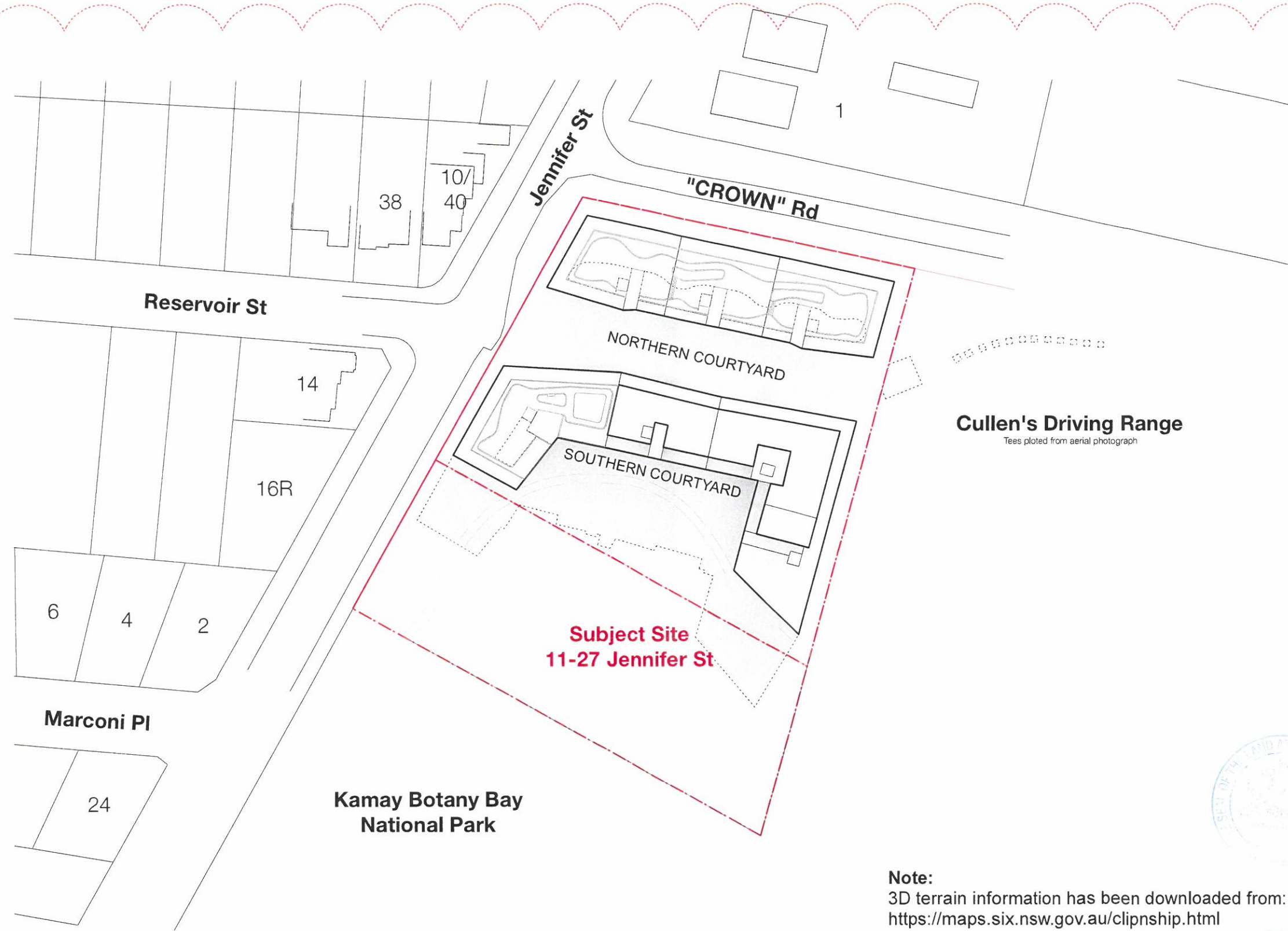
Model updated

1 Shadow Impact Analysis 9am
Scale: 1:1000

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 4, 157-159 Street
Sydney NSW 2000 Australia
T: 02 9211 4277 F: 02 9211 1024
E: info@hillthalis.com.au www.hillthalis.com.au
Hill Thalish Architects Pty Ltd ACN 147 548 545

Stage 1 Concept Development Application
Jennifer Street, Little Bay
20.23
11-27 Jennifer Street, Little Bay
Urban Property Group

Shadow Impact Analysis 9am
DA 2.53 A
1:1000 A3 15/3/22

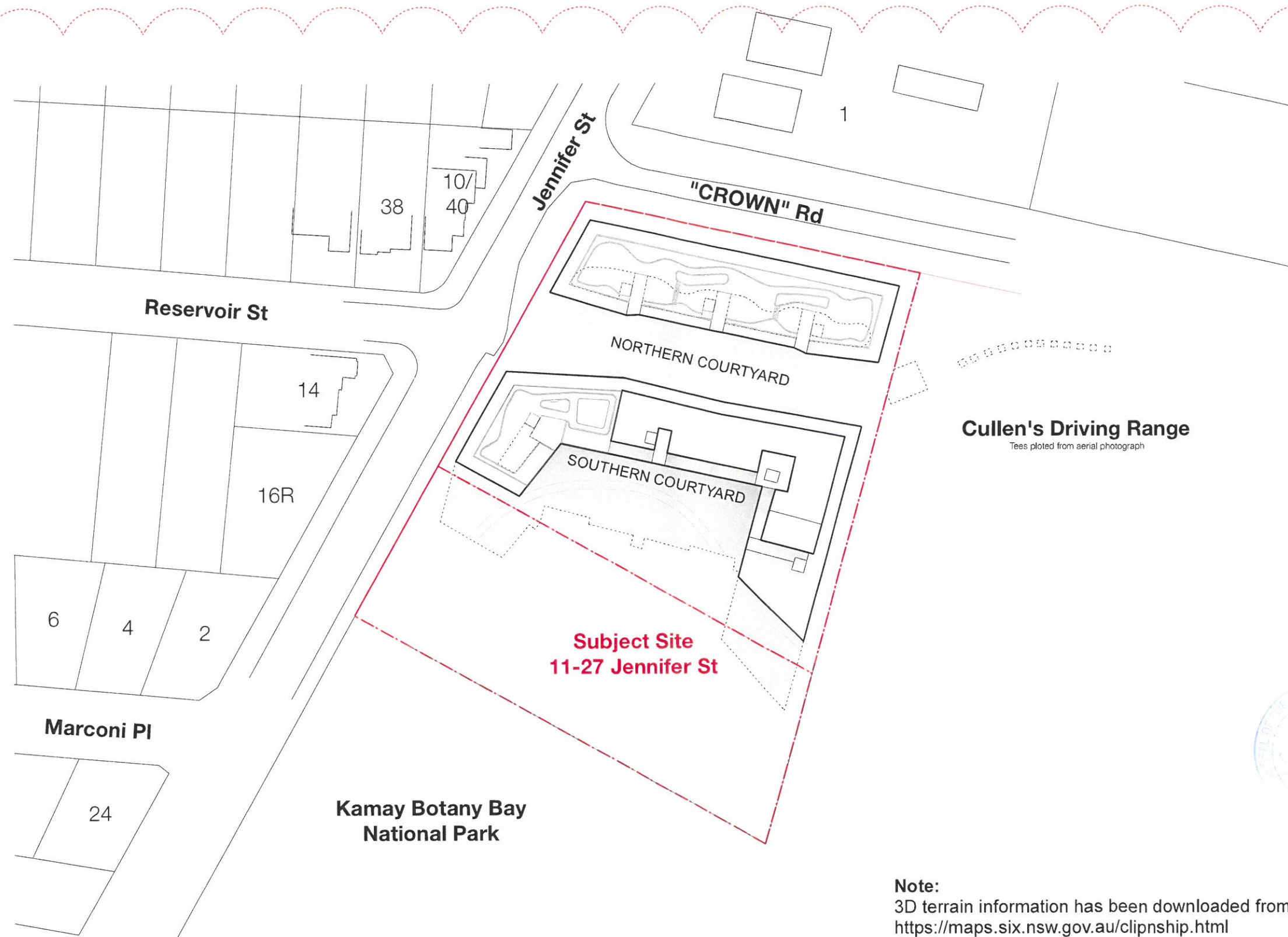


1 Shadow Impact Analysis 10am
Scale: 1:1000

Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipnship.html>

Model updated





Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipnship.html>

Model updated

1 Shadow Impact Analysis 11am
Scale: 1:1000

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4, 15 Fidler Street
Sydney NSW 2010 Australia
Tel: 02 9211 6011 Fax: 02 9211 2111
Email: info@hillthalis.com.au www.hillthalis.com.au
Hill Thalís Architecture Pty Ltd ABN 62 618 139 5

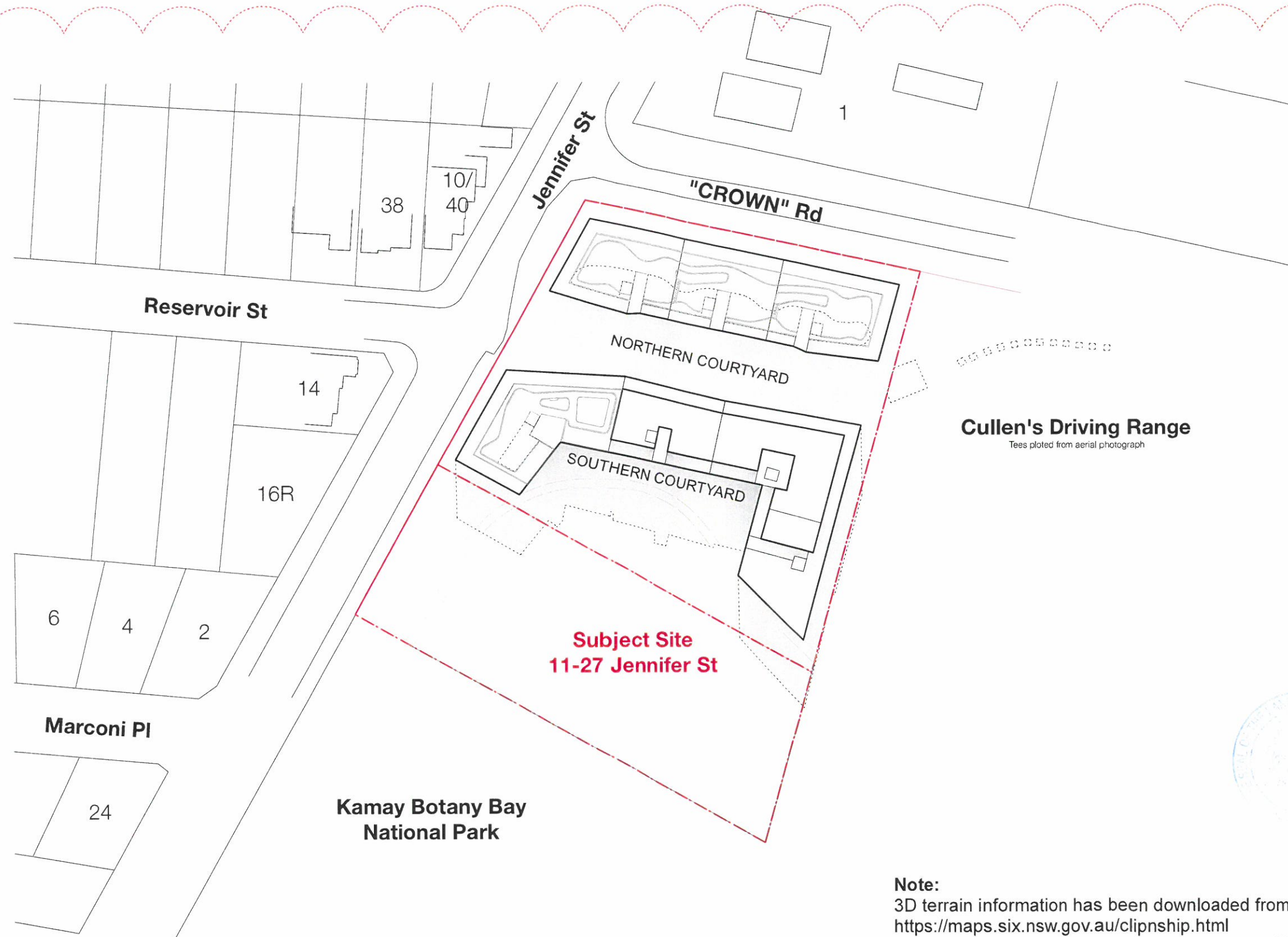
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11-27 Jennifer Street, Little Bay
Urban Property Group

Shadow Impact Analysis 11am

DA 2.55 A

1:1000 A3 15/3/22



Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipnship.html>

Model updated

1 Shadow Impact Analysis 12pm
Scale: 1:1000

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4, 15 FORT STREET
SYDNEY NSW 2010, AUSTRALIA
T: 02 9211 1234 F: 02 9211 1235
E: info@hillthalis.com.au www.hillthalis.com.au
Hill Thalish Architects Pty Ltd ABN 63 610 510 510

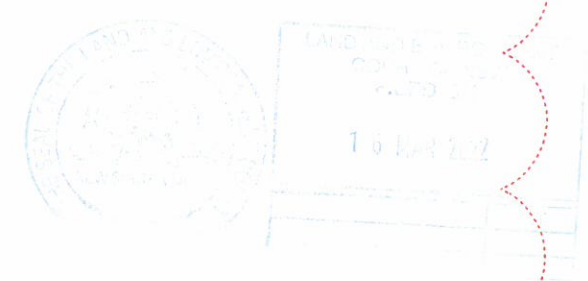
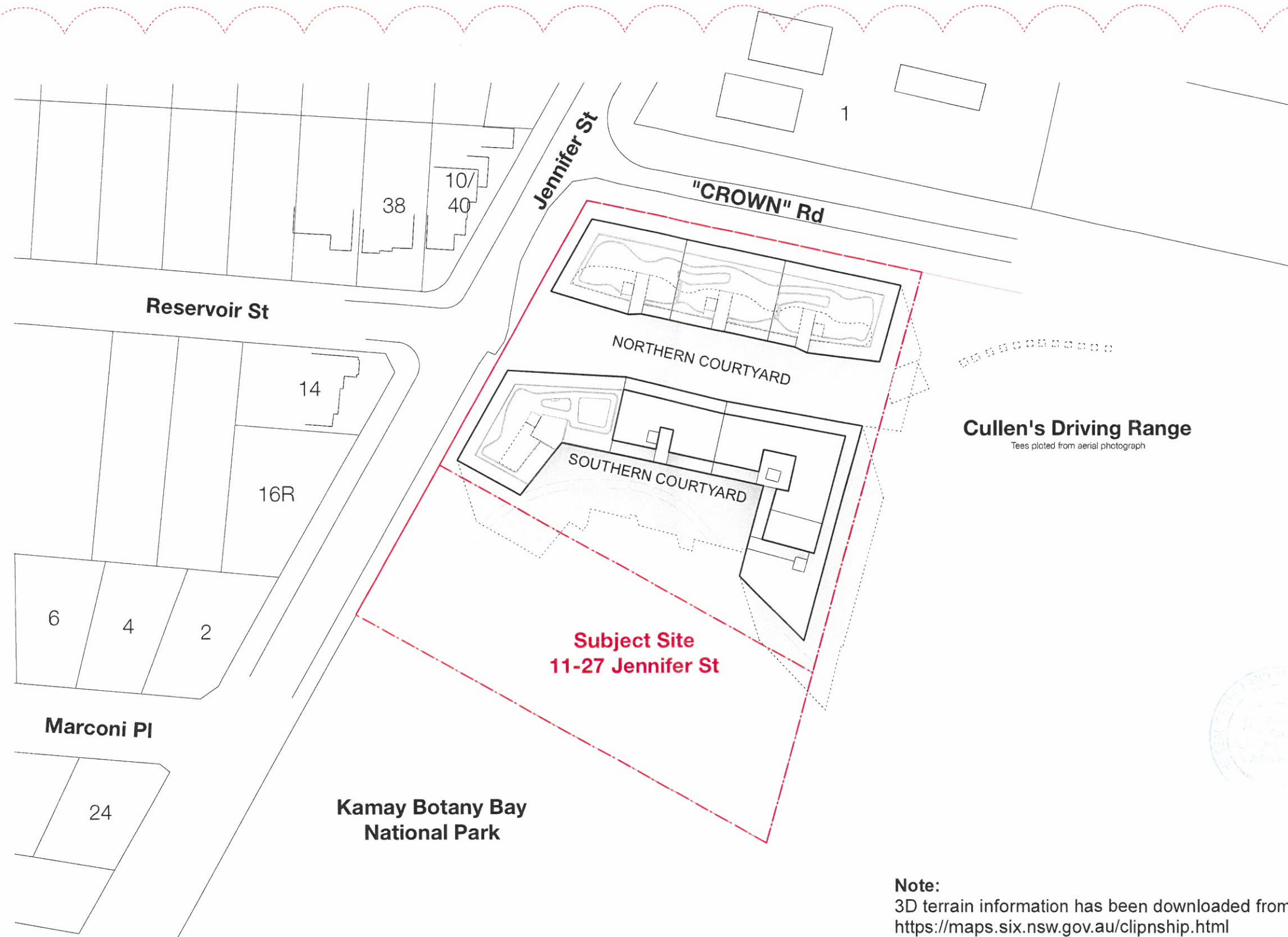
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11-27 Jennifer Street, Little Bay
Urban Property Group

Shadow Impact Analysis 12pm

DA 2.56 A

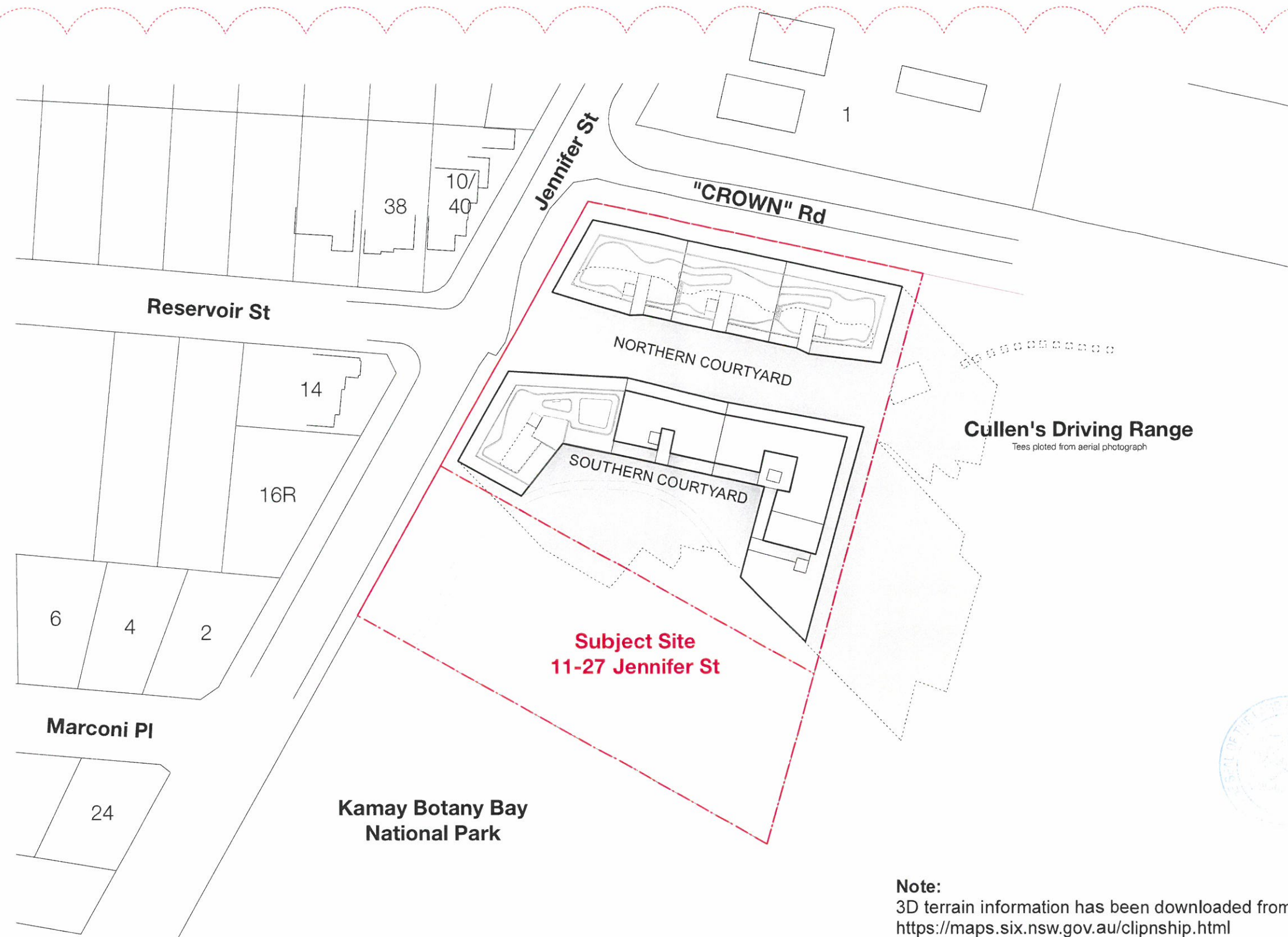
1:1000 A3 15/3/22



Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipnship.html>

Model updated

1 Shadow Impact Analysis 1pm
Scale: 1:1000



Note:
3D terrain information has been downloaded from:
<https://maps.six.nsw.gov.au/clipship.html>

Model updated

2 Shadow Impact Analysis 3pm
Scale: 1:1000

hill thalis
ARCHITECTURE + URBAN PROJECTS PTY LTD

LEVEL 4, 15 FRODO STREET
SUNSHINE HILL, NSW 2058 AUSTRALIA
TEL: 02 9311 9276 FAX: 02 9311 2014
E: info@hillthalis.com.au W: www.hillthalis.com.au
Hill Thalís is an Australian Public Benefit Corporation (PBC)

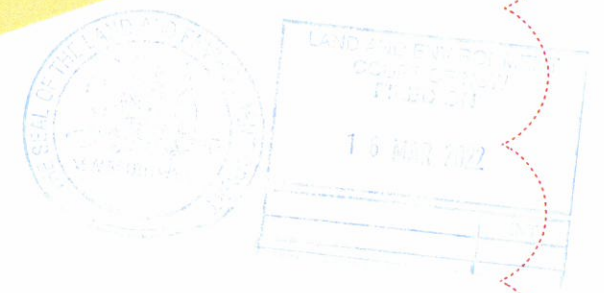
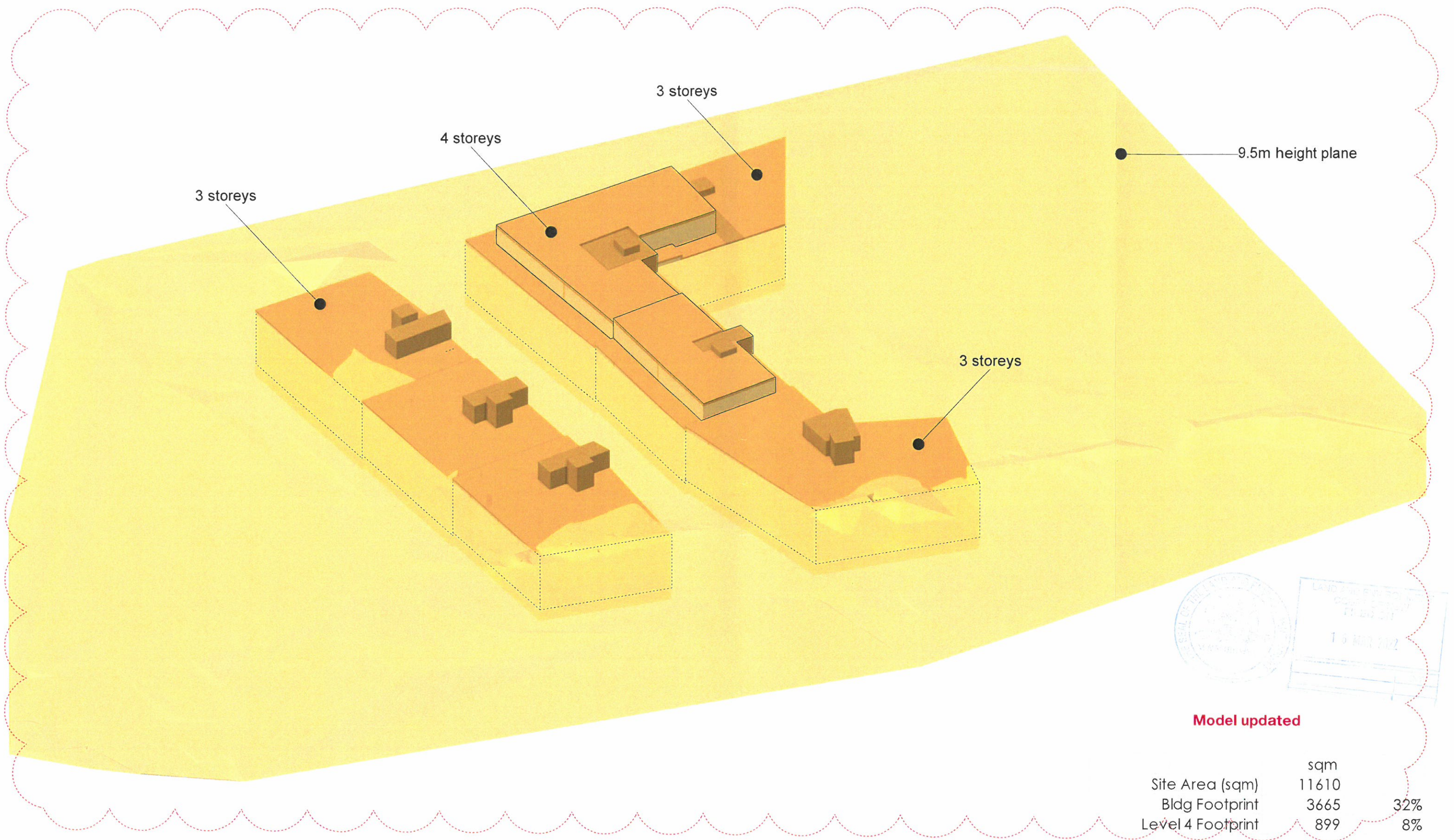
Stage 1 Concept Development Application
Jennifer Street, Little Bay

20.23
11-27 Jennifer Street, Little Bay
Urban Property Group

Shadow Impact Analysis 3pm

DA 2.59 A

1:1000 A3 15/3/22



Model updated

	sqm	
Site Area (sqm)	11610	
Bldg Footprint	3665	32%
Level 4 Footprint	899	8%

Design Verification Statement – Concept Development Application

State Environmental Planning and Assessment Policy No. 65:
Design Quality of Residential Flat Development

project	Apartment Buildings 11-27 Jennifer Street, Little Bay
to	Randwick City Council
prepared by	Philip Thalís, Registered Architect [NSW ARB registration number: #6780]
date	15 th March, 2022

In accordance with the SEPP 65 requirements;

- As the nominated qualified designer, I verify that I led the design, prepared the SEPP 65 Design Statement and reviewed all drawings for the Concept Development Application which seeks consent for 94 apartments in 2 new buildings at 11-27 Jennifer Street, Little Bay

I hereby verify that the proposal has been designed in accordance with and in reference to SEPP 65, specifically clauses 28(2)(b) and (c), the Design Quality Principles, and to Parts 3 and 4 of the Apartment Design Guide.

Yours Faithfully,



Philip Thalís
Registered Architect [NSW ARB registration number: #6780]
Director, Hill Thalís Architecture + Urban Projects

LEVEL 4, 15 Foster Street

Surry Hills NSW 2010 Australia

T 02 9211 6276

E admin@hillthalis.com.au

www.hillthalis.com.au

15th March, 2022

Job no 20.23 PT/AR

11 – 27 JENNIFER STREET, LITTLE BAY – MASTER PLAN DEVELOPMENT APPLICATION SEPP 65 DESIGN QUALITY STATEMENT

1.0 CONTEXT AND NEIGHBOURHOOD CHARACTER

An ideally located site

This substantial 11 610 m² site is located in a superb coastal setting, beside National Parks, bushland, golf courses and extensive recreational areas. The coastal walk, Little Bay's beach and La Perouse waterfront and its beaches are all within an easy walk of the site. There is ready access to public facilities and the local shopping centre in the former Prince Henry Hospital site just to the north, which provides a range of services for residents. A pocket park sits directly opposite the site on Jennifer Street, which gives a vista to the elevated drum of the water tower to the west.

Within a 5 minute / 400 metres walk, the bus services along Anzac Parade give convenient access to the major centres of Maroubra Junction, Kingsford, Kensington, UNSW and the city centre, while other centres such as Eastgardens are also within easy access. There is also ready access to the major export, travel and employment hubs of the Port Botany and Sydney Airport. The area is well served by established schools and community facilities.

An Area undergoing Urban Change

The Little Bay area on the eastern side of Anzac Parade has seen model new urban precincts created over the last 15 years. These include the redevelopment of the former Prince Henry Hospital site and the early stages of Little Bay Cove to its immediate north.

This design is informed by a thorough analysis of the evolving urban conditions (see urban analysis drawings in DA submission). The scale of neighbouring buildings is diverse;

- On the western side of Jennifer Street, older 1 and 2 storey houses predominate, though they are gradually being replaced with larger houses and new duplexes
- On the eastern side of Jennifer Street and Anzac Parade, new buildings with heights of between 3 and 6 storeys predominate in the new areas directly to the north, with many substantial high-quality apartment and seniors housing buildings built over the last 20 years.

Philip Thalís ARB #6780

Sarah Hill ARB #5285

Nominated Architects

LEVEL 4, 15 Foster Street

Surry Hills NSW 2010 Australia

T 02 9211 6276

E admin@hillthalis.com.au

www.hillthalis.com.au

Strategic Planning Context

This large parcel has long been zoned by Council to enable town houses and apartment buildings of a greater floor space than the houses west of Jennifer Street, although curiously the same 9.5 metre height applies on both sides of the street. With particular reference to sites with zoning such as this, RCC's recent Housing Strategy associated with the LSPS identifies such R3 zoned sites as having the potential to deliver;

- Concentrating growth in accessible locations (LSPS Guiding Principle 1)
- Enhancing housing choice and diversity in lower density residential areas (LSPS Guiding Principle 2)
- Focusing growth around areas of high amenity and recreational value (LSPS Guiding Principle 4)
- Increasing affordable rental and social housing (projected need for 1 765 affordable housing dwellings by 2036) (LSPS Guiding Principle 6)
- A need to reconsider apartment design to respond to the needs of family households by requiring a mix of dwelling sizes with 2 or more bedrooms (HS Priority 2.4)
- Investigating opportunities for promoting exceptional architectural and urban design outcomes for developments in key locations (HS Priority 6.3)
- Utilising additional dwelling capacity under existing planning controls, particularly in R3 Medium Density Zone per (HS Priority 3.2.1)

A Positive Street Presence

The principal address is the western boundary to Jennifer Street, which is a quiet dead end local street that connects directly to Anzac Parade at its northern end. On the western side of the street are a dozen houses, which predominantly face the streets off Jennifer Street, often presenting a secondary face, garaging and side fences to Jennifer Street.

In contrast, the project proposes a continuous 4 metre predominantly deep soil landscaped setback along the street front, which is more generous than along the west side Jennifer Street where the setbacks are generally tighter as its considered a secondary frontage for most the houses. The site plan purposely leaves open the vista along Reservoir Street eastward towards the horizon, which is an important public view. The proposal's two short building frontages to Jennifer Street are compliant with both the overall LEP height and respond to the DCP wall height. Overall, the design responds to its particular site conditions, appropriately addressing the street frontage.

The northern boundary is to a Crown Road, and the site does not need to rely on this infrastructure for either access or address. A walkway is provided within the site boundary. The eastern boundary is to an open golf practice area, while the retained ecology in the south and eastern parts of the site adjoins the Botany Bay National Park.

2.0 BUILT FORM AND SCALE

Site Planning

On this substantial site with a frontage of 110.8 metres to Jennifer Street, deep soil planting is located on all sides of these free-standing buildings. As determined by detailed ecological assessments, generous ecological zones retained encompassing the Eastern Suburbs Banksia Scrub (ESBS) on the southern part of the site. In order to retain the ESBS and achieve a generous landscaped buffer, the basement carpark is located substantially under the building footprint, which is concentrated on the northern part of the site.

The proposal adopts the courtyard apartment type, which is puzzlingly rare in Australian cities, despite its suitability to the climate and long architectural traditions of sociability. The courtyard garden type has antecedents in many urban cultures around the world. As is the case in many examples of this type, the courtyards organise the primary access and address to the various cores, and they are planted with endemic species and dotted with seats. The entry (northern) courtyard has framed vistas open to the landscape on the east side, and to Reservoir Street to the west, while the southern courtyard opens to the ESBS.

The setbacks are tailored to the particular site conditions. To each boundary;

- the front (west) to Jennifer Street has a setback of 3 metres, which is more generous than the houses along this street. The greater setback allows a continuous landscape and strengthens the presentation to the street.
- The setback to the Crown Road along the northern boundary is 4 metres to the face of the building, with deep soil planting for the length of this interface.
- The southern façade has substantial setback to the National Park, determined on advice from the ecologist.
- Broken into 2 runs of buildings, the east façade to the golf practice area is 4 metres from that boundary, with continuous deep soil planting.

The project gains daylight from all orientations, and the extensive communal gardens will allow trees to grow in deep soil and in planters to provide a green outlook for all to enjoy.

Building Organisation

The proposal is for 94 dwellings in a pair of buildings that frame two substantial landscape courtyards. While the northern building that fronts the Crown Road is linear, while the southern building has a U-shaped configuration. Together the building forms (defined by building envelopes) comprise 8 762 square metres of floor space distributed over 3 and part 4 residential levels above a single level basement car park.

The communal residential entries are accessed directly off Jennifer Street via an open entry space that leads directly through to the courtyard gardens beyond. The 7 cores are legibly distributed in relation to the courtyards, each with a lift and glazed stairs which provide access to all levels. All the ground floor apartments have their own private courtyards, with gates connecting directly either to the streets or communal gardens.

The single car park driveway is accessed off Jennifer Street. Unlike many 3 / 4 storey walk-ups flats, the driveway is integrated within the building footprint to decrease its presence and impact, and to allow all of the site's perimeter to be fully landscaped.

Building Envelopes and Urban Presence

The building envelopes set out in this Master Plan DA allow for façades with a rhythm of deep-set balconies, interspersed by elements that come to the face. The predominantly 3 storey body of the buildings largely comply with the LEP height limit, adjusted to the slope of the ground. The smaller 4 storey portion is set on the lower ground away from the Jennifer Street and Crown Road frontages, and will hardly be visible from the existing houses across Jennifer Street. Their height will be seen from the east relative to the expansive coastal landscape setting, and is lower than several of the 4 and 5 storey buildings at the Prince Henry and Little Bay Cove sites that can clearly be seen from the coast.

The building envelopes delimit the outside wall face of future buildings, that would be subject to further design in a detailed Development Application. The envelopes allow an articulation zone, and anticipate an architectural expression of well-scaled horizontals, offset by living rooms at the outboard corners. Inset balconies would be framed by projecting concrete slabs which provide shading, modelling and well-proportioned articulation. The proposal creates an appropriate urban presence to the primary street and boundary frontages.

3.0 DENSITY

Density appropriate to the context

The density is consistent with 0.75:1 RCC LEP control provisions and is appropriate to this exceptional location with such high levels of amenity. The site is well located close to public transport, shops and a wide range of public facilities including community buildings and schools. As demonstrated in the Urban Analysis drawings that form part of this application, there are a number of recent buildings in the vicinity that have greater floor space ratios and heights.

The proposal has a total of 94 apartments in a variety of configurations. The project adds to the area's housing stock, with a range of dwellings suitable for either singles or couples, or for family groups. The site will be particularly attractive to those interested in taking advantage of Little Bay's many attractions, transport to the city centre and local centres, nearby parklands and beaches, shops,

education and employment in the wider area. The individual plans are tailored to these particular site conditions.

The enclosed building footprint has a Floor Space Ratio of 0.75:1. Based on our analysis and experience of preparing building envelopes, Hill Thalís have applied 72% of the envelope on the ground floor, and a 75% efficiency to the upper floor envelopes. Level 2 has 73% efficiency to account to the DCP wall height control. This gives sufficient scope for architectural articulation, with reasonable allowances for non-floor space elements such as external walls, vertical circulation, driveways, services and balconies.

Therefore the proposed development provides an appropriate type of accommodation that supplements Randwick LGA's existing housing stock. The purposeful site planning, generous setbacks, extensive landscape areas and the high levels of amenity likely throughout demonstrate that the project is not an overdevelopment of the site.

Density promoting housing choice

A mix of plans are proposed, with diverse architectural characters and qualities. The 94 new dwellings offer a range of sizes and internal arrangements, tailored to the particular site conditions.

The mix of dwellings comprises;

- 25 x 3 bedroom apartments;
- 37 x 2 bedroom apartments;
- 32 x 1 bedroom apartments.

The 29 ground floor garden apartments have direct street or garden access, & private gardens.

The 5 top floor apartments are larger and have extensive roof terraces.

Therefore the proposed development provides a mix of accommodation to support the needs of a future population, including families. The high levels of amenity achieved demonstrate that the project is an appropriate development of the site.

4.0 SUSTAINABILITY

BASIX

When assessed at DA stage, the project will be fully compliant with BASIX.

Compact living and renewal – working hard to produce sustainable outcomes

The development of this site promotes Compact City planning principles and is consistent with a raft of planning objectives.

Sunlight and daylight

The substantial majority of apartments receive controlled solar access to living areas and their various balconies and terraces. All windows and sliding doors have projecting slabs and wide balcony overhangs. Winter sun will penetrate deep into many studios as the apartment plans have a slender depth ratio. The setbacks and screen planting provide privacy to the neighbours on the north, west and east boundaries.

The site planning and building design maximise the benefits of passive solar design to all dwellings, as measured on the shortest day of the year;

- 80 out of 94 dwellings (85%) exceed the minimum 2 hours mid-winter sun between 9am and 3pm;
- 70 out of 94 dwellings (78 %) have windows facing north to their primary habitable rooms – almost all receiving sun for full 6 hour 9am – 3pm period;
- The 12 dwellings that get their best light from the east receive approximately 1 – 1.5 hours sun between 9am and 3pm, some also receive afternoon sun. However additionally these apartments receive sunlight from sunrise up to 9am, so their performance is satisfactory;
- All dwellings have private outdoor space that is open to sun and outlook;
- No dwellings (0%) are single orientation south, whereas the ADG allows up to 15% receive no winter sun.

Passive cross ventilation

All primary private open spaces open directly off living rooms and offer protection from direct sun to interiors in summer. The only single orientation apartments are the 1 bedroom types, which are all oriented north (34%), and of which the 5 top floor apartments have the added opportunity of cross ventilation through top light windows and ventilated skylights. All the other apartments in the proposal will gain light and air from at least two sides. The dwellings have been arranged to exploit good cross flow ventilation, and in detailed design can enjoy the ability to manipulate differential air pressures through the careful selection of window types on opposing elevations.

All dwellings are cooled through passive means through their thin cross sections, which can be assisted with air movement by ceiling fans, boosted as necessary by air conditioning. The maximum building width in the entire proposed building can readily be less than the 18m maximum building depth, with the eastern and western wings being between narrower and within the ADG maximum of 18 metres glass to glass depth.

Passive sun control

Sun control, in the form of balconies, vertical louvres, slab overhangs, deep reveals and the like can be provided to living area and habitable room windows which have west, east or north orientation.

Minimising energy usage

In the detailed design, energy use can also be reduced by;

- Kitchens can be within 8 metres of operable windows;
- The careful selection of elements such as low energy bulbs to common areas, motion sensor lighting and the like;
- The lobbies and common stairs on all levels are open to natural light and ventilation;
- The roofs will be fully insulated.

The gardens and associated planting aid the creation of a suitable micro climate, especially in the courtyard spaces.

5.0 LANDSCAPE

Landscape Concept Design

On such expansive and sensitive sites, maximising landscape area is a priority. Due to its compact site planning and large areas of retained ESBS, this proposal provides a landscape area of 7 795 m² (67% of the 11 610 m² site area, whereas RCC's DCP stipulates 50%) and a deep soil landscape area of 6 009m² (52% of the total site area and 77% of the Landscaped Area – 50% required under RCC DCP). The deep soil is provided around the entire site boundary setback, including the street front, to allow the planting of larger trees. The side boundaries have continuous planting, with deep soil to allow the sustainable growth of screen planting.

The concept landscape design has been carried out by leading landscape architects, Turf Landscape Architecture. The design takes advantage of the site conditions and features terraced courtyards, extensive roof gardens and common gardens.

Environmental Protection Areas

The south-eastern part of the site has been identified as Eastern Suburbs Banksia Scrub, which is a protected species. The proposed building footprint and shadow diagrams has been reviewed by John Travers an eminent ecologist, and then peer reviewed. A generous landscape buffer has also been provided.

Communal Open Spaces

The proposal provides future residents with a variety of communal landscape spaces for the use and enjoyment;

- Atop the northern wing is the primary 867m² communal garden, stepped in arrangement and accessed from 3 stairs and lifts
- The northern courtyard acts as the primary address point, with through connections at ground floor to the southern courtyard. This Courtyard has a combined private and communal area of 1 046m²

- The southern building has a 416m² communal garden, accessed by stairs and a lift
- The southern courtyard, 274m² in useable area, is open on its southern side to the retained expanse of ESBS
- An additional garden area is available to the south along Jennifer Street, with a combined area of 585m²

In total, these communal spaces occupy 28% of the site area (the ADG targets 25%), without including the 40% of the total site area reserved for ESBS and its buffer.

The combination of these varied communal spaces will give future residents multiple opportunities to enjoy landscape spaces within the site. As discussed above, there are many extraordinary landscape spaces available within easy walk of the site.

6.0 AMENITY

Compact Arrangement with High Amenity

The building envelopes would accommodate many dwellings with corner or cross flow ventilation. The window design, orientation and solar controls can also maximise cooling in summer and heating in winter. The distribution and concept apartment planning are efficient, minimising corridor space and maximising habitable areas that open out to outdoor areas.

Appropriate Private Open Spaces

All dwellings can have generous private outdoor spaces appropriate to differing uses, and are located to take advantage of sun and outlook.

Privacy between Dwellings

The provision of outdoor spaces has been arranged to ensure that each dwelling has ample privacy, both within the site and to neighbours. Careful consideration has been given to the dimensions of the courtyard gardens, as building separation throughout is well in excess of ADG minima.

Being a Good Neighbour

The compliant scale and landscaped setback to Jennifer Street ensures that the buildings can become good neighbours.

Ceiling Heights

In conformity with SEPP 65 and the ADG, 3.1 metre floor to floor heights are provided in order to achieve 2.7 metre high ceilings as a minimum in all living and bedroom spaces. The top floor units can have some loftier interior and exterior volumes.

Servicing and Car Parking Provision

Bike parking is conveniently located in secure areas such as within the basement and within private courtyards. Storage cages, services and metering can be compactly located in the basement with the car parking, which is located directly under the building footprint. Garbage rooms are located in the basement near the lifts.

Storage

All dwellings can have adequate built in storage, supplemented by additional storage in the basement.

7.0 SAFETY

Security within the site

Safety and security to both the street and within the site can be provided by passive surveillance from all apartments.

The site perimeter is secure and the main street entry will be provided with self-closing security gates with intercom. Internally the clear and transparent circulation pathways and stairs provide the conditions for a safe and secure environment.

Access and safety

The scheme is capable of having all communal areas, the basement and all upper levels being accessible. Access and BCA assessments will be carried out, and their recommendations incorporated into the submitted DA design.

8.0 HOUSING DIVERSITY AND SOCIAL INTERACTION

Street Presence and Neighbourhood Interaction

The project is located on a site integrated with the coastal landscape. While the coastal and recreational areas are popular, Jennifer Street is a quiet neighbourhood with minimal vehicle and pedestrian traffic. The site is suited to active residents who like to walk and cycle, and who would appreciate the proximity to the local amenities and the coastal environment.

All the ground floor dwellings will have front gates to either the streets or communal gardens. This will help to integrate the scheme with the locality, and encourage interaction and exchange. The future residents of the scheme can therefore become part of the neighbourhood.

Communal facilities

ARCHITECTURE + URBAN PROJECTS PTY LTD

The main entry promenade, open foyers, site facilities, roof terraces and expansive communal gardens should all ensure a sense of community for the future inhabitants. Circulation areas, including stairs and landings, are clearly denoted and have outlook to the garden courts.

The basement has garbage rooms, car wash bays, service areas, escape stairs, bikes and motor bikes conveniently distributed.

9.0 AESTHETICS

Potential for a rigorous architectural expression

The aesthetic qualities of the project will develop from the calibrated site planning and building envelopes. The massing and scale, the stepped form following the slope, the thresholds to the street and courtyards all have considerable scope to be developed architecturally.

Environmental performance coupled with amenity

The future architectural and landscape character will have scope to express in a positive way the environmental and amenity objectives embodied throughout the design. For example the balconies can be designed to provide amenity with privacy, and have a rhythmic presence in the elevations. These can be attuned to the gathering spaces provided in the communal gardens.

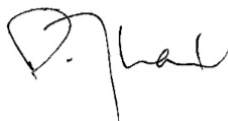
A model apartment type

The form and scale of the facades can pick up on the good precedents for the emerging urban character of the building stock in this part of Little Bay, and the proposed design is a refined model for such types. The three-dimensional design provides appropriate modulation and the detail can be resolved in a confident contemporary way.

CONCLUSION

The proposed transformation of 11-27 Jennifer Street in Little Bay has been carefully considered to achieve a high quality architectural and urban design resolution, including;

- The **site is ideal** for high quality apartments and town houses.
- The site is situated on the edge of the coastal landscape and within walk of a range of transport and local facilities, and therefore is **ideally located for urban consolidation**.
- The project **provides a positive presence to its street frontage**, and car parking, escapes and services are discretely located.
- The project can have a **distinctive architectural character and scale** that will be an appropriate addition to high quality new apartment buildings and landscapes in Little Bay.
- The **extensive landscaped spaces** provided, which include generous areas of deep soil planting, are of the equal benefit of future residents and the adjoining natural areas.
- The communal courtyard gardens offer environmental qualities, amenity and potential sociability for the future residents.
- Continuous **landscaped setbacks to each frontage** has been carefully considered.
- **Environmentally Sustainable Design (ESD)** has been holistically incorporated into many aspects of the project.
- The project will create a **high-quality residential environment** for future residents, offering a range of well-planned apartments with character and high amenity.
- The proposal **satisfactorily considers the privacy** and interface with neighbouring properties.
- The resolution of urban, architectural, environmental and social design considerations demonstrates that the proposal is an **appropriate fit to its site and context**.
- The site's redevelopment provides contemporary residential accommodation, incorporating the principles of adaptability and accessibility, to **increase the housing choices available in Randwick LGA**.
- Given the qualities of the proposal and the **high level of compliance with all SEPP 65 principles**, with very good amenity well above ADG requirements, we encourage Council to consider this application favourably.



Philip Thalys

Registered Architect [NSW ARB registration number: #6780]

Director, Hill Thalys Architecture + Urban Projects LFRAIA

15th March, 2022

Job no 20.23 PT

11 – 27 JENNIFER STREET, LITTLE BAY – MASTER PLAN DEVELOPMENT APPLICATION SEPP 65 DESIGN QUALITY STATEMENT

DESIGN RESPONSE TO ADG OBJECTIVES IN PARTS 3 AND 4

OBJECTIVE	SUMMARY	ACTIONS	Compliance
	SITING		
3A-1	Site Analysis illustrates that design decisions have been based upon the opportunities and constraints of the site.	Extensive Context and Site Analysis submitted as part of DA	Yes
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development	Short lengths of building address Jennifer St, which is the sole street frontage. An open courtyard is provided on axis of Reservoir Street, allowing public and private views through the site. The proposal's solar access is well in excess of ADG minima.	Yes
3B-2	Overshadowing of neighbouring properties is minimised during mid winter	Nil	Yes
3C-1	Transition between private and public domain is achieved without compromising safety and security	Clear definition of and address to Jennifer Street - the public street to the west, and to the Crown Road to the north. Excellent surveillance of all adjoining areas. Perimeter fencing to site provided.	Yes
3C-2	Amenity of the public domain is retained and enhanced	Deep soil landscape setback to Jennifer Street frontage, now made as an amenable street (currently no gutter or footpath).	Yes

Philip Thalys ARB #6780

Sarah Hill ARB #5285

Nominated Architects

LEVEL 4, 15 Foster Street

Surry Hills NSW 2010 Australia

T 02 9211 6276

E admin@hillthalis.com.au

www.hillthalis.com.au

3D-1	An adequate are of communal open space is provided to enhance residential amenity and provide opportunities for landscaping	The proposal provides future residents with a variety of communal landscape spaces for the use and enjoyment; <ul style="list-style-type: none">- Atop the northern wing is the primary 867m2 communal garden, stepped in arrangement and accessed from 3 stairs and lifts- The northern courtyard acts as the primary address point, with through connections at ground floor to the southern courtyard. This Courtyard has a combined private and communal area of 1 046m2- The southern building has a 416m2 communal garden, accessed by stairs and a lift- The southern courtyard, 274m2 in useable area, is open on its southern side to the retained expanse of ESBS- An additional garden area is available to the south along Jennifer Street, with a combined area of 585m2	Exceeds ADG and DCP requirements									
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	In total, these communal spaces occupy 28% of the site area (the ADG targets 25%), without including the 40% of the total site area reserved for ESBS and its buffer. The combination of these varied communal spaces will give future residents multiple opportunities to enjoy landscape spaces within the site. In addition there are many extraordinary public landscape spaces available within easy walk of the site.	Yes									
3D-3	Communal open space is designed to maximise safety	The communal open spaces are designed to maximise safety	Yes									
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	NA	NA									
3E-1	Deep soil zones allow for and support healthy plant growth. Min. deep soil zones <table><tr><td><650sqm</td><td>No min. dimensions</td><td>7% site area</td></tr><tr><td>650 – 1500</td><td>3m min dimension</td><td>7% site area</td></tr><tr><td>≥ 1500</td><td>6m min dimension</td><td>7% site area</td></tr></table>	<650sqm	No min. dimensions	7% site area	650 – 1500	3m min dimension	7% site area	≥ 1500	6m min dimension	7% site area	Due to its compact site planning and large areas of retained ESBS, this proposal provides a landscape area of 7 795 m² (67% of the 11 610 m² site area, whereas RCC's DCP stipulates 50%) and a deep soil landscape area of 6 009m² (52% of the total site area and 77% of the Landscaped Area – 50% required under RCC DCP). The deep soil is provided around the entire site boundary setback, including the street front, to allow the planting of larger trees. The side boundaries have continuous planting, with deep soil to allow the sustainable growth of	Exceeds ADG and DCP requirements
<650sqm	No min. dimensions	7% site area										
650 – 1500	3m min dimension	7% site area										
≥ 1500	6m min dimension	7% site area										

		screen planting.													
3F-1	<p>Adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy</p> <table><tr><td>Height</td><td>Habitable rooms/balconies</td><td>Non habitable rooms</td></tr><tr><td>Up to 12m</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m</td><td>9m</td><td>4.5m</td></tr><tr><td>>25m</td><td>12m</td><td>6m</td></tr></table>	Height	Habitable rooms/balconies	Non habitable rooms	Up to 12m	6m	3m	Up to 25m	9m	4.5m	>25m	12m	6m	<p>The proposal is an island site, well separated from any residential neighbours.</p> <p>The buildings are 3 and part 4 storeys in height, in which case a 12 metre building separation applies.</p>	Exceeds ADG requirements
Height	Habitable rooms/balconies	Non habitable rooms													
Up to 12m	6m	3m													
Up to 25m	9m	4.5m													
>25m	12m	6m													
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views between habitable rooms and private open space.	The site planning ensures full compliance with this objective.	Yes												
3G-1	Building entries and pedestrian access connects to and addresses the public domain	Residential entries to Jennifer Street are clearly denoted. Residents access the stairs and lifts from clear pathways off the 2 landscaped courtyards.	Yes												
3G-2	Access, entries and pathways are accessible and easy to identify	The entryways are clearly legible.	Yes												
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations	Not possible here due to ESBS to south, and private site to east.	NA												
3H-1	Vehicle access points are designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Two-way driveway designed with input from specialist Traffic Engineer, to comply with relevant standards.	NA												
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Car and bike parking, adaptable spaces, provided to Council codes	Yes												
3J-2	Parking and facilities are provided for other modes of transport	Bike and motor bike parking provided in basement.	Yes												
3J-3	Car park design and access is safe and secure	Car park designed with input from specialist Traffic Engineer, to comply with relevant standards.	Yes												
3J-4	Visual and environmental impacts of underground car parking are minimised	Basement with single driveway entry	NA												
3J-5	Visual and environmental impacts of on-grade car parking are minimised	Nil	NA												
3J-6	Visual and environmental impacts of above ground enclosed	Nil	NA												

	car parking are minimised		
	DESIGNING THE BUILDING		
4A-1	<p>Optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> <p>In metropolitan areas – a min. of 2 hours A max. of 15% receive no sun in mid winter</p>	<p>The site planning and building design maximise the benefits of passive solar design to all dwellings, as measured on the shortest day of the year;</p> <ul style="list-style-type: none"> - 80 out of 94 dwellings (85%) exceed the minimum 2 hours mid-winter sun between 9am and 3pm; - 70 out of 94 dwellings (78 %) have windows facing north to their primary habitable rooms – almost all receiving sun for full 6 hour 9am – 3pm period; - The 12 dwellings that get their best light from the east receive approximately 1 – 1.5 hours sun between 9am and 10.30am, some also receive afternoon sun. Additionally these apartments receive sunlight from sunrise up to 9am, so their performance is satisfactory; - All dwellings have private outdoor space that is open to sun and outlook; - No dwellings (0%) are single orientation south, whereas the ADG allows up to 15% receive no winter sun. 	Exceeds ADG requirements
	2 hours min sunlight midwinter in Sydney/Newcastle/Wollongong		
	A max. of 15% of apartments can receive no sun in mid winter	No dwellings (0%) are single orientation south, whereas the ADG allows up to 15% to receive no sun	Yes
4A-2	Daylight access is maximised where sunlight is limited	See above	Yes
4A-3	Design incorporates shading and glare control, particularly for warmer months	Balconies and various shading methods will allow all apartments to have controlled solar access.	Yes
4B-1	All habitable rooms are naturally ventilated	The design is based on this	Yes
4B-2	The layout and design of single aspect apartments maximises natural ventilation	All single orientation apartments face north, with inset balconies to allow a greater extent of perimeter with more ventilation options.	NA
4B-3	<p>The number of apartments with cross ventilation is maximised</p> <p>At least 60% of apartments are naturally cross ventilated</p> <p>Over all depth of cross over apartments in 18m max.</p>	<p>66% of apartments are cross ventilated.</p> <p>The only single orientation apartments are 1 bedroom types</p>	Exceeds ADG requirements

4C-1	Ceiling height achieves sufficient natural ventilation and daylight access. Min height of – Habitable rooms 2.7m Non habitable rooms 2.4m Two storey apartments 2.7m main living floor 2.4m for second floor (max. 50% area) Attic spaces 1.8m at edge of room 30° ceiling slope	3.1 metre to floor heights are provided throughout, in order to achieve 2.7 metre ceiling heights in all habitable rooms No 2 storey apartments are envisaged.	Yes Yes Yes
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Opportunities to have higher ceilings possible within the envelope.	Capable of compliance
4C-3	Ceiling height contributed to flexibility of building use over the life of the building		Capable of compliance
4D-1	Layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		Capable of compliance
	Min. areas Studio 35sqm 1 bed 50sqm 2 bed 70sqm 3 bed 90sqm	Capable of full compliance – indicative sizes all comply. Opportunities for larger apartments	Capable of compliance
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		Capable of compliance
4D-2	Environmental performance of the apartment is maximised		Capable of compliance
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Capable of compliance
	In open plan layouts the maximum habitable room depth is 8m from a window		Capable of compliance
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs	Variety of apartment types and sizes provided, including garden apartments and larger rooftop apartments	Capable of compliance
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobes)		NA
	Bedrooms have a minimum dimension of 3m (excluding robes)		NA
	Living rooms or open plan living have min width of	Anticipated in the indicative apartment layout within the	Yes

	3.6m for studios/1beds 4m for 2/3beds	envelopes	
	Width of cross over apartments are at least 4m internally to avoid narrow layouts		NA
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity		Capable of compliance
	Primary balconies Studio 4sqm 1 bed 8sqm 2m min depth 2 bed 10sqm 2m min depth 3 bed 12sqm 2.4m min depth	All balconies currently indicated on the envelopes capable of compliance	Capable of compliance
	Apartments at ground level or on podium have a private open space instead of a balcony. Minimum area is 15sqm and minimum depth is 3m	Ground floor apartments have their inset balconies in addition to the garden spaces	Capable of compliance
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Details in future DA	Capable of compliance
4E-4	Private open space and balcony design maximises safety		Capable of compliance
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments	7 cores in total are provided, that connect from the basement to all levels, including communal roof terraces. All common lobbies have openings to the exterior	Yes
	Maximum number of apartments off a circulation core on a single level is 8	Between 3 and 6 apartments off any core.	Yes
	For buildings 10 + storeys, maximum number of apartments sharing a single lift is 40		NA
4F-2	Common circulation spaces promote safety and provide for social interaction between residents	Compact cores connect to garden spaces, with natural light and air on all levels. 4 of the cores connect to communal roof terraces.	Yes
4G-1	Adequate, well designed storage is provided in each apartment	Details in future DA Areas of storage indicated in basement	NA
	Studios 4m3 1 bed 6m3 2 bed 8m3		NA

	3 + 10m3		
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.		NA
4H-1	Noise transfer is minimised through the siting of buildings and building layout	Substantial setbacks between northern and southern wings. All interior separations to NCC requirements.	Yes
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments		NA
4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through careful siting and layout of buildings	The site is unaffected by traffic , transport or aircraft noise. The site is in a vast natural setting, open to sea breezes.	Yes
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		NA
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	Yes – see schedule	Yes
4K-2	The apartment mix is distributed to suitable locations within the building.	Yes – see plans	Yes
4L-1	Street frontage activity is maximised where ground floor apartments are located.	Yes – see plans	Yes
4L-2	Design of ground floor apartments delivers amenity and safety for residents	Yes – subject to future detailed design	NA
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	Yes – subject to future detailed design	NA
4M-2	Building functions are expressed by the façade	Yes – subject to future detailed design	NA
4N-1	Roof treatments are integrated into the building design and respond positively to the street.	Yes – subject to future detailed design	NA
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Yes – a combination of communal and private roof terraces are provided	Yes
4N-3	Roof design incorporates sustainability features	Yes – subject to future detailed design	NA
4O-1	Landscape design is viable and sustainable	Concept landscape design provided – refer landscape architects' plans	Yes
4O-2	Landscape design contributes to the streetscape and amenity	Concept landscape design provided – refer landscape architects' plans	Yes
4P-1	Appropriate soil profiles are provided	Aeolian sands and ESBS retained as per ecologists' advice.	Yes

		Landscape capable of compliance – subject to future detailed design	
4P-2	Plant growth is optimised with appropriate selection and maintenance	Identified ESBS retained and protected over 40% of site area Landscape capable of compliance – subject to future detailed design	Yes
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces	Landscape capable of compliance – subject to future detailed design	Yes
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members	Yes – all common areas fully accessible. Accessible car spaces already identified on basement plan, located convenient to the lifts. Adaptable and 20% silver level apartments can readily be accommodated within the design envelope	Yes
4Q-2	A variety of apartments with adaptable designs are provided	Yes – see plans	Yes
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs	Yes – subject to future detailed design	NA
4R-1	New additions to existing buildings are contemporary and complementary and enhance an areas identity and sense of place		NA
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse		NA
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.		NA
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		NA
4T-1	Awnings are well located and complement and integrate with building design		NA
4T-2	Signage responds to the context and desired streetscape character	Yes – subject to future detailed design	NA
4U-1	Development incorporates passive environmental design	Yes – proposal exceeds ADG minima in terms of both solar access and cross ventilation Details subject to future detailed design	Yes
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Yes – proposal exceeds ADG minima in terms of both solar access and cross ventilation	Yes

		Details subject to future detailed design	
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation	Yes – proposal exceeds ADG minima in terms of both solar access and cross ventilation Details subject to future detailed design	Yes
4V-1	Potable water use is minimised	Retention tanks indicated on plans	Yes
4V-2	Urban stormwater is treated on site before being discharged to receiving waters	Detention tanks and swales are designed to discharge stormwater onto the adjoining golf course lands to the east to maintain their waterflow	Yes
4V-3	Flood management systems are integrated into site design		NA
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage areas is indicated in the basement	Yes
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling	Waste storage areas is indicated in the basement	Yes
4X-1	Building design detail provides protection from weathering	Yes – subject to future detailed design	NA
4X-2	Systems and access enable ease of maintenance	Yes – subject to future detailed design	NA
4X-3	Material selection reduces ongoing maintenance costs	Yes – subject to future detailed design	NA

1.0 CONCLUSION

The proposed concept design for 11 – 27 Jennifer Street achieves a high quality architectural, landscape and urban design resolution.

The project will create a fine residential environment for future residents, with very good amenity and environmental performance well above ADG requirements.



Philip Thalys

Hill Thalys Architecture + Urban Projects

Registered Architect [NSW ARB registration number: #6780]



LANDSCAPE DESIGN CONCEPT

Jennifer Street, Little Bay

MARCH 2022

PREPARED FOR

URBAN

PREPARED BY

turf

SITE | LANDSCAPE



LEGEND

- Site
- Green open space
- National Park

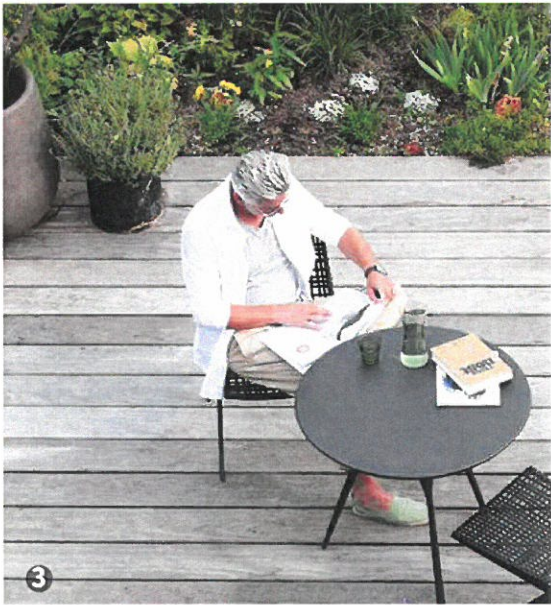
Aerial Image of Context - Not to scale



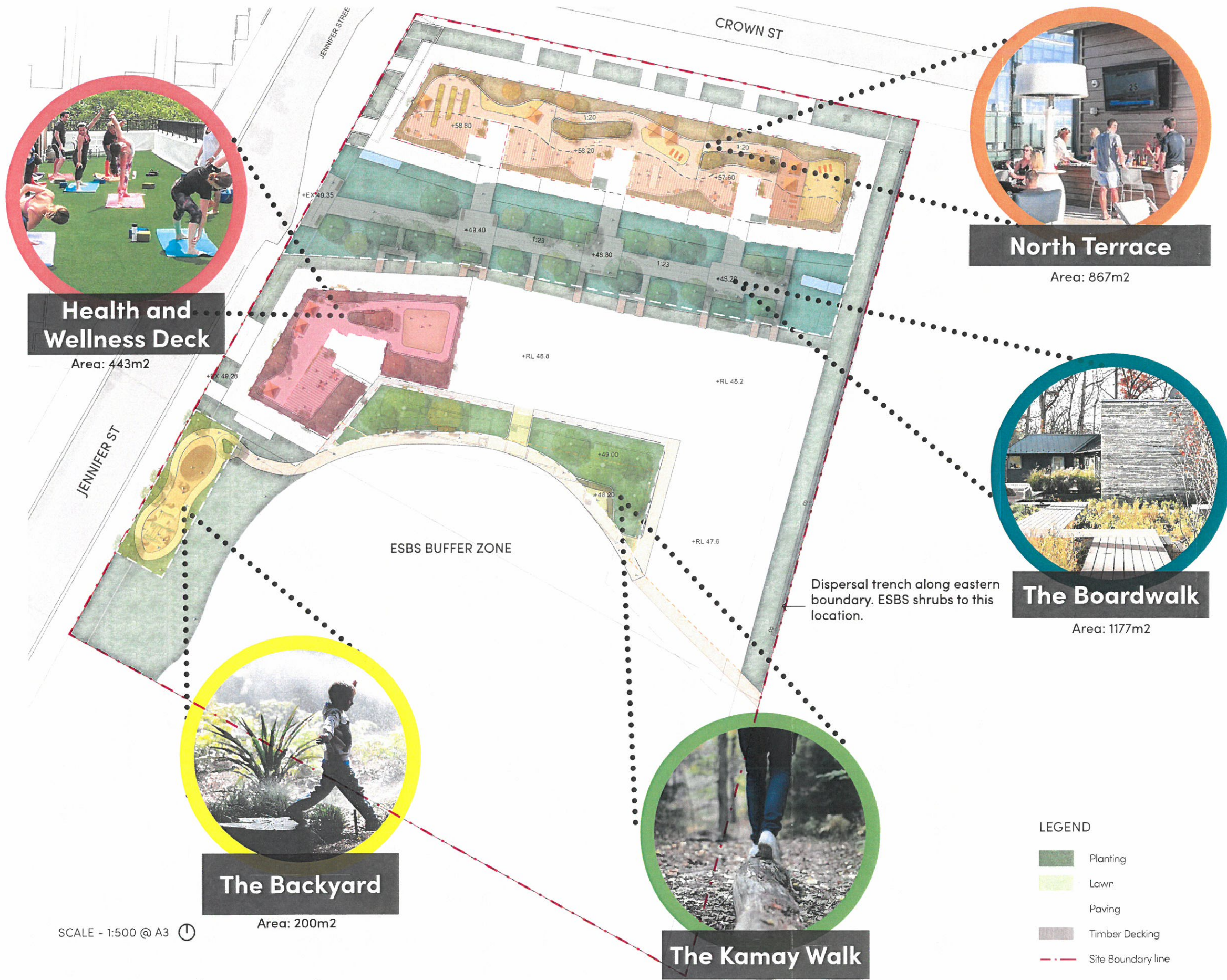
MASTERPLAN | VISION



The landscape vision for this site celebrates the direct interface of these new dwellings with the valuable ESBS community. Landscape design and materiality combines to tread lightly and seamlessly integrate with the surrounding landscape - blurring the line between the natural and man made. The key view lines are maintained in the design to establish broader connections and amenities are provided to support the development of a happy and healthy residential community.



LANDSCAPE PLAN | OVERALL



TOTAL COMMUNAL OPEN SPACE
Area: 3,073m²
Percentage: 26.5%
Site area: 11610m²

COMMUNAL OPEN SPACE | THE BOARDWALK



LEGEND

- Planting
- Timber Decking
- Proposed Trees
- COS Boundary

SCALE - 1:250 @ A3



Raised boardwalks create a sense of full immersion and provide direct access to and from building entries.



Seating Opportunities look onto endemic ESBS whilst providing a secluded experience.



Endemic species palette embodying a local 'coastal character'.

COMMUNAL OPEN SPACE | THE KAMAY WALK



LEGEND

Planting	Timber Decking	Proposed Trees	COS Boundary
Gravel			
Crushed Stone			

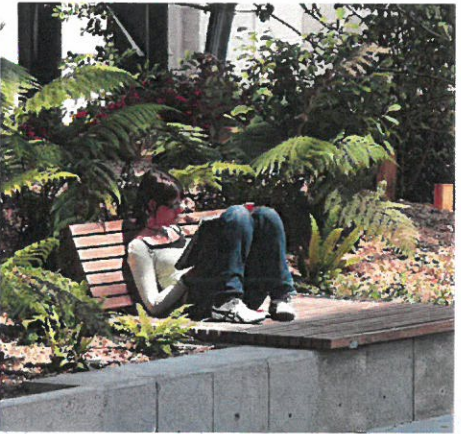
SCALE - 1:250 @ A3



Nestled in ESBS Planting and providing physical and visual connection



Path network creates a circuit to connect lobby entries whilst framing the edge of retained ESBS.



Lounging within forest and viewing through Seating nooks.

COMMUNAL OPEN SPACE | HEALTH AND WELLNESS DECK



SCALE - 1:250 @ A3 ①



Open Lawn area as **flexible space** to lounge or exercise.
Opportunity for exercise equipment to be utilised.



Opportunity to **drape with greenery** to soften active space.



COMMUNAL OPEN SPACE | THE BACKYARD



- LEGEND
- Planting
 - Mulch
 - Proposed Trees
 - COS Boundary
 - Gravel
 - Sand

SCALE - 1:250 @ A3



Playground nestled within ESBS to provide **active and engaging play experience**.



Network of Subtle Pathways introduced to interact with ESBS Boundary and Jennifer St Interface.



COMMUNAL OPEN SPACE | NORTH TERRACE



LEGEND

Planting	Timber Decking	Proposed Trees	COS Boundary
Lawn	Pool		
Paving			

SCALE - 1:250 @ A3



1. Food & Growing Terrace
Kitchen Garden opportunity to foster Participation and Growing with residents and amenity.



2. Social Lounge
Dining, social and Central Open Lawn interwoven, connecting to views, activity and pool amenity.



A Dining and Social experience that provides shelter and expanding views.

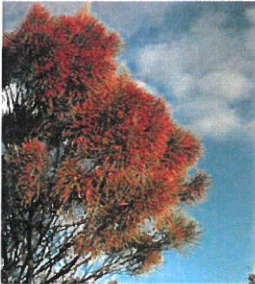


3. Low planter wall w/ glazed balustrade

PLANTING PALETTE

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD
TREES				
AD	Allocasuarina distyla	Scrub She-oak	6m	4m
BI	Banksia integrifolia	Coastal Banksia	8m	5m
BS	Banksia serrata	Old Man Banksia	8m	5m
EG	Corymbia gummifera	Red Bloodwood	15m	10m
LL	Leptospermum laevigatum	Coast Tea Tree	5m	5m
LT	Leptospermum trinervium	Flaky-barked Tea-tree	4m	3m
MN	Melaleuca nodosa	Prickly-leaved Paperbark	3m	3m
UNDERSTOREY				
Al	Acacia longifolia	Golden Wattle	3m	4m
At	Acacia terminalis	Sunshine Wattle	5m	4m
Ah	Actinotus helianthii	Flannel Flower	1m	0.6m
Bi	Boeckea imbricata	Heath Myrtle	1m	1m
Ba	Banksia aemula	Wallum Banksia	4m	3m
Be	Banksia ericifolia	Heath-leaved Banksia	3m	3m
Br	Bouera rubioides	Dog Rose	1m	1m
Bs	Billardiera scandens	Apple Berry	1.5m	1m
Bp	Boronia parviflora	Swamp Boronia	1m	5m
Bh	Bossiaea heterophylla	Variable Bossiaea	1m	3m
Cp	Caustis pentandra	Thick Twist-rush	1.5m	2m
Df	Darwinia fascicularis	A Darwinia	0.3m	1m
Drv	Dianella revoluta	Blue Flax-lily	0.8m	0.6m
Drt	Dillwynia retorta	Small-leaf Parrot-pea	1.5m	1m
Ea	Eriostemon australasius	Pink Wax Flower	1.5m	1m
Hv	Hardenbergia violacea	False Sarsaparilla	2.5m	1.5m
Ka	Kunzea ambigua	Tick Bush	1.5m	4m
Lf	Lambertia formosa	Mountain Devil	2m	2m
Lle	Lepidosperma laterale	Variable Swordsedge	1.5m	2m
Le	Leucopogon ericoides	Pink Beard-heath	1m	3m
Lla	Lomandra Longifolia	Spiny-head Mat-rush	.6m	.6m
Ms	Melaleuca squamea	swamp honey-myrtle	2.5m	3m
Pl	Persoonia lanceolata	Lance-leaf Geebung	3m	3m
Xr	Xanthorrhoea resinifera	Oval Grass Tree	2m	1.5m
UNDERSTOREY - Dispersal Trench				
As	Acacia suaveolens	Sweet scented wattle	2.5m	2.0m
Dr	Dillwynia retorta	Small-leaf Parrot-pea	2.0m	2.0m
El	Epacris longiflora	Fuchsia Heath	1.5m	1.0m
Ht	Hakea teretifolia	Dagger Hakea	2.0m	1.5m
Ka	Kunzea ambigua	Tick Bush	2.5m	3.0m
Ls	Lomandra spp.	Lomandra spp.	0.5m	0.2m
Sv	Styphelia viridis	Green Five Corners	1.5m	3.0m

TREES



Allocasuarina distyla



Banksia integrifolia



Banksia serrata



Corymbia gummifera



Leptospermum laevigatum



Leptospermum trinervium



Melaleuca nodosa



Wildlife

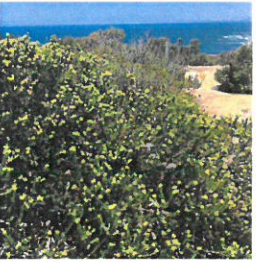
SHRUBS



Acacia longifolia



Baeckea imbricata



Banksia ericifolia



Boronia parviflora



Caustis pentandra



Darwinia fascicularis



Dianella revoluta



Hardenbergia violacea



Kunzea ambigua



Lepidosperma laterale



Lomandra Longifolia



Xanthorrhoea resinifera

COMMUNAL OPEN SPACE | HEALTH AND WELLNESS DECK



LEGEND

Planting	Timber Decking	Proposed Trees	COS Boundary
Lawn			
Paving			

SCALE - 1:250 @ A3



Open Lawn area as **flexible space** to lounge or exercise.
Opportunity for exercise equipment to be utilised.



Opportunity to **drape with greenery** to soften active space.



COMMUNAL OPEN SPACE | THE BACKYARD



Playground nestled within ESBS to provide **active and engaging play experience**.



Network of Subtle Pathways introduced to interact with ESBS Boundary and Jennifer St Interface.



SCALE - 1:250 @ A3

- LEGEND
- Planting
 - Mulch
 - Proposed Trees
 - COS Boundary
 - Gravel
 - Sand

COMMUNAL OPEN SPACE | NORTH TERRACE



LEGEND

Planting	Timber Decking	Proposed Trees	COS Boundary
Lawn	Pool		
Paving			

SCALE - 1:250 @ A3



1. Food & Growing Terrace
Kitchen Garden opportunity to foster Participation and Growing with residents and amenity.



2. Social Lounge
Dining, social and Central Open Lawn interwoven, connecting to views, activity and pool amenity.



A Dining and Social experience that provides shelter and expanding views.

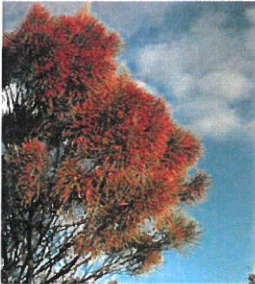


3. Low planter wall w/ glazed balustrade

PLANTING PALETTE

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD
TREES				
AD	Allocasuarina distyla	Scrub She-oak	6m	4m
BI	Banksia integrifolia	Coastal Banksia	8m	5m
BS	Banksia serrata	Old Man Banksia	8m	5m
EG	Corymbia gummifera	Red Bloodwood	15m	10m
LL	Leptospermum laevigatum	Coast Tea Tree	5m	5m
LT	Leptospermum trinervium	Flaky-barked Tea-tree	4m	3m
MN	Melaleuca nodosa	Prickly-leaved Paperbark	3m	3m
UNDERSTOREY				
Al	Acacia longifolia	Golden Wattle	3m	4m
At	Acacia terminalis	Sunshine Wattle	5m	4m
Ah	Actinotus helianthii	Flannel Flower	1m	0.6m
Bi	Boeckea imbricata	Heath Myrtle	1m	1m
Ba	Banksia aemula	Wallum Banksia	4m	3m
Be	Banksia ericifolia	Heath-leaved Banksia	3m	3m
Br	Bouera rubioides	Dog Rose	1m	1m
Bs	Billardiera scandens	Apple Berry	1.5m	1m
Bp	Boronia parviflora	Swamp Boronia	1m	5m
Bh	Bossiaea heterophylla	Variable Bossiaea	1m	3m
Cp	Caustis pentandra	Thick Twist-rush	1.5m	2m
Df	Darwinia fascicularis	A Darwinia	0.3m	1m
Drv	Dianella revoluta	Blue Flax-lily	0.8m	0.6m
Drt	Dillwynia retorta	Small-leaf Parrot-pea	1.5m	1m
Ea	Eriostemon australasius	Pink Wax Flower	1.5m	1m
Hv	Hardenbergia violacea	False Sarsaparilla	2.5m	1.5m
Ka	Kunzea ambigua	Tick Bush	1.5m	4m
Lf	Lambertia formosa	Mountain Devil	2m	2m
Lle	Lepidosperma laterale	Variable Swordsedge	1.5m	2m
Le	Leucopogon ericoides	Pink Beard-heath	1m	3m
Lla	Lomandra Longifolia	Spiny-head Mat-rush	.6m	.6m
Ms	Melaleuca squamea	swamp honey-myrtle	2.5m	3m
Pl	Persoonia lanceolata	Lance-leaf Geebung	3m	3m
Xr	Xanthorrhoea resinifera	Oval Grass Tree	2m	1.5m
UNDERSTOREY - Dispersal Trench				
As	Acacia suaveolens	Sweet scented wattle	2.5m	2.0m
Dr	Dillwynia retorta	Small-leaf Parrot-pea	2.0m	2.0m
El	Epacris longiflora	Fuchsia Heath	1.5m	1.0m
Ht	Hakea teretifolia	Dagger Hakea	2.0m	1.5m
Ka	Kunzea ambigua	Tick Bush	2.5m	3.0m
Ls	Lomandra spp.	Lomandra spp.	0.5m	0.2m
Sv	Styphelia viridis	Green Five Corners	1.5m	3.0m

TREES



Allocasuarina distyla



Banksia integrifolia



Banksia serrata



Corymbia gummifera



Leptospermum laevigatum



Leptospermum trinervium



Melaleuca nodosa



Wildlife

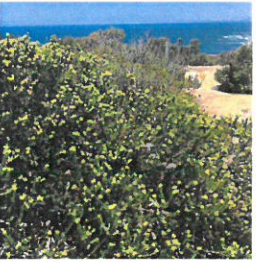
SHRUBS



Acacia longifolia



Baeckea imbricata



Banksia ericifolia



Boronia parviflora



Caustis pentandra



Darwinia fascicularis



Dianella revoluta



Hardenbergia violacea



Kunzea ambigua



Lepidosperma laterale



Lomandra Longifolia



Xanthorrhoea resinifera



CLAUSE 4.6 VARIATION STATEMENT

MAXIMUM BUILDING HEIGHT – CLAUSE 4.3 OF RANDWICK LEP 2012

Stage 1 concept development application for construction of a part 3, part 4 storey residential flat building with basement car parking, tree removal and associated landscaping

11 Jennifer Street, LITTLE BAY

Prepared for: Urban Property Group

Ref. M210247

DATE: 16 March 2022



Clause 4.6 Variation Statement – Height of Buildings (Clause 4.3)

1. INTRODUCTION

This Statement has been prepared in accordance with Clause 4.6 of *Randwick Local Environmental Plan 2012 (RLEP 2012)*, to accompany a Stage 1 concept development application for construction of a part 3, part 4 storey residential flat building comprising 94 apartments, a community room, basement car parking, tree removal, landscaping and associated works at 11 Jennifer Street, Little Bay (“the Site”).

The application is currently the subject of NSW Land and Environment Court proceedings (case no. 2021/238291).

The proposal specifically comprises 94 apartments in two blocks (northern and southern) that frame two substantial landscaped courtyards. The northern building that fronts Crown Road has a linear configuration and the southern building has a U-shape configuration. The buildings are three-storeys along the Jennifer Street and Crown Road frontages, with the fourth-storey element included for the southern block only, significantly set back from both those frontages.

Figure 1 below shows the Site Plan, and configuration of buildings and distribution of height across the Site.



Figure 1 Extract from drawing “DA 2.11 A” illustrating storey heights (Source: Hill Thalys)

2. PROPOSED VARIATION

Clause 4.3 of *RLEP 2012* prescribes the maximum building height for the Site based on the *Height of Buildings Map*. The relevant map [sheet HOB_010] indicates that the maximum building height permitted at the subject site is 9.5m. Building height in the *RLEP 2012* is defined as:

“building height (or height of building) means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

As indicated in the images included in Figures 2 to 5 below, the three-storey component of both buildings include a non-compliance with the Height of Buildings control in the *RLEP 2012*. The elevation facing Crown Road (northern elevation of the northern building) includes an average breach with the Height of Buildings control – excluding lift overruns - of less than 1m with a maximum breach of only 1m (10.5%). The degree of variation is influenced by the topography of, and hydrological recommendations for, the Site. However, the sensitive edges on Jennifer Street (western elevation of both buildings) are generally compliant with the Height of Buildings control, with the exception of lift overruns and services which are setback from the street frontage.

These non-compliances would not be readily perceptible from Jennifer Street or the Crown Road, when compared with a strictly compliant proposal. In terms of impact, there are no visual or shadow impacts associated with the height exceedances of concern.

The smaller four-storey portion of the development is only to the southern building, which is set on the lower-end of the site, and away from both the Jennifer Street and Crown Road frontages. As a result, the fourth-storey will not be visible from the street level or the residential properties on Jennifer Street, noting most of the properties on Jennifer Street also do not directly face the development, often presenting a secondary face to Jennifer Street. There is also vacant land zoned RE1 - Public Recreation located directly opposite the Site on Jennifer Street.

With the exception of the lift overruns and services for the northern building, the location of the maximum height breach occurs towards the northern and eastern elevations of the southern building, and results in a maximum building height of 14m (4.5m or 47.4% breach) to the top of the roof and 14.4m (4.9m or 51.6% breach) to the lift overrun/services. The maximum height for the northern building is 10.5m (1m or 10.5% breach) to the top of the roof and 14.3m (4.8m or 50.5% breach) to the top of the lift overrun/services.

Overall, the building footprint that breaches the height control is 3,704m² in area, which equates to 32% of the site area. However, of this, 2,619m² (22.5% of the site area) of building footprint breaches the height control by 1m or less and a further 167m² (1.5% of the site area) is lift overruns/services that aren't associated with the four storey parts of the proposal. Pergolas are also proposed at roof level and will occupy parts of the rooftop communal open space. These will be lightweight open structures that are a maximum of 2.8m high (above roof level) and will provide shade and wind protection to enhance the amenity of these rooftop spaces.

The four storey elements for the southern building that are the area of maximum non-compliance to the height of building standard are limited to a footprint of 899m² (8% of the overall site area) and are located away from the street view on Jennifer Street and Crown Road. These four storey elements are significantly setback from both the northern and western boundaries, being setback some 29m from Jennifer Street and 41m from the Crown Road. It is also important to highlight that the fourth storey element will be some 61m away from the eastern façade of the nearest

neighbouring residential property at No. 14 Jennifer Street to the west. Therefore, these elements of maximum non-compliance are discreetly located within the development.

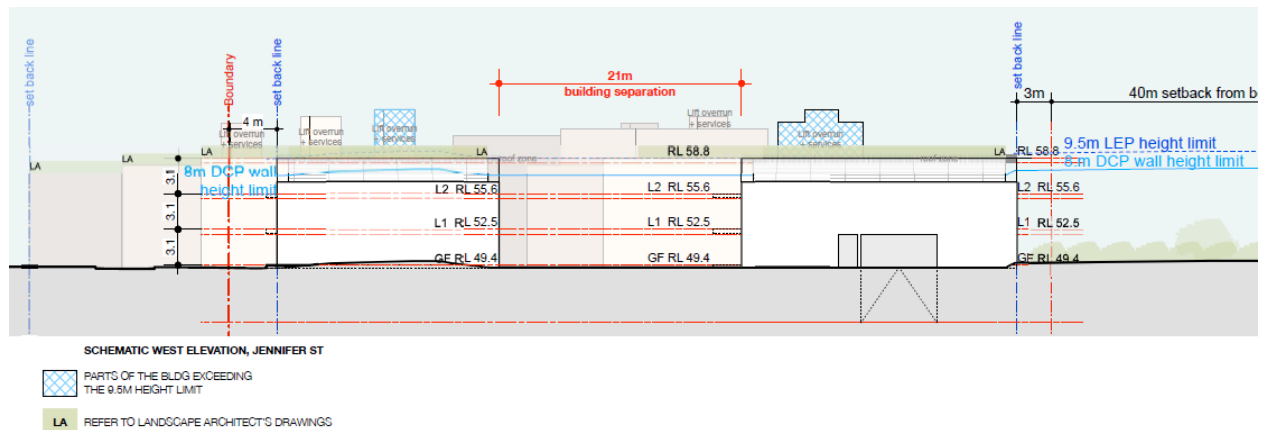


Figure 2 Extent of Clause 4.3 height variation - west elevation

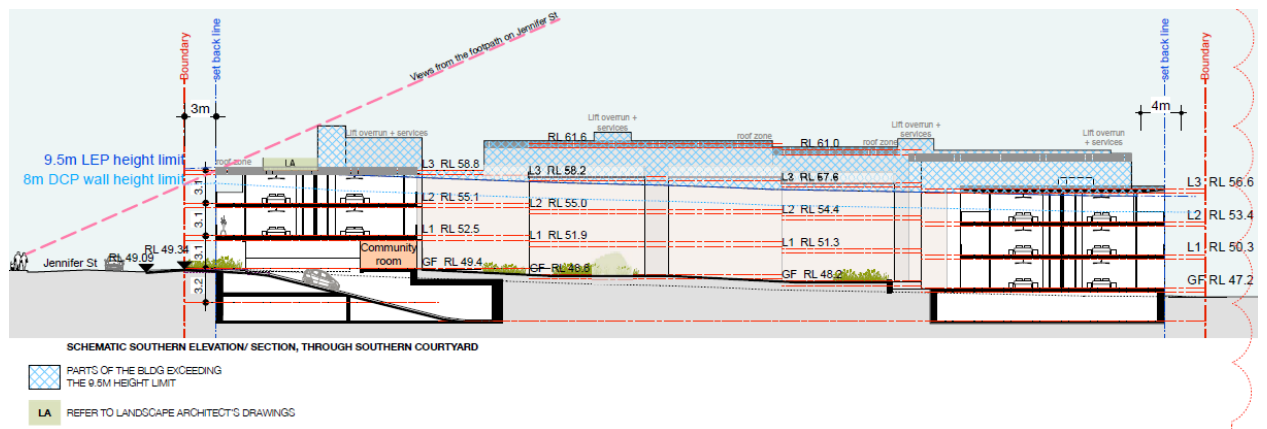


Figure 3 Extent of the Clause 4.3 height variation - section through southern courtyard

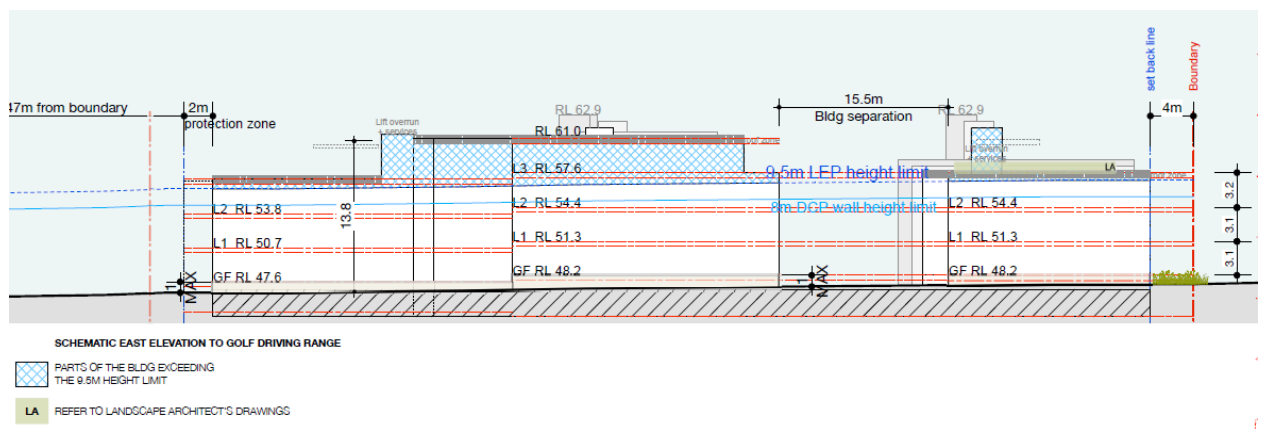


Figure 4 Extent of the Clause 4.3 height variation - east elevation

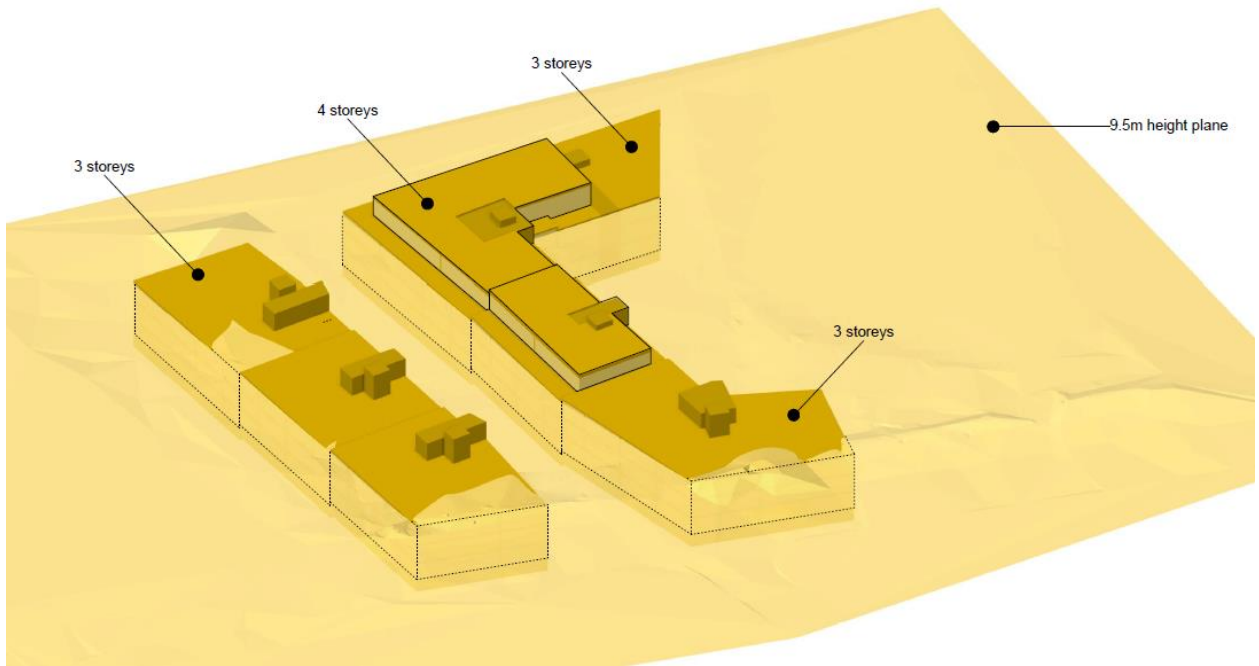


Figure 5 Height blanket illustrating extent of the Clause 4.3 height variation

Clause 4.6 of the *RLEP 2012* contains inbuilt flexibility for varying the height standard.

The maximum building height under Clause 4.3 is a “development standard” to which exceptions can be granted pursuant to Clause 4.6 of the *RLEP 2012*.

3. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 are as follows:

“4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Planning Secretary has been obtained.*

(5) *In deciding whether to grant concurrence, the Planning Secretary must consider:*

(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

(b) *the public benefit of maintaining the development standard, and*

(c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

(a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note.

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*

(a) *a development standard for complying development,*

(b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

(c) *clause 5.4,*

(ca) *clause 6.16(3)(b).*

It is noted that Clause 4.3 is not "expressly excluded" from the operation of Clause 4.6.

4. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:



“An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”

The Judgment goes on to state that:

“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

Preston CJ in the Judgment then expressed the view that there are 5 different ways in which an objection may be well-founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

“...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”

Compliance with the maximum building height development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out below. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Height of Buildings Objectives

The objectives and relevant provisions of Clause 4.3 of *RLEP 2012* are as follows, inter alia:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*



In order to address the requirements of Subclause 4.6(4)(a)(ii), the objectives of Clause 4.3 are addressed in turn below.

Objective (a): “to ensure that the size and scale of development is compatible with the desired future character of the locality”

It is noted that objective (a) refers to being “compatible” with the desired future character of the locality. It is considered that “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*:

“22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”

Council does not have any specific desired future character objectives that are applicable to the site. In this regard, Preston CJ in *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115* found the following at Para 54:

“In circumstances where the term “desired future character” is undefined and unconfined in WLEP, the matters that may be taken into account in evaluating what is the desired future character of a particular neighbourhood or area at any point in time will similarly be unconfined, except insofar as there may be found in the subject matter, scope and purpose of WLEP some implied limitation on the matters that may legitimately be considered. There is no limitation found in the subject matter, scope and purpose of WLEP which would preclude consideration of developments that have been approved and constructed in the neighbourhood or area.”

That is, the desired future character of the locality is not defined under RLEP 2012 and is subjective. Preston CJ goes on to state at Para 62-63:

“Construction of the term “desired future character” that would confine its meaning to being defined and fixed by the development standards only would make forming the opinion of satisfaction under cl 4.4(4)(a)(ii) that the proposed development is consistent with these objectives difficult, if not impossible. On this construction, the height and FSR development standards define and fix the desired future character. A development that contravenes the height and FSR development standards needs to demonstrate that it will be consistent with the desired future character. It cannot do this because, contravening the development standards, it is inconsistent with the desired future character that is defined and fixed by those development standards.

This circularity is avoided if the term “desired future character” is construed as permitting regard to be had to matters other than only the development standard. On this construction, the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.”

The desired future character of the neighbourhood is subjective and can be set by the existing, recently approved and proposed buildings within the neighbourhood, as well as the controls which apply. The subject site is zoned R3 – Medium Density Residential within a streetscape with varied building typologies and heights. As illustrated in Figure 18, the eastern side of Anzac Parade includes a number of buildings that exceed three storeys in height. In terms of the existing character, the subject site lends itself to the additional height which is entirely compatible with the scale of buildings located on the eastern side of Anzac Parade, which are typically taller than those on the western side of Anzac Parade. This existing character must be acknowledged and it is considered the proposal responds to the existing and evolving character of the locality which makes it compatible with the desired future character of the locality. The

subject site does not immediately adjoin any residential development to its north, east south with which it will form a continuous streetscape and as a result, the height breach does not provide tension in this sense.

Further, when considering the question of character, it must be noted that land to the west on the opposite side of Jennifer Street which is of a lower scale, sits within the R2 – Low Density Residential zone, which is subject to different zone objectives and planning controls, and therefore desired future character. Therefore, the scale of that development should not be limiting for the subject site. This was exemplified in the approval of DA/101/2018, where a three storey building – similar to that proposed under the subject application – fronting Jennifer and Crown Road was approved.

It is further noted, planning controls and development standards (including prescribed height) do not account for specific site characteristics or local context affecting a particular development. In the case of the subject development, the Site contains a significant area of remnant bushland that is associated with the ESBS Endangered Ecological Community and is therefore sought to be retained and protected. In order to do this, the proposed building footprint and floorplates have been concentrated to be within the central and northern parts of the site, with the fourth storey elements located on the southern block only and setback from the sensitive western and northern frontages of the site.

This has a twofold benefit. Firstly, this building form provides a transition in scale from a three to four storey height from the western, more sensitive side of the site to the eastern, least sensitive side. Secondly, it ensures that any impact on amenity from the increased building height is appropriately minimised so as not to adversely impact the amenity of the locality or neighbouring properties. That is because it is located adjacent to a driving range and Golf Course which is within a RE1 - Public Recreation zone. This is demonstrated by any shadows from the proposed development only falling on the subject site and adjoining driving range, between 1pm and 3pm on 21 June.

As a result, the proposal is of a size and scale that is compatible or in harmony with the character of the locality and will not be visually “jarring” in the streetscape or as viewed from the surrounding properties. On balance, the proposed height breach is considered to achieve a planning purpose of providing a high quality residential flat building development in a suitable location in close proximity to services and transport. These benefits are in the absence of any adverse streetscape or amenity impacts.

The burden of insisting on strict compliance would result in the removal of, or significant alteration to, Levels 2 and 3 which contain a variety of apartments, which would be an unreasonable and unnecessary outcome given the scale of the proposal is comparable with other medium density developments in the vicinity, when considered against the planning controls that apply, and noting the flexibility available under Clause 4.6. Additionally, the proposal does not result in any adverse impacts to the amenity of the neighbouring properties as is discussed in Objective (c) below.

It is considered that the development will positively contribute to the existing and desired future character of the Little Bay locality when viewed in context of the site and other developments east of Anzac Parade, as shown in Figure 18. Therefore, the proposal will be compatible with the streetscape and will not be visually “jarring” in the streetscape or as viewed from the surrounding properties.

Objective (a) is therefore achieved, notwithstanding the height variation.

Objective (b): “to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item”

The subject site does not contain a heritage item and is not located in a heritage conservation area. Prince Henry Hospital Site Heritage Conservation Area (“C6”) adjoins the site to the north and the Botany Bay National Park Heritage Conservation Area (“C5”) adjoins the site to the south.

An Aboriginal Cultural Heritage Assessment prepared by Oliver Brown Consulting Archaeology is submitted with this application. The Archaeological and Heritage Report states the following:

“A desktop-based due diligence assessment finds that there would be no need for an application for an AHIP for any work involving disturbance of the ground surface. The predictive assessment and associated survey by an archaeologist and LPLALC sites officer confirms this assessment.

The area is without doubt within an important Aboriginal landscape, both in contemporary terms and in relation to pre-invasion Aboriginal archaeology. Some of the most important sites in metropolitan Sydney are nearby and the wider area contains some of the last undisturbed landscapes of coastal Sydney. The study areas themselves however are considered highly unlikely to contain any significant archaeological deposits.

Lot 5251 is a heavily disturbed section of land, being a former roadway and having a significant ditch dug through it intended to modify shallow groundwater movement. The historical significance of the sandstone ‘cobbled’ roadway surface that remains in sections has not been investigated in this assessment and may warrant evaluation in terms of potential local significance.

Lot 5250 contains clear evidence of past disturbance but may also retain intact pre-invasion soil profiles, however these are considered unlikely to contain archaeological deposits.

It is recommended that no further assessment should be required in the event of proposed disturbance of the ground surface. Any purchaser of the land should however revisit the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW prior to any work to view possible changes to the regulatory framework and to be aware of the types of stop work provisions needed to maintain a due diligence defence against prosecution under the National Parks and Wildlife Act. LPLALC should be contacted and invited to inspect any unanticipated finds or the discovery of any large flat sandstone exposures that could potentially contain rock art beneath any post-1788 fill.”

The application is also supported by a Heritage Impact Statement prepared by Weir Phillips (**HIS**). The HIS states as follows:

“The proposed works will have no impact on the adjacent heritage items and Conservation Areas as the proposed structures are generously separated from any elements of heritage significance and would not impact any significant view corridors to or from them. Further, the new buildings are well-designed and consistent with the scale and density of contemporary style of infill that characterizes the setting of the items and HCAs. The basement car parking will increase the amount of landscaping on site and allow for an extensive vegetated buffer zone between the site and the Eastern Suburbs Banksia Scrub to the south.

The proposed works fulfil the aims and objectives of the Randwick LEP 2012 and the Randwick DCP 2012 by improving the quality and diversity of housing options in Little Bay while respecting the heritage significance of the area in which it lies.”

Overall, as outlined in Objective (a), the proposed development is compatible with the scale and character of existing buildings in the locality and the desired future character of the Little Bay locality. The development maintains compliant building separation and setbacks to the northern and southern boundaries, allowing for a landscaped buffer to be provided between the proposed buildings and adjoining heritage conservation areas. As a result, the proposed development will not have an adverse impact on the heritage significance of the nearby heritage conservation areas, despite the numerical height non-compliance. Therefore, Objective (b) is achieved, despite the height variation.

Objective (c): “to ensure that development does not adversely impact on the amenity of adjoining or neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views”

Visual Bulk

In terms of visual bulk, the scale of the proposed development has largely been addressed in Objective (a). For the reasons discussed in Objective (a), the proposed development represents a scale which is compatible with the

character of the locality. Furthermore, when viewed from the neighbouring properties, the proposal will incorporate significant physical separation, from adjoining and neighbouring land and within the proposal itself, thus mitigating any potential sense of enclosure or visual obtrusiveness.

Privacy

In terms of privacy, the height breach does not result in any adverse privacy impacts. The area of maximum height breach – being the four storey element - is setback more than 61m from the eastern façade of No. 14 Jennifer Street. Lower three storey elements on the western side of the development are located between 24m and 28m from eastern façades of neighbouring properties on the western side of Jennifer Street. Cullen's Driving Range adjoins to the east and the Kamay Botany Bay National Park to the south, both of which are land uses that will not be prejudiced by the proposed height breach in terms of privacy. As such, the proposal comfortably complies with the building separation requirements of Part 3F-1 of the *Apartment Design Guide* and therefore the impacts on neighbouring privacy are considered to be acceptable, despite the numerical height breach.

Solar Access

In regard to overshadowing, the proposed height breach will not result in any overshadowing of neighbouring residential properties. The shadow diagrams submitted with the architectural plans (refer to Figure 6) confirm that the shadows cast by the proposed development between 9am and 3pm on 21 June will largely fall on the subject site and will thus not affect neighbouring residential properties. Minor overshadowing to the adjoining Cullen's Driving Range only falls between 2pm and 3pm, which is the worst case scenario on 21 June. In this context, any overshadowing impact as a result of the height breach, when compared to a compliant development will be insignificant.

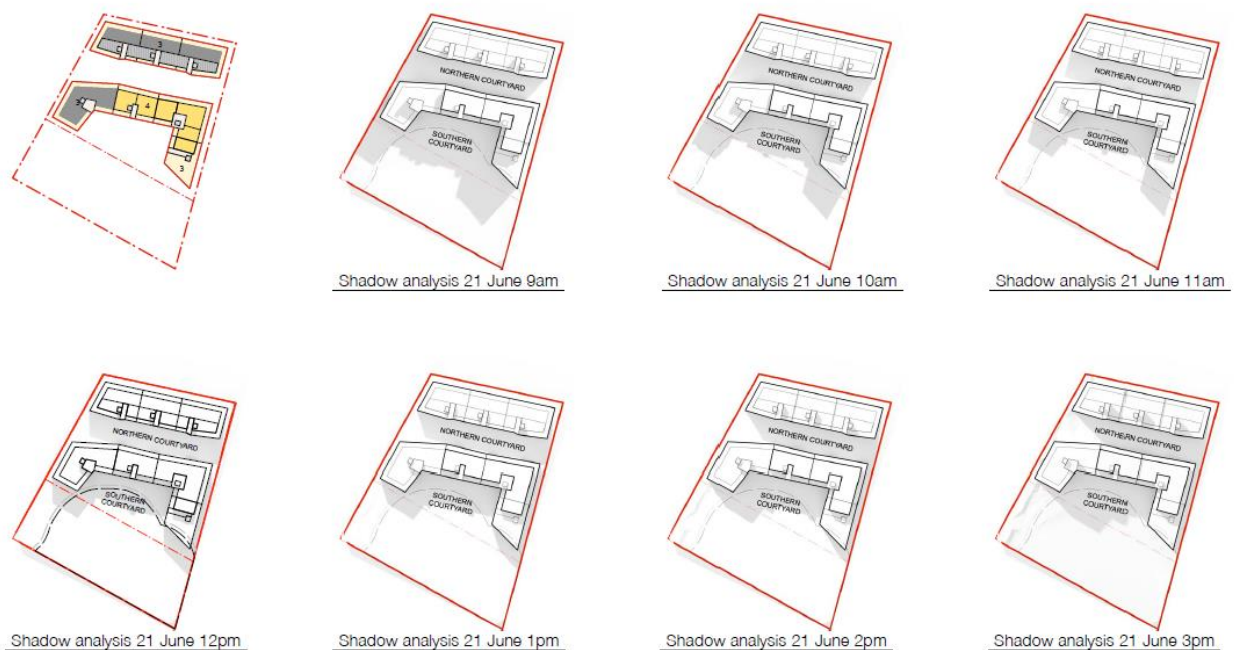


Figure 6 Extract from shadow diagrams drawing "DA 2.52" (Source: Hill Thalys)

Views

In terms of views, the area of non-compliance does not give rise to any adverse view impacts in terms of both private and public views. The height breach does not result in any loss of significant views over and through the site, over and above a compliant scheme. Indeed, the retention of an east-west view corridor through the site will not be affected by

the proposed height breach. A full analysis of view impacts is provided within the submitted architectural plans, prepared by Hill Thalys. The views most affected from Nos. 14 Jennifer Street, 40 Reservoir Street, and 504/26 Harvey Street are discussed below.

Figure 7 below illustrates the location of Nos. 14 Jennifer Street and 40 Reservoir Street, which are located due west of the Site. These properties currently obtain easterly views from living rooms and a bedroom across the Site of remnant bushland (Figures 8 to 10). From standing positions, both properties obtain some distant filtered ocean views across the Site from the living rooms, although these would be largely obscured by the previously approved development on the Site (DA/101/2018). None of the existing views obtained are iconic views.

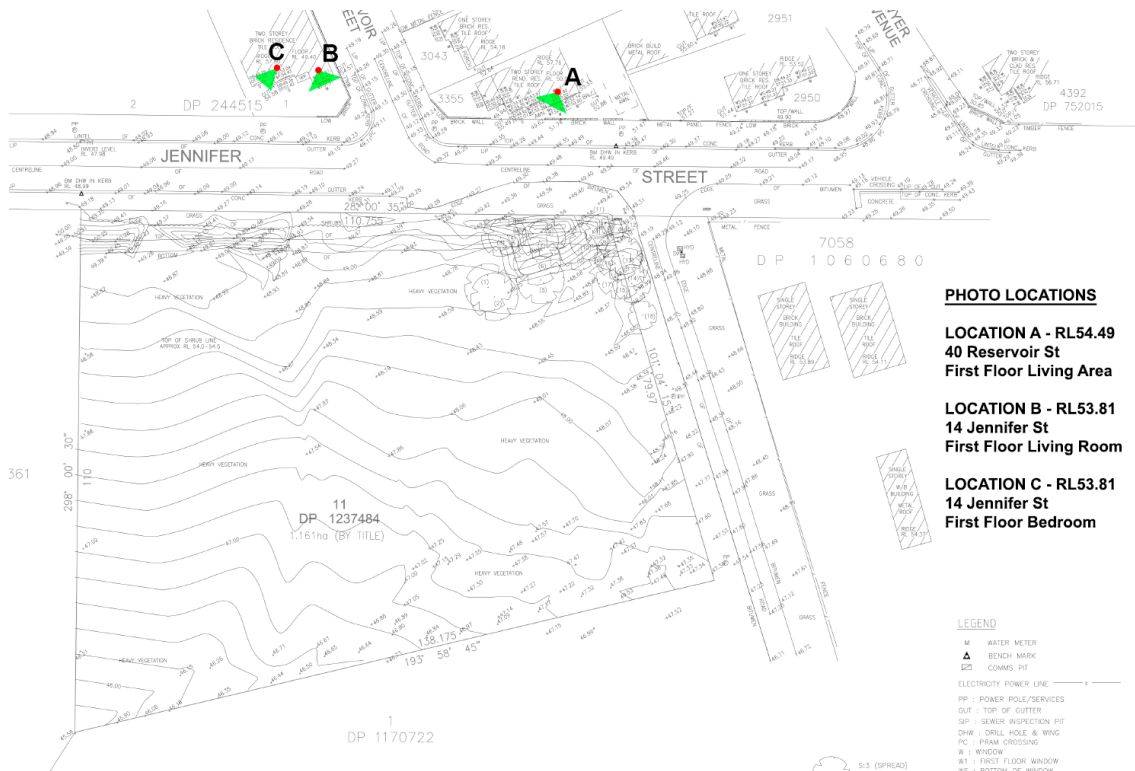


Figure 7 Location of properties to the west of the Site



Address: 40 Reservoir Street, Little Bay
Location: Living room
Scheme: Existing (vacant)



Figure 8 Existing view obtained from first floor living room of No. 40 Reservoir Street

Address: 14 Jennifer Street, Little Bay
Location: Living room
Scheme: Existing (vacant)



Figure 9 Existing view obtained from first floor living room of No. 14 Jennifer Street





Figure 10 Existing view obtained from first floor bedroom of No. 14 Jennifer Street

In respect of No. 40 Reservoir Street, as illustrated in Figure 11 below, the proposed development will obstruct views across the site, including bushland and distant filtered ocean views. However, these views are obstructed by parts of the development that are fully compliant with the height development standard and are consistent with the view impacts of the previously approved development (DA/101/2018). They are therefore entirely reasonable when considering the fourth test in the view sharing planning principle established in *Tenacity Consulting v Waringah [2004] NSWLEC 140* ("Tenacity Principles").



Address: 40 Reservoir Street, Little Bay

Location: Living room

Scheme: Court approved



Address: 40 Reservoir Street, Little Bay

Location: Living room

Scheme: Current proposal



Figure 11 Comparison of Court approved and proposed view impacts on living room of No. 40 Reservoir Street

In respect of No. 14 Jennifer Street, as illustrated in Figure 12 below, the proposed development will obstruct views across the site from the living room, including bushland and distant filtered ocean views. However, these views are obstructed by parts of the development that are fully compliant with the height development standard and are not related to the height non-compliant parts of the development. It is further noted that the view impacts are generally consistent with the view impacts of the previously approved development (DA/101/2018). They are therefore entirely reasonable when considering the fourth test in the view sharing planning principle established in the Tenacity Principles.





Address: 14 Jennifer Street, Little Bay

Location: Living room

Scheme: Court approved



Address: 14 Jennifer Street, Little Bay

Location: Living room

Scheme: Current proposal



Figure 12 Comparison of Court approved and proposed view impacts on living room of No. 14 Jennifer Street

In respect of the views from the first floor bedroom of No. 14 Jennifer Street, as illustrated in Figure 13 below, the proposed development does not have any impact on these views. Indeed, the impact will be significantly improved over the previously approved development (DA/101/2018) as the proposed built form has been redistributed further north on the site within the two proposed blocks.





Figure 13 Comparison of Court approved and proposed view impacts on bedroom of No. 14 Jennifer Street

In respect of No. 504/26 Harvey Street, as illustrated in Figure 14 below, there is a significant separation distance between the Site and that neighbouring property, including dense bushland in between the sites. Accordingly, as illustrated in Figure 15, only a minor part of the proposed development will be visible from the roof terrace of that property. This will not give rise to any prejudicial impact on views obtained from this property, with the view impact deemed to be negligible. As such, the impact is entirely reasonable when considering the view sharing planning principle established in the *Tenacity* Principles.



Figure 14 Location of No. 504/26 Harvey Street in relation to the subject site



Figure 15 Proposed view impacts from roof terrace of No. 504/26 Harvey Street

With regard to public domain views, as illustrated in Figures 16 and 17 below, a west-east view corridor from Reservoir Street is provided through the site to enable distant ocean views through the site to be retained. These views will be unaffected by the proposed height variation and the view impact is entirely reasonable given that compliant setbacks and building separation is provided in accordance with the *RDCP 2013* and the *ADG*. Accordingly, there will be no adverse impacts on public views created by the height non-compliance, such height considered to be entirely reasonable within the context of the site and R3 - Medium Density Residential zone.





Figure 16 Site analysis illustrating Reservoir Street public vista



Figure 17 Extract from site plan drawing "DA 2.03 A" illustrating west-east public domain view corridor (Source: Hill Thalix)

The examination of the height breach demonstrates that there will be no adverse impact to adjoining properties in relation to visual bulk, overshadowing, views or privacy.

For these reasons the proposed development achieves Objective (c), notwithstanding the height variation.

As outlined above, all of the objectives of the Height of Building development standard are achieved, notwithstanding the height variation. Therefore, compliance with the maximum Height of Building development standard is considered to be unreasonable and unnecessary and the proposed variation is considered to be well-founded.

Notably, under Clause 4.6(4)(a)(ii) a Consent Authority must be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. Clause 4.6(4)(a)(ii) is addressed in Section 6 below.



5. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the following planning grounds are submitted to justify contravening the maximum building height:

1. The concept development proposal will have an FSR of no greater than 0.75:1 (8,705.5m²). This is entirely compliant with the floor space ratio prescribed for the site pursuant to Clause 4.4 of *RLEP 2012*. Accordingly, the proposed height breach does not relate to any additional density beyond the applicable planning controls.
2. The proposed built form is purposefully located to the northern side of the Site as a direct consequence of the presence of Eastern Suburbs Banksia Scrub ("ESBS") Endangered Ecological Community which is located on and adjoining the Site. As illustrated in Figure 18 below, a large area (4,752m²) of the subject site will be nominated as ESBS buffer zone and defendable area, with all vegetation on this part of the site retained and protected. This area equates to 40.9% of the overall site area. As a result, the proposed buildings and floor plates are required to be located on the central and northern parts of the Site, and it is this requirement (to retain and protect ESBS) that contributes to the subsequent height breach proposed. The benefits of retaining and protecting the ESBS Endangered Ecological Community are clearly outweighed by the proposed numerical non-compliance with the *RLEP 2012* height standard, particularly given the lack of adverse impacts from the height breach on streetscape, character or residential amenity (as discussed in further detail below).

There is a clear public benefit in retaining and protecting the ESBS Endangered Ecological Community when considering the objects outlined in Section 1.3 of the *EPA Act, 1979*. In particular, Objective (e) which seeks "*to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats*".

There are also clear benefits in the development proposing a floorplate of no greater than the maximum FSR when considering the objects of the R3 zoning of the Site and the objects of the EPA Act. These relevantly include "*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, and to encourage housing affordability*" and "*to promote the orderly and economic use and development of land*". These objectives are consistent with the strategic objectives outlined in Randwick's Housing Strategy and LSPS, which seek to maximise housing supply on suitable residential zoned sites in order to meet State housing targets.



The population of Randwick LGA is expected to increase by 33,900 people by 2036. This population growth will require an estimated 14,600 additional new dwellings for an additional 13,500 new households across the LGA by 2036. The RLEP FSR standard is integral in meeting this anticipated population growth, and the application seeks to positively contribute to this. To confirm, the application is supported by a Design Verification Statement in which Philip Thalys, Architect, has stated that, *“The enclosed building footprint has a Floor Space Ratio of 0.75:1. Based on our analysis and experience of preparing building envelopes, Hill Thalys have applied 72% of the envelope on the ground floor, and a 75% efficiency to the upper floor envelopes. Level 2 has 73% efficiency to account to the DCP wall height control. This gives sufficient scope for architectural articulation, with reasonable allowances for non-floor space elements such as external walls, vertical circulation, driveways, services and balconies.”*

There is a clear public benefit in seeking to give effect to the strategically anticipated density (established by the maximum allowable FSR) on the Site, whilst balancing the constraints of the Site, particularly in relation to protecting the ESBS Endangered Ecological Community. The proposal seeks to achieve this with the proposed height variation. Given the lack of adverse environmental impacts as a result of the proposed height breach (as discussed in further detail below), there is no public benefit in requiring strict compliance with the Height of Buildings development standard. In so doing the height variation promotes the objects of the EPA Act referred to above.

3. The proposed areas of the maximum height breach (four storey elements) are located on the southern block, on the eastern side of the development, setback some 29m from Jennifer Street and 41m from Crown Road. The four storey elements are also at least 61m away from the nearest residential property at No. 14 Jennifer Street to the west. The additional height proposed allows for floorplate designed in a manner that is beneficial to reducing impacts on the streetscape and residential amenity by enabling the four-storey part of the development to be set well away from surrounding streets and adjacent residential properties located within the R2 Low Density Residential zone (refer to Figure 18 below). As a result, the parts of the development that provide the greatest breach of the height limit will not be readily visible if at all from the street or from nearby residential properties located in the R2 zone. This is a view that has been supported in principle by Council's Design Excellence Panel, who suggested that a fourth storey could be accommodated, noting the reduced visual and amenity impacts.



Figure 18 Proposed building layout and storey heights, illustrating separation to nearest residential property

4. The street fronting parts of the development (being the northern and western components of the development) are three storeys. The western elevation to Jennifer Street is wholly compliant with the 9.5m height limit, whilst the northern elevation to Crown Road incorporates only minor breaches of the 9.5m height limit to upper walls which is partly a product of natural site topography, and the hydrological recommendations for the site identified in the Hydrological Assessment prepared by Martens Consulting Engineers.

It is further noted that the northernmost parts of the development that will breach the 9.5m height limit provide a maximum breach (excluding lift overruns) of 1m (10.5%) and an average breach of less than 1m, which is numerically minor and would not be readily perceptible in the streetscape, when compared with a strictly compliant proposal.

Cross-sections provided at Figures 19 and 20 below include view lines that clearly demonstrate that the four-storey element would not be readily perceptible from either Jennifer Street to the west or Crown Road to the north.

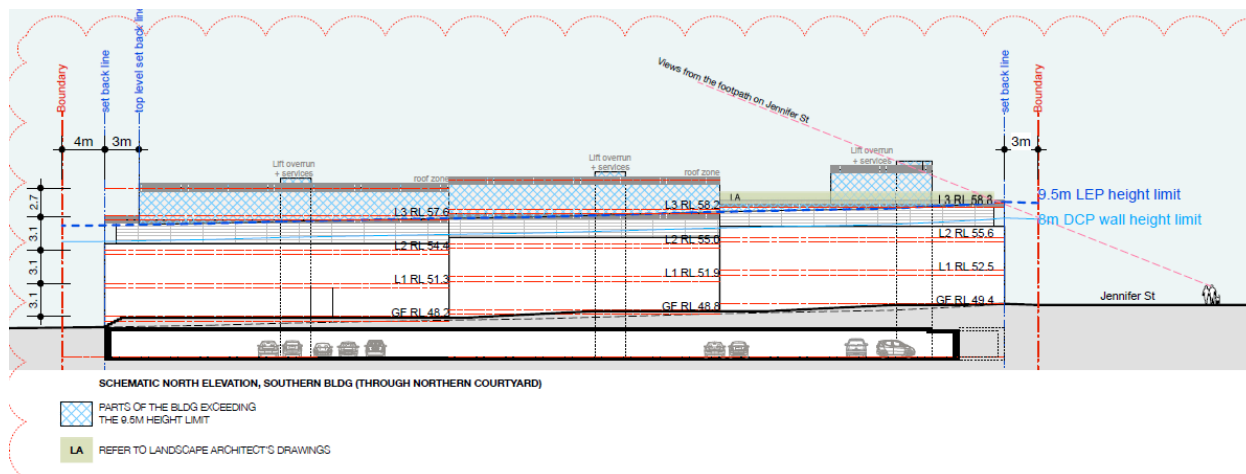


Figure 19 Cross section illustrating view lines from Jennifer Street

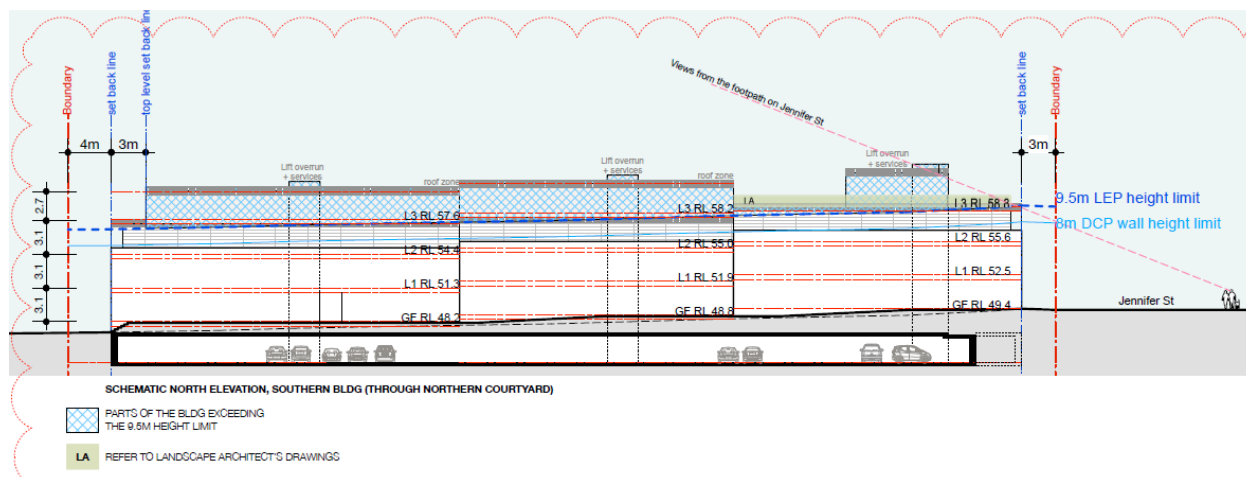


Figure 20 Northern elevation (as viewed from the Crown Road), noting the negligible non-compliance is largely due to the topography

5. There is an absence of any impacts emanating from the upper levels which breach the maximum height control. Firstly, in terms of the component which fronts Jennifer Street and Crown Road, the area of breach is numerically minor (providing a maximum breach of 1m of the Height of Buildings control and an average breach of less than 1m) and will not result in any additional privacy impacts, substantial shadow impacts or additional impacts on views. The view corridor from 14 Jennifer Street and the Reservoir Street public vista is unaffected by the height breach.

Secondly, the four-storey component of the proposed development is internalised within the subject site or adjoins the eastern boundary to the Cullen's Driving Range, being land which forms part of St

Michael's Golf Club which is zoned RE1 Public Recreation and limits permissible land use to the following:

Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Heliports; Horticulture; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures

The additional building height along this boundary will not have any adverse impacts on the recreational use of that land or its amenity. In fact, the approach to site design has responded to the constraints of the Site in a specific manner which minimises the impacts while seeking to give effect to the objects of the FSR standard under *RLEP 2012* and to achieve the R3 zone objective of providing variety of housing types within a medium density residential environment. In particular, any potential impacts on streetscape, character, in relation to adjoining or nearby residential development, and site vegetation are non-existent by the floorplates proposed.

6. Compliance with the height control would require the deletion of the social benefits of providing housing stock, consistent with development standard and strategic planning, should be given significant weight in the consideration of the variation request. The provision of allowable floor space where it positively responds to the natural features of the site and need to retain vegetation, necessitates a form and scale that breaches the height limit. It would be a loss to the community (and contrary to the public interest) to require strict compliance with the height control where it has been demonstrated that any impacts of that variation are acceptable.
7. The proposed height, being three to four storeys, is compatible with the scale of other developments in the locality, including a number of buildings and structures within the vicinity of the Site. This is illustrated in Figure 21, where it is demonstrated that there are a number of five and six storey buildings within direct view of the Site. Accordingly, despite the numerical height breach, the proposed height is not uncharacteristic of other developments in the Little Bay locality. Three-storey built-form fronting Jennifer Street has previously been approved (DA/101/2018), consistent with the height in storeys of the proposal. The maximum height variation that is proposed, is set back a significant distance from both Jennifer Street and Crown Road. Development of the scale proposed (being four storeys at the eastern part of the site) is also common and characteristic for land east of Anzac Parade in Little Bay. Notably much of this four to six storey residential flat development is located within Heritage Conservation Areas as identified by *RLEP 2012*.

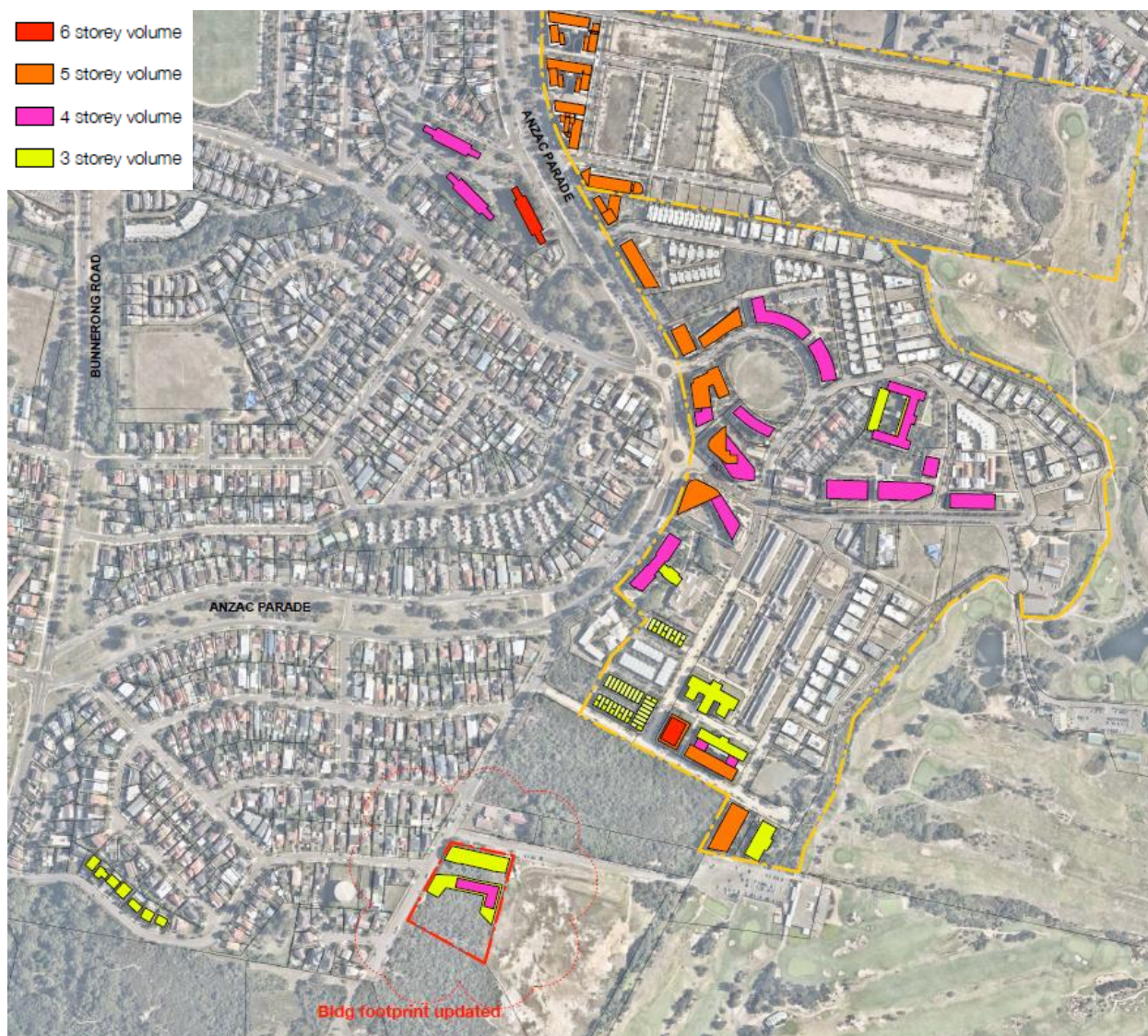




Figure 21 Extract from drawing “DA 1.5 A” illustrating building heights in the locality (Source: Hill Thalix)

8. With the exception of the wall height and building depth controls, the proposed development is entirely compliant with the relevant controls under *RDCP 2013*. Accordingly, the proposed development generally provides a form of development that is anticipated by the controls that apply to the Site. When contemplating the desired nature and character of development within the locality, the allowable floor space ratio which is facilitated must be taken into account. The proposed development is considered to be compatible with the desired future character which can be gleaned from this suite of planning controls. This is because of the sensitive design and siting of the non-compliant components. Because the proposal relates to “concept approval”, architectural design will be further developed at the detailed DA stage.
9. The proposed height breach enables the compliant floor-space to be concentrated into a smaller building footprint, which in turn facilitates the retention of increased deep soil and landscaped areas on



the Site. Indeed, the proposal provides a total of 7,795m² of landscaped area, of which 6,243m² is deep soil area, which equates to 54% of the site area. As outlined previously, this includes the retention of a significant consolidated area of deep soil on the southern side of the site, which enables the retention of a significant area of bushland that includes endangered ESBS Endangered Ecological Community. This bushland is importantly located adjacent to Kamay Botany Bay National Park. In addition, the proposed building footprint with the additional height has provided opportunity for generous consolidated communal open space at the ground plane. Therefore, the additional height has a direct benefit in terms of protecting ecological communities on and adjacent to the site and providing for generous consolidated open space.

10. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- a. The extent of the additional height creates no additional adverse overshadowing impacts to adjoining properties when compared to a compliant building envelope. The majority of shadows from the height breach will be cast over the subject site and proposed development and will not adversely affect neighbouring properties or nearby public open space.

In addition, as demonstrated in the accompanying Sun Analysis drawing “DA 2.51”, the proposed height breach, will not restrict the proposed development from achieving acceptable levels of solar access for future proposed apartments on the Site. The 4 storey parts of the development have been purposefully located in the south-east of the development so that any additional shadows are generally cast over the central communal open space area rather than the proposed future apartments on the subject site.

In respect of the proposed communal open space (“COS”), as demonstrated in Figure 22 below, the proposed development provides 3,160m² (27% of the site area) of COS – excluding the ESBS buffer zone - of which 2,043m² (70%) receives at least 2 hours of direct sunlight between 9am and 3pm on 21 June. This complies with the requirements of Part 3D of the Apartment Design Guide and ensures that an adequate area of COS is provided to enhance residential amenity and to provide opportunities for landscaping on Site.

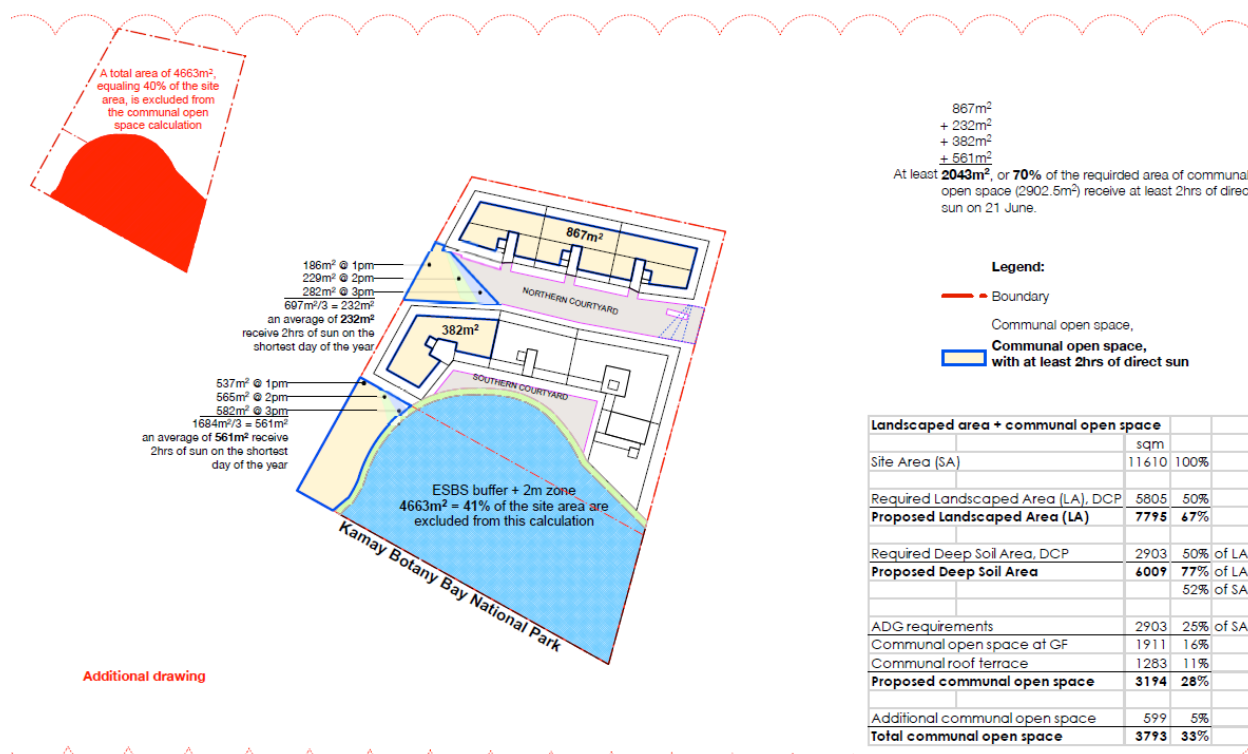


Figure 22 Extract from "DA 2.17 A" illustrating communal open space and solar access calculations

- b. The height breach does not result in any adverse additional privacy impacts. The extent of privacy impacts caused by the height breach will have no greater impact on the privacy to the adjoining properties when compared to a compliant built form. The proposed fourth level is setback significantly from the northern and eastern boundaries and will be some 61m from the nearest neighbouring residential property at No. 14 Jennifer Street to the west. Separation distances well in excess of the Apartment Design Guide requirements are provided to all neighbouring properties from any part of the development, as well as between the two proposed blocks (minimum 14m provided). As such, there will be no loss of privacy caused by the non-compliant elements of the proposed development. In addition, given the recreational nature of Cullen's Drive Range to the east, there will be no adverse impacts on privacy to that adjoining neighbour emanating from the height breach.
- c. The height breach will not result in any significant view loss. The proposed development will maintain prominent private and public views over and through the subject site. This includes providing an improved east-west view corridor through the site from Reservoir Street and No. 14 Jennifer Street, which will be unaffected by the proposed height breach. The extent of view loss caused by the additional height of the development will be insignificant (as discussed in further detail in Section 7 below).



11. The proposed development meets the objectives of the development standard and meets the objectives of the R3 Medium Density Residential zone (as further detailed in Section 7 below).
12. The proposed development is consistent with Council's Draft *Housing Strategy Vision 2040* and *Randwick Local Strategic Planning Statement* objectives for R3 - Medium Density Residential zones. Specifically, the proposal enhances housing choice and diversity; focuses growth around areas of high amenity and recreational value; and utilises additional dwelling capacity under existing planning controls.
13. The proposal fully complies with landscaping controls contained in Part C2 of *RDCP 2013*. 6,243m² (54%) of the site is deep soil landscaped area, where 25% is required by the *RDCP 2013*, and 7,795m² (67%) of the site is provided as landscaped area. This includes a 3m landscaped setback to Jennifer Street and 4m landscaped setback to the Crown Road. More so however, providing the allowable density through implementation of additional height assists with provision of a landscaped buffer to Kamay Botany Bay National Park by protecting the southern part of the site.
14. The proposal achieves a high level of compliance with *State Environmental Planning Policy- Design Quality of Residential Apartment Development (SEPP 65)* design quality principles and provides a building envelope that will enable a high level of compliance with the relevant design criteria in the *Apartment Design Guide (ADG)*. In particular, the proposal will provide a sustainable development that has a scale and form that is compatible with the scale and character of the locality, without adverse environmental impacts or impacts on neighbouring amenity. The resulting density is appropriately located in close proximity to public transport, amenities and services. Furthermore, the proposal will enhance housing diversity in the area through a variety of apartment types and sizes.
15. In light of the proposal's consistency with the objectives of the R3 – Medium Density Residential zone and the majority of objectives and controls in *RDCP 2013*, as well as the SEPP 65 design quality principles, the proposed development provides a high-quality design that is consistent with the Desired Future Character of the Little Bay locality.
16. The proposed development achieves the objects in Section 1.3 of the *EPA Act, 1979*, specifically:
 - a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
 - b. As a direct result of the height breach, redistributing built form away from the ESBS Endangered Ecological Community, the proposal protects the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats (1.3(e));



- c. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

"86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

6. CLAUSE 4.6(4)(a)

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4 above (and furthermore in terms of meeting the objectives of the development standard, this is addressed in 7a below). Clause 4.6(3)(b) is addressed in Section 5 above.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that are contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 7 below.

7. THE PROPOSED DEVELOPMENT WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE OBJECTIVES FOR DEVELOPMENT WITHIN THE ZONE IN WHICH THE DEVELOPMENT IS PROPOSED TO BE CARRIED OUT (CLAUSE 4.6(4)(a)(ii))

7a. Consistency with the Objectives of Development Standard

As outlined in Section 4 above, compliance with the maximum Height of Building development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved despite the height variation.

Given that the proposed development achieves all of the objectives of the Height of Building development standard, it follows that for the same reasons, the development also achieves consistency with these objectives and is therefore in the public interest.

7b. Objectives of the Zone

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The objectives of the R3 - Medium Density Residential Zone, and how the development responds, are as follows:

- *To provide for the housing needs of the community within a medium density residential environment*

The proposed development will provide for the housing needs of the community. The height variation will assist in facilitating the provision of the allowable floor space under *RLEP 2012*, which will provide additional accommodation within a medium density environment. This will contribute to housing choice in the locality and assist in addressing housing need with Randwick LGA.

- *To provide a variety of housing types within a medium density residential environment*

The proposed development will provide 94 apartments, comprising of a range types and sizes to cater for a wide cross-section of the community. The height breach will assist in the development achieving the allowable floor space under *RLEP 2012* whilst minimising any adverse impacts on the medium density residential environment. It will add to the variety of housing types available in the locality by facilitating a mixture of apartment sizes, including 32 x 1-bedroom, 37 x 2-bedroom, and 25 x 3-bedroom apartments.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

This objective is not relevant to the proposal.

- *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*

The proposal provides for a medium-density residential flat development that is compatible with the desired future character of the locality, as detailed in Section 7a above. The development includes compliant setbacks, landscaped area, and deep soil to ensure it has no adverse impact on the character of the streetscape.

- *To protect the amenity of residents*

The proposed development has been specifically configured to ensure that the additional height breach does not impact any amenity for surrounding residents, whilst ensuring a high level of amenity for future residents of the subject development.



- *To encourage housing affordability*

The proposed development provides 94 residential apartments in a range of sizes, which will provide a direct benefit to both existing and new residents of Little Bay and wider Randwick LGA by increasing housing supply and thus affordability in the area.

- *To enable small-scale business uses in existing commercial buildings*

This objective is not relevant to the proposal.

In addition to the above, the proposed development, including those parts of the building that breach the height of buildings development standard, is not antipathetic to the objectives for the R3 – Medium Density Residential zone and for that reason the proposed variation is acceptable.

The site has long been zoned by Council to enable apartment buildings of a greater height and floor space than the houses west of Jennifer Street. With particular reference to sites such as this, Randwick City Council's recent Housing Strategy associated with the LSPS identifies such R3 - Medium Density Residential zoned sites as appropriate for such development. The key principles are summarised below.

- *Concentrating growth in accessible locations (LSPS Guiding Principle 1);*
- *Enhancing housing choice and diversity in lower density residential areas (LSPS Guiding Principle 2); and*

The site is in an accessible location, being some 350m from bus stops on Anzac Parade, which are served by numerous regular bus services that provide convenient access to surrounding suburbs and Sydney CBD. An increase in high quality residential accommodation in this locality will support sustainable population growth in the locality. Furthermore, a mixture of new apartments, will enhance housing choice and diversity in the area.

- *Focusing growth around areas of high amenity and recreational value (LSPS Guiding Principle 4)*

The site is located in close proximity to a number of recreational and open space areas, including golf courses, beaches, and the Kamay Botany Bay National Park. This provides convenient access to extensive walking trails and recreational activities that will directly benefit the amenity, and health and wellbeing of future occupants of the proposed development.

- *A need to reconsider apartment design to respond to the needs of family households by requiring a mix of dwelling sizes with 2 or more bedrooms (HS Priority 2.4)*



The proposal includes a mixture of dwelling sizes and types that will enhance housing choice and diversity in the area. This includes the provision of 32 x 1-bedroom, 37 x 2-bedroom, and 25 x 3-bedroom apartments to accommodate a range of households.

- *Investigating opportunities for promoting exceptional architectural and urban design outcomes for developments in key locations (HS Priority 6.3)*

The concept proposal provides a building envelope that will provide a high-quality design outcome, presenting as a scale and form that will respect the scale and character of the streetscape and surrounding developments. The focus of taller parts of the building to the eastern side of the site ensures that the development retains a consolidated landscaped buffer on the southern side of the site, directly benefiting the adjoining National Park. Furthermore, the proposal has been skilfully designed so as not to prejudice the amenity of the locality or neighbouring properties.

- *Utilising additional dwelling capacity under existing planning controls, particularly in R3 Medium Density Zone per (HS Priority 3.2.1)*





The zoning and controls for the site allow for new medium density residential development on the site. The proposal utilises the allowable FSR under *RLEP 2012* to directly contribute to the number of new dwellings on the site, without providing unreasonable adverse impacts on the amenity of the locality or neighbouring properties.

8. THE CONCURRENCE OF THE SECRETARY HAS BEEN OBTAINED (CLAUSE 4.6(4)(b))

The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes a development standard is that the concurrence of the Secretary (of the Department of Planning, Industry and Environment) has been obtained (cl 4.6(4)(b)). Under cl 64 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has given written notice dated 5 May 2020, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each Consent Authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6.

9. WHETHER CONTRAVENTION OF THE DEVELOPMENT STANDARD RAISES ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING (CLAUSE 4.6(5)(a))

Contravention of the maximum height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

10. THE PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD (CLAUSE 4.6(5)(b))

As this report demonstrates there are no unreasonable impacts that will result from the proposed variation to the maximum building height at this site, with the submitted design. As such there is no public benefit in maintaining strict compliance with the development standard, whilst real benefit accrues from allowing a variation. Despite the numeric non-compliance with the Height of Building Development standard, the proposed development is consistent with the objectives of the development standard and the objectives for development of the R3 Medium Density Residential Zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

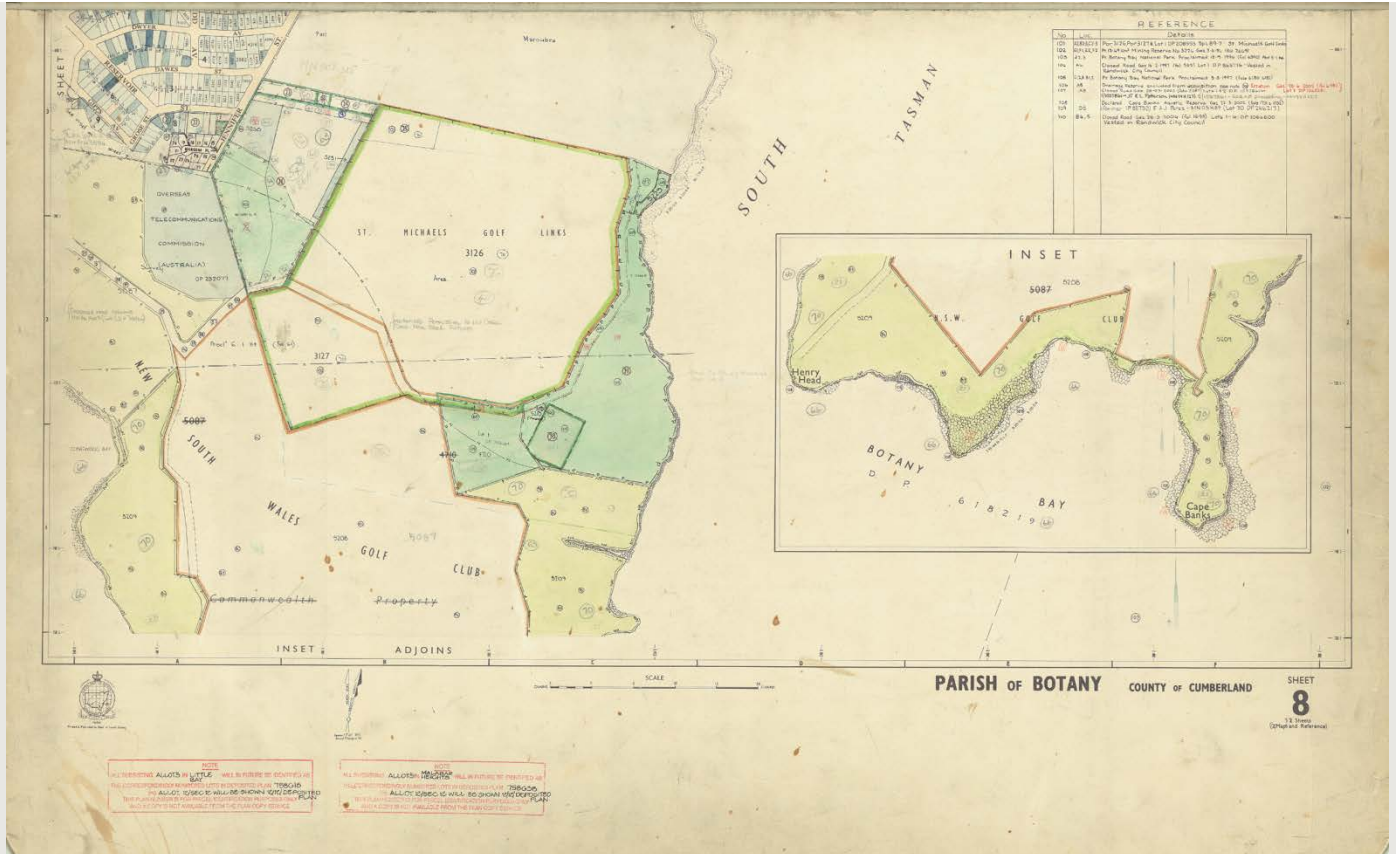
11. CONCLUSION

Having regard to the explanations set out herein, it is our opinion that compliance with the maximum height development standard contained in Clause 4.3 of *RLEP 2012* is both unreasonable and unnecessary in the circumstances of this case as the development meets all of the objectives of that development standard and the R3 - Medium Density Residential zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

The proposed development provides an appropriate type of accommodation that will supplement Randwick LGA's existing housing stock. The purposeful site planning, generous setbacks, extensive landscape areas and high levels of amenity throughout demonstrate that the proposed development is appropriate for the Site. Furthermore, the proposed variation redistributes built form away from the southern side of the site in order to retain and protect existing Eastern Suburbs Banksia Scrub Endangered Ecological Community.

Therefore, insistence upon strict compliance with the Height of Buildings development standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

HERITAGE IMPACT STATEMENT



No. 11 Jennifer Street, Little Bay
9 March 2022 | J5429

**Weir
Phillips**
Heritage
and Planning

Level 19, 100 William Street Woolloomooloo NSW 2011
Phone: (02) 8076 5317

CONTENTS	PAGE
<u>1 INTRODUCTION</u>	<u>1</u>
1.1 PREAMBLE	1
1.2 AUTHORSHIP AND ACKNOWLEDGEMENTS	1
1.3 LIMITATIONS	1
1.4 METHODOLOGY	1
1.5 PHYSICAL EVIDENCE	2
1.6 DOCUMENTARY EVIDENCE	2
1.6.1 HERITAGE LISTING SHEETS	2
1.6.2 PLANNING DOCUMENTS	2
1.7 SITE LOCATION	2
<u>2 SITE OF THE PROPOSED WORKS</u>	<u>3</u>
<u>3 ASSESSMENT OF SIGNIFICANCE</u>	<u>6</u>
3.1 SUMMARY OF STATUTORY HERITAGE LISTINGS	6
3.2 HERITAGE ITEMS WITHIN THE VICINITY OF THE SITE	6
3.2.1 NSW HERITAGE ACT 1977	6
3.2.2 RANDWICK LEP 2012	20
<u>4 THE PROPOSAL</u>	<u>22</u>
<u>5 EFFECT OF WORK</u>	<u>22</u>
5.1 METHODS OF ASSESSMENT	22
5.2 EFFECT OF WORK ON HERITAGE ITEMS AND CONSERVATION AREAS WITHIN THE VICINITY	22
<u>6 CONCLUSION</u>	<u>24</u>

1 INTRODUCTION

1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a concept Development Application for new residential flat buildings at No. 11 Jennifer Street, Little Bay, New South Wales.

The site is located within the Randwick City Council area. The principal planning control for the site is the *Randwick Local Environmental Plan 2012 (LEP 2012)*. The site has no statutory heritage listings but is located adjacent to heritage items and Conservation Areas listed on the State Heritage Register under the *NSW Heritage Act 1977*, and by Schedule 5 Parts 1 and 2 of the *Randwick LEP 2012*.

Under Part 5.10 of the *LEP 2012*:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a Heritage Impact Statement (HIS).

This statement has been prepared at the request of the owner of the site and accompanies plans prepared by Hill Thalys Architecture & Urban Projects Pty Ltd.

1.2 Authorship and Acknowledgements

This HIS was prepared by Elliot Nolan, B.A. (Anc.Hist.Hons), M. Mus.Herit.Stud., Grad.Dip.Herit.Cons. and Philip North, B.App.Sc (Env.Des), B.Arch, MURP, Grad.Cert.Herit.Cons., RAIA, RIBA, MPIA, CPP, of Weir Phillips Heritage and Planning.

1.3 Limitations

As the site is not subject to any statutory listings, no heritage assessment of the site has been carried out.

1.4 Methodology

This assessment has been prepared with reference to the *NSW Heritage Manual* update *Statements of Heritage Impact* (2002) and with reference to the Council planning controls listed under Section 1.6.

1.5 Physical Evidence

A site visit was carried out by the authors in February 2022. Unless otherwise stated, the photographs contained in this statement were taken at this time.

1.6 Documentary Evidence

1.6.1 Heritage Listing Sheets

- 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve', Heritage NSW State Heritage Register ID No. 5061543.
- 'Prince Henry Site', Heritage NSW State Heritage Register ID No. 5052103.

1.6.2 Planning Documents

- *Randwick Development Control Plan 2012.*
- *Randwick Local Environmental Plan 2012.*

1.7 Site Location

No. 11 Jennifer Street, Little Bay is located on the eastern side of Jennifer Street and has frontage to Crown Road to the north. (Figure 1). The site is identified as Lot 11, D.P. 1237484.



Figure 1: Map of No. 11 Jennifer Street. The site is outlined in red.
SIX Maps, 2022

2 SITE OF THE PROPOSED WORKS

For the following, refer to Figure 2, an aerial photograph of the site and to the survey that accompanies this application.

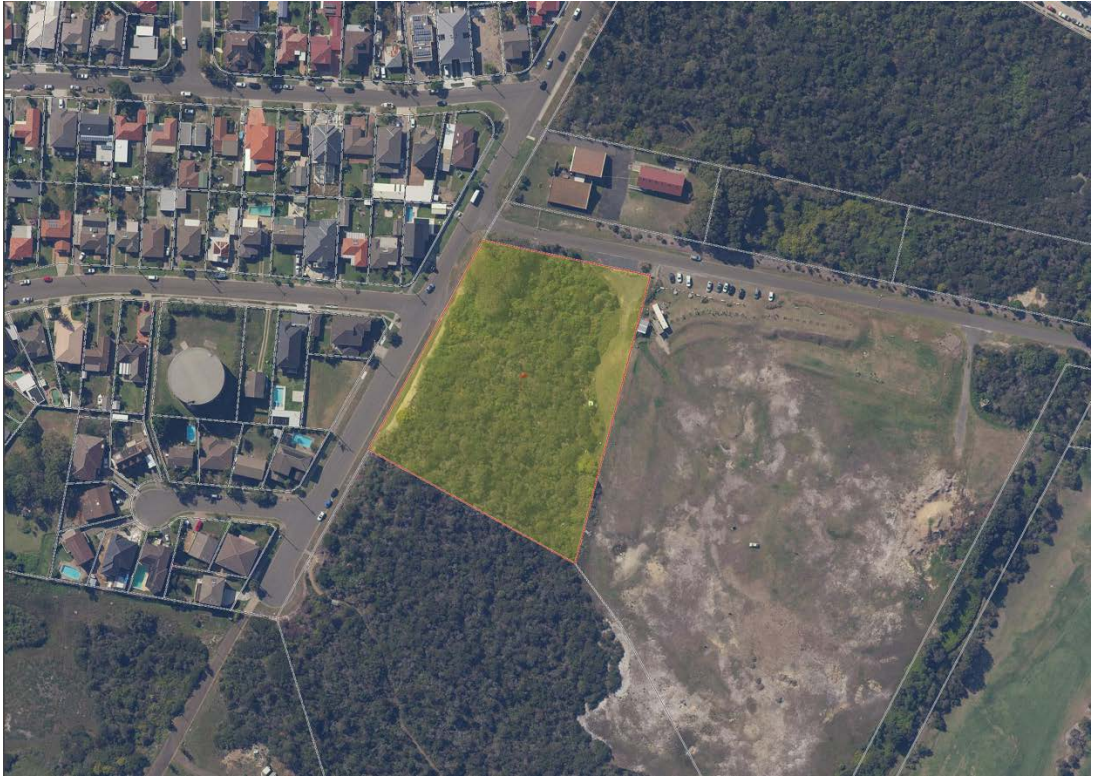


Figure 2: Aerial photograph of No. 11 Jennifer Street. The site is outlined in red.
SIX Maps, 2022

The site is a rectangular allotment with frontage to Jennifer Street to the west. The site boundaries are approximately: north, 80m; east, 138m; west, 112m; and south, 110m. The total site area is approximately 1.161ha. The site falls gently to the east. The site has no built structures and has vegetation comprising low scrub.

Adjacent the site are:

- North: The access driveway which services and is part of 9-9A Jennifer Street, Little Bay (St. Michael's Golf Club) (Fig. 6);
- East: The driving range of St. Michael's Golf Club being part of 9-9A Jennifer Street, Little Bay;
- South: Lot 12, DP 1194361, Jennifer Street, Little Bay (not numbered) which forms part of Kamay Botany Bay National Park (Figs. 15-22).

In the vicinity of the site are:

- West across Jennifer Street: Low density residential development consisting of one and two storey dwelling houses and a reserve at 16R Jennifer Street, Little Bay (Figs. 22-23);
- North: Across the access driveway to St. Michael's Golf Club at 9-9A Jennifer Street, Little Bay is located 1 Jennifer Street, Little Bay which is occupied by 3 buildings occupied by health services facilities including Spinal Cord Injuries Australia (Figs. 6 & 10);
- North: 1-33R Harvey Street, Little Bay which contains Eastern Suburbs banksia scrub and forms part of the southern edge of the Prince Henry Hospital Heritage Conservation Area (Figs. 11 & 12).

Refer to Figures 3 -7 which illustrate the site.



Figure 3: Jennifer Street looking north with the site centre enclosed with a chainwire fence in the distance.



Figure 4: The site (centre left) as viewed from Jennifer Street showing the junction between it and Kamay Botany Bay National Park to the south (the point where the chainwire finishes and the treated pine posts begin).



Figure 5: Jennifer Street looking south with the site on the left (enclosed with the chainwire fence).



Figure 6: The entry to site 9-9A Jennifer Street, Little Bay (St. Michael's Golf Club) with 1 Jennifer Street, Little Bay (Spinal Cord Injuries Australia) to the left and the site located to the right as viewed from Jennifer Street.



Figure 7: The site as viewed from the driveway of 9-9A Jennifer Street, Little Bay (St. Michael's Golf Club).

3 ASSESSMENT OF SIGNIFICANCE

3.1 Summary of Statutory Heritage Listings

No. 11 Jennifer Street, Little Bay:

- Is not listed as a heritage item by Schedule 5, Part 1 of the *Randwick LEP 2012*.
- Is not located within a Heritage Conservation Area as defined by Schedule 5, Part 2 of the *Randwick LEP 2012*.
- Is not listed as an item on the State Heritage Register under the *NSW Heritage Act 1977*.

3.2 Heritage Items Within the Vicinity of the Site

For the following, 'within the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

3.2.1 NSW Heritage Act 1977

For the following, refer to Figure 8, a detail of a heritage map showing items listed on the State Heritage Register within the vicinity of the site.

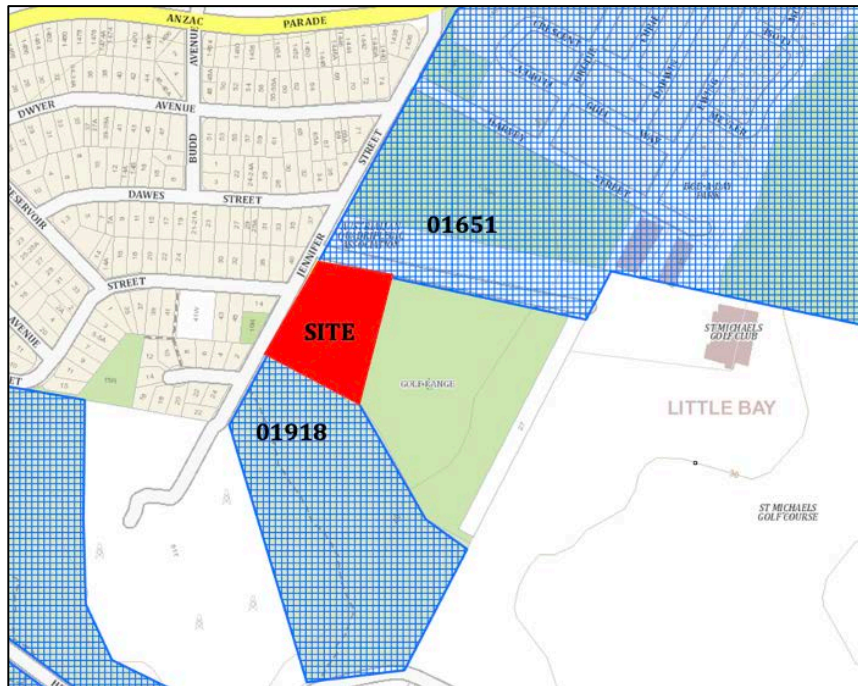


Figure 8: Detail, map showing State listed items within the vicinity of the site.

NSW Planning Portal; annotations by WPH&P.

The site is located adjacent two items listed on the State Heritage Register under the *NSW Heritage Act 1977*:

- **‘Prince Henry Site’, No. 1430 Anzac Parade, Little Bay**

This item is located adjacent to the north of the site. It is identified as ‘01651’ in Figure 8 above.

History

The State Heritage Register provides the following history for this item:

The Prince Henry Hospital and former Coast Hospital at Little Bay represent an important phase in the provision of public health in New South Wales and Australia. Established by the Board of Health in 1881, in response to an outbreak of smallpox, the hospital was the first government-controlled public hospital in the post-convict era. The Board of Health, forerunner to the Department of Health, was created initially to deal with the smallpox outbreak of 1881. The Board of Health and New South Wales government's involvement in the early administration at the hospital empowered both organisations in their dealings with other New South Wales private hospitals in the late nineteenth and early twentieth century. It also laid the foundations for the administrative policies in regard to hospitals that became standard within the system.¹

Description

The State Heritage Register provides the following description for this item:

¹ ‘Prince Henry Site’, Heritage NSW State Heritage Register ID No. 5052103.

The Prince Henry site contains a variety of buildings in an open landscape setting, as well as archaeological features and artefacts that provide evidence of its continuous use as a hospital for over 120 years.

Natural landscape elements such as the Little Bay Geological Site, areas of sandstone outcropping and indigenous vegetation have been overlayed by numerous cultural landscape elements such as cultural plantings (several species of Phoenix palms, banksias and Norfolk Island pines) and retaining walls and rock cuttings. There are significant views from the site towards Little Bay and the coastal headlands as well as major visual axes along Pine Avenue and between the Flowers Wards.

The existing buildings and structures, relate to the four key phases of development at the Prince Henry site and include elements that represent each of the major building types. These include hospital wards and operating theatres, specialist and research facilities, administration buildings, nurses and doctors' quarters, maintenance and services as well as laundry, kitchen and education facilities.²

Significance

The State Heritage Register provides the following Statement of Significance for this item:

The Prince Henry site was the most important site for the treatment of infectious diseases in New South Wales from its inception in the 1880s, when, as the Coast Hospital, it became the first public hospital in New South Wales in the post-convict era. The Hospital played a prominent role in treating and overcoming infectious diseases and later as a general hospital and teaching hospital for the University of NSW, until its closure was announced in 1988. Its isolation led to the establishment of the first ambulance service in New South Wales from within its grounds.

The location of the Hospital by the sea, the design and siting of buildings in a spacious open setting, their relationship with each other and the layout of the site itself, created an aesthetically distinctive complex with Pine Avenue as its central axis. The buildings and landscape provide evidence of the prevailing attitude to health care during a number of important phases of development. The Flowers Wards and the remains of the early infectious disease hospital, including Ward 16, the former Nurses (14) Quarters, the former Nurses Dining Hall/Nurses Lecture Hall, the Bush Wards and the site of the Male Lazaret, demonstrate the isolation required for the treatment of infectious diseases and early attitudes to public health, which saw health benefits in being by the sea. The architectural character of these early buildings contrasts with later buildings built after 1934, after the Hospital changed its name to Prince Henry and a new phase of expansion began. The larger scaled Heffron and Delaney Medical Ward Buildings, the Matron Dickson Nurses Home, and the McIlrath Pathology Building provide evidence of changing practices in medical care and staff accommodation, as well as contributing visually to the ambience of the place. A range of ancillary buildings, such as the former Water Reservoir, the

² 'Prince Henry Site', Heritage NSW State Heritage Register ID No. 5052103.

Memorial Clock Tower, Water Tower, and 'Hill Theatres' (Operating Theatres No.2 and No.3) add visual as well as technological interest.

A coastal landscape of high scenic and scientific value is enhanced by the beach, headlands and pockets of indigenous vegetation. A geological exposure area has research and educational value relating to the development of the present coastline and to the climate and vegetation of the area twenty million years ago. A number of cultural landscape features including the Norfolk Island Pine trees along Pine Avenue, plantings of palms, New Zealand Christmas trees and banksias, rock cuttings, retaining walls, early road alignments and sandstone kerbs, provide evidence of human intervention in this coastal landscape. The North Cemetery, although separated from the present hospital site, is an important component of the cultural landscape.

The history of the Prince Henry site is interwoven with Aboriginal people and wider communities, many of whom were patients or worked on the site and still visit it. The site is valued by Aboriginal people for its historical associations and Aboriginal occupation prior to European occupation, as well as its associations with Aboriginal people treated for infectious diseases.

The Prince Henry site is also important to many of the thousands of nurses, doctors and administrators who value their training and achievements at the hospital, which gained them a high reputation throughout New South Wales and Australia. Many former nurses have remained actively associated with the site, and have created a museum to conserve its history and artefacts. They come to the site to enjoy its ambience and continue to use the Interdenominational Australian Nurses War Memorial Chapel, built in memory of service nurses, many of whom died at sea.

Much more about the history of the Prince Henry site is yet to be learnt from the rich array of known and potential Aboriginal and historical archaeological sites, from further research and archival recording, and from the oral histories of those who worked or trained there.³

This Statement is adopted for the purposes of this assessment.

View Corridors

The principal view corridor towards this item is from Anzac Parade or Pine Avenue with some minor view corridors from Jennifer Street. View corridors towards the significant elements of the item are often limited due to dense vegetation and intervening buildings. The nearest element of the item is a pair of single-storey buildings located at 1 Jennifer Street and separated from the main body of the item by dense scrub. This part of the item is highly visible from the site and vice versa but has no recognized heritage significance. The next nearest built elements that comprise the item are located further to the north across Harvey Street and comprise contemporary residential development up to five storeys in height which have minimal visibility. The built elements of the item of heritage significance are separated from the site by these structures and are not visible from the site. The only element of the item of heritage significance which has any visual relationship with the site is the indigenous vegetation at 1-33R Harvey Street (Fig. 12) which are only visible in the streetscape of Jennifer Street and are separated from the site by the contemporary

³ 'Prince Henry Site', Heritage NSW State Heritage Register ID No. 5052103.

buildings at 1 Jennifer Street and by the access driveway to the golf club at 9-9A Jennifer Street.

Refer to Figures 9 - 12 which illustrate view corridors towards the item and Figure 25 which illustrates the relative heritage significance of various components of the item.



Figure 9: Looking towards part of the item from Anzac Parade.



Figure 10: Looking towards the item from outside the subject site on Jennifer Street. This structure, at 1 Jennifer Street, is contemporary development that has no heritage significance (refer Fig. 25).



Figure 11: Looking towards the recent built development on the item (barely visible above the scrub) from the northern boundary of the subject site.



Figure 12: Looking towards the site from Jennifer Street showing the streetscape relationship between the significant indigenous vegetation on the item (left) and the site (far right).

Setting

The area in which the item is located is residential in character. The western side of Anzac Parade is typically low density and characterized by single-storey Inter-War period dwellings and one and two-storey Post-World War II period dwellings. The eastern side, on which the item is situated, is characterized by early 21st century development of four to six-storey mixed-use and residential buildings which result from the comprehensive adaptive reuse of the hospital site which comprises the item.

Refer to Figures 13 and 14 which illustrate the setting of the item.

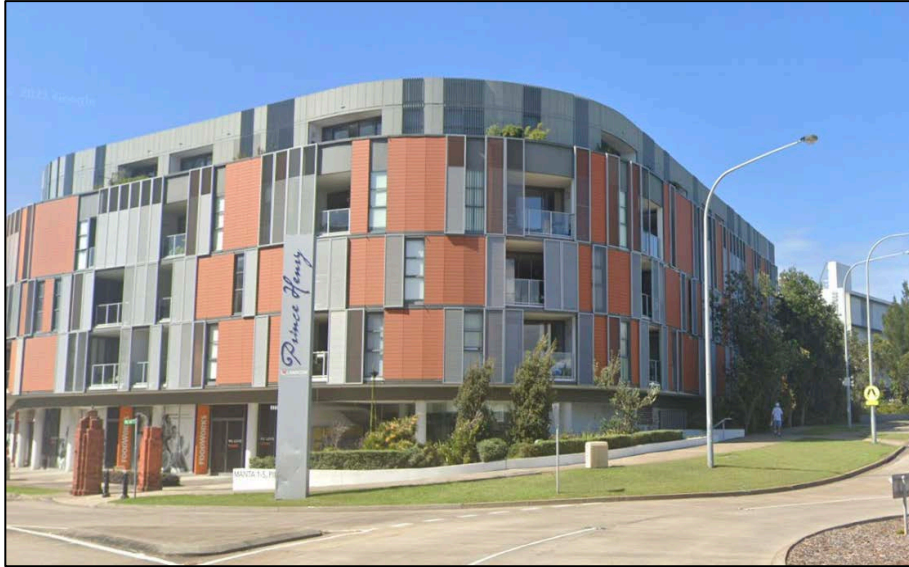


Figure 13: An example of recent mixed-use infill to the northern part of the item on Pine Avenue.



Figure 14: An example of a residential flat building to the north of the item on Pine Avenue.

Curtilage

This item is bound by Anzac Parade to the west; University of NSW Little Bay Campus to the north; to the east by the coastline; and to the south by St. Michael's Golf Club.

-
- **‘Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve’, Cape Solander Drive, Kurnell**

This item is located adjacent the southern boundary of the site. It is identified as ‘01918’ in Figure 8 above.

History

The State Heritage Register provides a comprehensive history of the site which is too long to reproduce in totality here. In brief:

The area comprising Kamay Botany Bay National Park and Towra Point Nature Reserve has a long, established Indigenous Australian history. European association with the area began in 1770 when Captain James Cook landed. Later colonization from 1778 had a profound impact on Indigenous Australians; the most significant being the spread of disease such as smallpox.

Many Indigenous Australians who had traditionally lived in the area left after the establishment of European settlement, but by the 1870s they had returned. By this time, the northern section of what now comprises Botany Bay National Park had been gazetted as a Government Reserve. The remainder of the land that makes up the national park was over time set aside for public use as well. In 1988, the Botany Bay National Park was gazetted. Refer to the heritage inventory sheet for the full history.⁴

Description

The State Heritage Register provides the following description for this item:

The total area of the proposed listing is 878 hectares. 492 hectares of the listing comprises Kamay Botany Bay National Park which is situated on the north and south sandstone headlands of Botany Bay. The headlands create the dramatic entrance to Botany Bay which is located about 14 km south of the centre of Sydney. The listing boundary also includes the Towra Point Nature Reserve, an area of 386.4 hectares of wetlands located to the west of Kurnell village in Botany Bay. (DECCW, 2002 Botany Bay National Park PoM; and DECCW, 2001 Towra Point Nature Reserve PoM).

Northern Section

Approximately 168 hectares of Kamay Botany Bay National Park is located on the northern headland and includes Cape Banks, coastland at Cruwee Cove, Henry Head, Congwong Beach, scrub covered dune to Anzac Parade and the peninsular on the north-eastern corner of Botany Bay known as La Perouse Headland. As Bare Island and the causeway joining it to the mainland are already listed on the State Heritage Register they are not included in the curtilage of this listing.

The coast is characterised by rocky sandstone cliffs demonstrating a fine example of the stratification of Hawkesbury sandstone. The cliff formations are punctuated by large gorges, the result of eroded basalt dykes which formed in the sedimentary rock in the early Tertiary period. (DECCW, 2002)

⁴ ‘Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve’, Heritage NSW State Heritage Register ID No. 5061543.

The sandy soils are covered with diverse vegetation comprising over 350 species once common in the eastern suburbs of Sydney including rare species and communities. The most common vegetation cover is heath Banksia community (*Banksia ericifolia*), prickly tea tree (*Leptospermum juniperinum*) and paperbark (*Melaleuca nodosa*). To the west of the park is a thick covering of coastal tea tree scrub (*Leptospermum laevigatum*) consisting of coast banksia (*Banksia intergriflora*) and bangalay (*Eucalyptus botryoides*). In sheltered areas such as behind Little Congwong Bay, lies a low closed forest of smooth barked apple (*Angophora costata*). (DECCW, 2002)

There are several examples of vegetation communities in the park which are considered rare including the wet heath between Henry Head and Cape Banks and the closed forest around Happy Valley. The stands of Eastern Suburbs Banksia Scrub are considered to be an endangered community. An area of land bordering on Grose St contains over 140 species including plants regarded as rare and the last remaining example of the full diversity of Eastern Suburbs Banksia Scrub. It also contains several endangered freshwater swamps. This part of the park also attracts over 70 species of native birds as well as a number of species of possum, flying fox, bats and snakes. (DECCW 2002)

The northern section of Kamay Botany Bay National Park contains a number of sites relating to the pre-contact Aboriginal occupation of the place including rock engravings and a number of shell middens. (Sheppard 2009).⁵

Significance

The State Heritage Register provides the following Statement of Significance for this item:

Kamay Botany Bay National Park and Towra Point Nature Reserve are of outstanding state heritage significance as a rare place demonstrating the continuous history of occupation of the east coast of Australia. The place holds clear and valuable evidence of Indigenous occupation prior to European settlement and the natural history of the state. It is also the place where the shared history of Indigenous and non-Indigenous Australia began. It was the place where Lieutenant James Cook first stepped ashore to claim the country for Britain and plays a central role in the European history of arrival, the history of Indigenous resistance, dispossession and devastation through illness, land grants, cultivation and development.

Traditional Aboriginal custodians of the land and the current Aboriginal community have strong historical association with Kamay Botany Bay National Park and Towra Point Nature Reserve. Gweagal warriors resisted the arrival of Cook and continue to be important symbols of Aboriginal resilience. There are two important burial repatriation sites within the curtilage which are designated Aboriginal Places and have high social significance for the Aboriginal

⁵ 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve', Heritage NSW State Heritage Register ID No. 5061543.

community.

The place is also significant for its historical association with important European explorers and scientists and their life's work. These include James Cook, Joseph Banks, Daniel Solander, Comte de Laperouse, Pere Receveur and Joseph Lepaute Dagelet. It is also associated with the First Fleet and the first Governor of NSW, Arthur Phillip.

The place is of state significance for the technical achievement of Banks and Solander who during their visit in 1770 made the first important collection of fauna and flora from Australia which included some items that had never before been described and classified. Previous archaeological excavations indicate that Kamay Botany Bay National Park and Towra Point Nature Reserve have significance for their high level of archaeological potential.

Kamay Botany Bay National Park and Towra Point Nature Reserve have aesthetic value as landmark headlands and natural areas with a collection of historic monuments that, combined, have important symbolism to the state of NSW. Both northern and southern parts of the national park, together with the nature reserve, contain a valuable research resource relating to Indigenous occupation, the natural history of the State and the early settlement of the colony.

Kamay Botany Bay National Park and Towra Point Nature Reserve are of state heritage significance as they contains rare remnant vegetation and flora communities and is a critical link in the network of parks and reserves that conserve the biodiversity of NSW.

The La Perouse part the national park provides evidence of the history of French exploration in the Pacific in the late 19th century and continues to have ongoing cultural associations with the French community today.⁶

This Statement is adopted for the purposes of this assessment.

View Corridors

The principal view corridor towards this item is from Jennifer Street. The item is highly visible from the site and vice versa from this aspect where they are located adjacent one another in the streetscape (Figure 14).

There are no views readily available to the item from the site given that the site presently comprises dense scrub and is relatively inaccessible. Were the site to be redeveloped, however, views to the item would become available from within the site, particularly above the ground floor level.

Although much of the item itself also comprises dense scrub and is generally inaccessible, view corridors from it are obtained primarily from the Jennifer Street Boardwalk (Figures 19 & 21) - a slightly elevated timber walkway passing through the item and linking Jennifer Street to Cape Banks Road which is designed to provide a pedestrian experience of the item while having minimal impact upon its sensitive ecological characteristics. Due to the density and height of the surrounding scrub vegetation, however, there are almost no

⁶ 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve', Heritage NSW State Heritage Register ID No. 5061543.

views out of the item and it is visually relatively isolated. The only point at which any external development becomes visible in from some points near the Jennifer Street entry to the boardwalk (Fig. 21).

Refer to Figures 15-21 which illustrate the principal view corridor to and from the item.



Figure 15: The main entry point to the item as viewed from Jennifer Street.



Figure 16: Jennifer Street looking north with western boundary of the item on the right.



Figure 17: Jennifer Street looking north showing the relationship between the item and the subject site (where the chainwire fence terminates and the treated pine barriers begin).



Figure 18: A view towards the site from the item – being the interpretation panel at the Jennifer Street Boardwalk – showing the visual isolation of the item.



Figure 19: The dense scrub surrounding the majority of the Jennifer Street Boardwalk which obscures almost all view corridors from the item.



Figure 20: The dense scrub surrounding the majority of the Jennifer Street Boardwalk which obscures almost all view corridors from the item. One of the contemporary multi-storey residential flat buildings on the Prince Henry site can barely be seen just above the scrub in the centre of the image.



Figure 21: The interpretation panel at the Jennifer Street Boardwalk looking towards Jennifer Street showing the adjacent low density residential development surrounding the item to the west.

Setting

The area in which the item is located is primarily residential in character. The western side of Jennifer Street, opposite the item, is typically low-density and characterised by single-storey Inter-War period dwellings and one and two-storey Post-World War II period dwellings. To the east of the item is St. Michael's Golf Club, which comprises a golf course and a single-storey club house building.

Refer to Figures 22 and 23 which illustrate the setting of the item.



Figure 22: Looking towards a four-storey building to the northeast of the item on Harvey Street.



Figure 23: Looking towards contemporary two-storey dwellings to the west of the item.

Curtilage

Kamay Botany Bay National Park comprises an area of about 492 ha on the north and south sandstone headlands to Botany Bay. It is located about 14 km from the centre of Sydney. The listing boundary also includes Towra Point Nature Reserve, a 386.4 ha peninsula located to the south west of Kurnell village in Botany Bay.

3.2.2 Randwick LEP 2012

Refer to Figure 24, which shows heritage items within the vicinity of the site. In this plan, heritage items are coloured brown and numbered and Conservation Areas are hatched red. The site is coloured red.

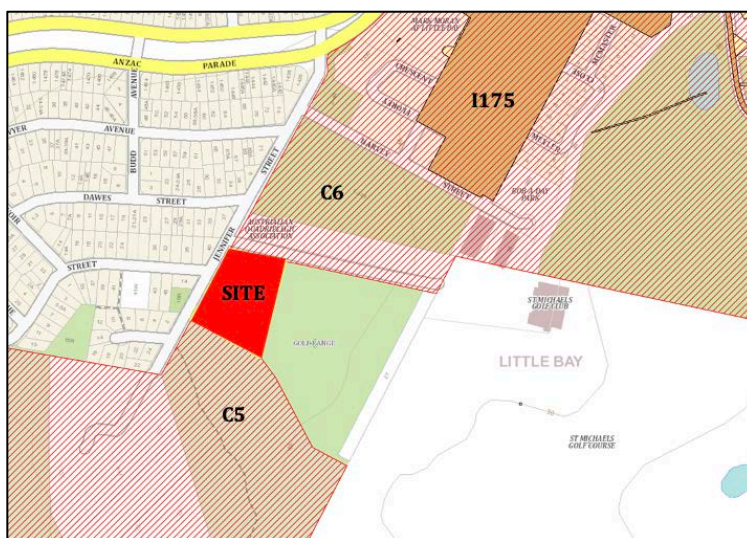


Figure 24: Detail, heritage map showing Conservation Areas and heritage items within the vicinity of the site.
Randwick LEP 2012

There are one heritage item and two Conservation Areas listed in Schedule 5 Parts 1 and 2 of the *Randwick LEP 2013* within the vicinity of the site:

- ‘Former Coast Hospital – Coast Golf and Recreation Club clubhouse’, No. 1 Coast Hospital Road, Little Bay (I175).
- ‘Prince Henry Hospital Site and Coast Hospital Conservation Area’, Little Bay (C6).

This heritage item and Conservation Area are located to the north of the site. They are included within the curtilage for the State Heritage Register listing. As such, the above assessment under the State listing allows assessment of any impact by the proposed works on the significant elements that comprise the conservation area and heritage item.

In addition, Randwick DCP, Part E4, Prince Henry Site, Little Bay, identifies the parts of the conservation area which are of either built or landscape heritage significance (Fig. 25). The core heritage precinct is located well away from the subject site towards the centre of the HCA as are all significant built elements in the HCA. The closest elements of significance to the subject site comprise the area of indigenous vegetation at 1-33R Harvey Street which is separated from the subject site by the golf course driveway as well as the cluster of buildings at 1 Jennifer Street. Although there is some visual relationship between the subject site and the indigenous heritage elements, it is only perceived in the streetscape and is interrupted by the non-significant contemporary buildings at 1 Jennifer Street and the entry driveway to the golf club at 9-9A Jennifer Street.



Figure 25: Built and Landscape Heritage, Prince Henry Site, Little Bay
Randwick DCP, Part E4

-
- **‘Botany Bay National Park Heritage Conservation Area’, La Perouse (C5).**

This Conservation Area is located adjacent the site to the south. It is included within the curtilage for the State Heritage Register listing. As such, the above assessment under the State listing allows assessment of any impact by the proposed works on the significant elements that comprise the conservation area.

4 THE PROPOSAL

The following should be read in conjunction with the plans prepared by Hill Thalys Architecture & Urban Projects Pty Ltd:

It is proposed to construct a three and four-storey residential flat building development comprising 94 apartments to include basement parking for 138 cars. The proposed works also include tree removal and new landscaping, as noted in detail below:

- 32 x 1-bedroom apartments.
- 37 x 2-bedroom apartments.
- 25 x 3-bedroom apartments.
- Driveway access from Jennifer Street to a single basement level.
- New landscaping to comprise native plantings and trees.

5 EFFECT OF WORK

5.1 Methods of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with Council’s numerical controls except where non-compliance would result in a heritage impact. Refer to the Statement of Environmental Effects that accompanies this application. The following assessment is made with an understanding of the objectives and controls provided by the *Randwick LEP 2012* and the *Randwick DCP 2012*.

5.2 Effect of Work on Heritage Items and Conservation Areas within the Vicinity

‘Prince Henry Site’, No. 1430 Anzac Parade, Little Bay

The proposed works will have no impact on this item for the following reasons:

- This item is significant for a group of built and landscape elements that are located upon discrete areas of the site.
- The significant built elements that are mainly located to the central area of the item and generously separated from the site by the access driveway to a golf club and the multi-storey contemporary mixed use redevelopment that was a part of the adaptive re-use of the item. There will be no impact on the fabric or view corridors of any of these significant elements of the item.
- The significant landscape elements closest to the site are separated from the site by the access driveway to a golf club and contemporary structures. There will be no impact on the fabric of any of these significant elements of the item and no interruption of view corridors to them as they are primarily perceived from the street frontage.
- The proposed buildings are set back from the driveway to St Michael’s Golf Club which, while it is included within the item’s curtilage, has little or no significance and is not an historic road.
- There will be no impact on significant view corridors towards the built elements of this item, which are obtained from Anzac Parade or within the site of the item itself. The proposed buildings are located well outside these view corridors and have deep setbacks from the street, at 3m from Jennifer Street and 4m from St Michael’s Golf Club.
- The proposed buildings will be visible within view corridors towards the item. This will have no impact because the buildings are consistent with the existing

setting of the item and will not appear intrusive in these view corridors nor will they obscure views to significant elements of the item.

- The existing setting of the item as it relates to the subject site is characterised by contemporary mixed-use or residential flat buildings of between four and six-storeys. These are not significant elements of the item. The proposed works are consistent with this character.
- The proposed works provide a transition between these taller built elements and the suburban environment to the west of the site, which is characterised by one and two-storey dwellings. The four-storey element to the proposed buildings will be separated from these dwellings by a generous setback of 61m.
- The proposed apartments will be split between two structures, which will be separated by between 14m and 21m. This will reduce their scale and break up the overall massing so that they are consistent with the scale and siting of the more recent development that surrounds the item.
- The car parking will be integrated as a basement level within the building footprint to further reduce the massing of the buildings. The entrance to the car park will be located well to the south of the item.
- The basement parking will also increase the amount of landscaping on site which will have a positive impact by improving the amenity of the streetscape adjacent the item. The vegetation will comprise mainly native low-lying plantings and trees which are consistent with the character of the area.
- The proposed works comprise well-mannered and well-designed buildings that are consistent with the existing scale of development surrounding the item and will sit comfortably in the streetscape.
- The works will have no impact upon the heritage significance of the significant built elements of the item as they have no visual relationship with them and no presence in any view corridors to them.
- There will be no impact upon significant landscape elements of the item as they are either too distant to have any relationship or they are well separated from the site in the streetscape by other contemporary development and there is no impact upon the view corridors to them.

‘Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve’, Cape Solander Drive, Kurnell

The proposed works will have an acceptable impact on this item for the following reasons:

- This item is significant for its evidence of Indigenous Australian occupation, for its landscape elements and for its scenic qualities.
- The proposed works will be separated from the item by a distance of approximately 40m which includes a buffer zone of the existing Eastern Suburbs Banksia Scrub on the subject site itself.
- There will be no impact on the physical fabric of the item itself.
- There will be no impact on view corridors towards the item from Jennifer Street or any other vantage points.
- There will be no impact on views from the item. Due to the density of the vegetation and its environmental sensitivity, the main body of the item can only be experienced from the Jennifer Street Boardwalk. Given the height and density of the vegetation surrounding this boardwalk, there are almost no views available out of the site from it with the exception of the entry to the boardwalk from Jennifer Street; at this point, however, the views out of the site are to the surrounding existing low-density development and not of the proposal.
- There will be minor but acceptable impact upon the visual curtilage of the item. The proposal will be visible in the same visual catchment as the item in Jennifer Street but will be separated from the item by a generous buffer area to the south such that the visual relationship is not a close or direct one. In addition, the three storey scale of the proposal will render it of a similar impact to the curtilage as that of the surrounding two storey low density residential development.

-
- The proposal will be split between structures, which will be separated by a setback of between 14m and 20m. This will reduce their visual impact and break up the overall massing so that they are consistent with the scale and density of the existing development that surrounds the item.
 - The car parking will be integrated as a basement level within the building footprint to further reduce the massing of the buildings and increase the landscape coverage on the site.
 - The proposed landscaping will comprise mainly native low-lying vegetation which is characteristic of the area and further reduces the visual impact upon the curtilage of the item from the streetscape.

6 CONCLUSION

This Heritage Impact Statement has been prepared in conjunction with a concept Development Application for new residential flat building development at No. 11 Jennifer Street, Little Bay, New South Wales. The site has no statutory listings, however, lies adjacent to items and Conservation Areas listed on the State Heritage Register and by Schedule 5 Parts 1 and 2 of the *Randwick LEP 2012*.

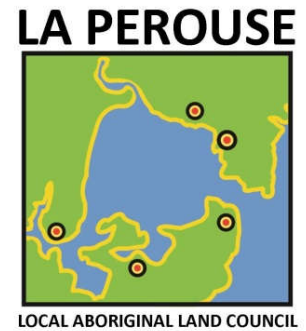
The proposed works will have no impact on the adjacent heritage items and Conservation Areas as the proposed structures are generously separated from any elements of heritage significance and would not impact any significant view corridors to or from them. Further, the new buildings are well-designed and consistent with the scale and density of contemporary style of infill that characterizes the setting of the items and HCAs. The basement car parking will increase the amount of landscaping on site and allow for an extensive vegetated buffer zone between the site and the Eastern Suburbs Banksia Scrub to the south.

The proposed works fulfil the aims and objectives of the *Randwick LEP 2012* and the *Randwick DCP 2012* by improving the quality and diversity of housing options in Little Bay while respecting the heritage significance of the area in which it lies.

27 October 2021

Richard Boulus
Urban Property Group
10/11-15 Deane Street
Burwood NSW 2134

r.boulus@urbanpropertygroup.com.au



Dear Mr Boulus

Aboriginal Heritage Assessment – 11 Jennifer Street, Little Bay NSW 2036

I write in regards to the above mentioned property and site inspection carried out on 21 October 2021. I note the 2012 Due Diligence Aboriginal Cultural Heritage Assessment by Oliver Brown Consulting Archaeologists and the La Perouse Local Aboriginal Land Council's (**La Perouse LALC**) response to the report dated 9 February 2012.

As you may be aware, the La Perouse LALC was established and operates within the provisions of the *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) and currently represents a membership of approximately 452 Aboriginal persons who reside within or have an association with the La Perouse LALC area. In accordance with Section 52 of the ALRA the La Perouse LALC has a statutory function to "*take action to protect the culture and heritage of Aboriginal persons in the Council's area*".

The Little Bay area holds heritage significance to the La Perouse Aboriginal community due to the cultural landscape from Cape Banks to Malabar. The area contains ceremonial, burial and camping sites that are all connected to the Little Bay area. The La Perouse LALC can provide further significance information on request.

The La Perouse LALC owned the property from 1991 to 2012 and the property was well known to members of the La Perouse Aboriginal community.

There are no known Aboriginal objects or sites located on the above mentioned property.

I can provide the following recommendations:

Recommendation:

The La Perouse LALCs position is that there are no known Aboriginal objects or heritage significance (for the purposes of the National Parks & Wildlife Act 1974) however if Aboriginal objects (such as human or animal bone, shell material or stone artifacts) are impacted or unearthed during any activity on the property, the activity must cease and the NSW Heritage and La Perouse LALC be contacted immediately.

If you would like to discuss this issue further please don't hesitate to contact the La Perouse LALC office on 9311 4282 during business hours.

Yours sincerely,

Chris Ingrey
Chief Executive Officer

Oliver Brown
oliver@archassociates.com.au
21st October 2021

Auspat International No. 2 Pty Ltd
C/o Richard Boulous
Urban Property Group
Via email: r.boulous@urbanpropertygroup.com.au

**Re: Updated Aboriginal Heritage Due Diligence Advice, 11 Jennifer Street, Little Bay
(Lot 11 DP1237484)**

Dear Richard,

In relation to Aboriginal cultural heritage at 11 Jennifer Street (now Lot 11 DP1237484, noting a change of cadastral information from the earlier reporting) I have previously issued advice:

- Brown, O. 2012. Due Diligence Aboriginal Cultural Heritage Assessment, Lot 5250 and Lot 5251 on DP 822223, Little Bay. Prepared for Arben Management on behalf of La Pouse Local Aboriginal Land Council.

This was when the land was sold by La Pouse Local Aboriginal Land Council and they commissioned the assessment as the vendor. It was found that the study area was “considered highly unlikely to contain any significant archaeological deposits”.

The assessment was undertaken within the regulatory context of the *National Parks and Wildlife Act 1974* (NPW Act) and the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010a). These regulations remain unchanged since the advice for the property was issued in 2011 (the 2012 report cited being a re-issue inclusive of comment from La Pouse Local Aboriginal Land Council (LPLALC)). That advice therefore remains valid with an updated search of the Aboriginal Heritage Information Management System (AHIMS) – provided below.

At the time, there were no specific plans for the property and the assessment therefore assumed potentially complete impact to existing deposits, meaning that the specific plans now available do not affect the advice. It was also specified that: “While the report does not constitute a transferable document to a potential purchaser of the land, it is intended to guide and allow them to anticipate the outcome of their own due diligence assessment” (page 3).

From my standpoint, I do not consider that more archaeological assessment is required in relation to the current plans. I have previously stated that I could not affirm this for LPLALC and now understand that they have been engaged to provide separate updated advice. I met Shane Ingrey from LPLALC on site on 21/10/2021 and our discussion indicated that they share that the view that the findings and recommendations of the 2012 report (which includes their statement of support) still apply.

ASSOCIATES
Archaeology and Heritage

Aboriginal Cultural Heritage Management

The updated AHIMS search (**Figure 1** below) shows that there are no listed Aboriginal objects or Aboriginal Places listed for the land (as was also the case in 2011), inclusive of a 200m buffer to the search (at 25th November 2020). This means that the current advice along with the 2012 report meets due diligence requirements under the *National Parks and Wildlife Act 1974*. This advice also meets those of Council considering potential harm to Aboriginal cultural heritage under the *Environmental Planning and Assessment Act 1979*.

I also note that further advice in relation to the previous assessment was issued to McKees Legal Solutions (10th October 2019) as an expert witness submission and to Urban Property Group with the same purpose as this letter in November 2020. These also remain valid. It is certainly the case that the area around Little Bay has some very significant Aboriginal cultural heritage values, both in terms of pre-invasion archaeological sites and places of significance to the contemporary community. It is therefore entirely appropriate that planning processes should be rigorous in ensuring that they are protected. However, in the case of the specific parcel of land involved, no constraints are considered to exist in relation to the provisions of the NPW Act.

Kind regards,

Oliver



Oliver Brown

0427 414 226

oliver@archassociates.com.au



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : LittleBay

Client Service ID : 632474

Associates Archaeology and Heritage

29 Hannan Street

Maroubra New South Wales 2035

Attention: Oliver Brown

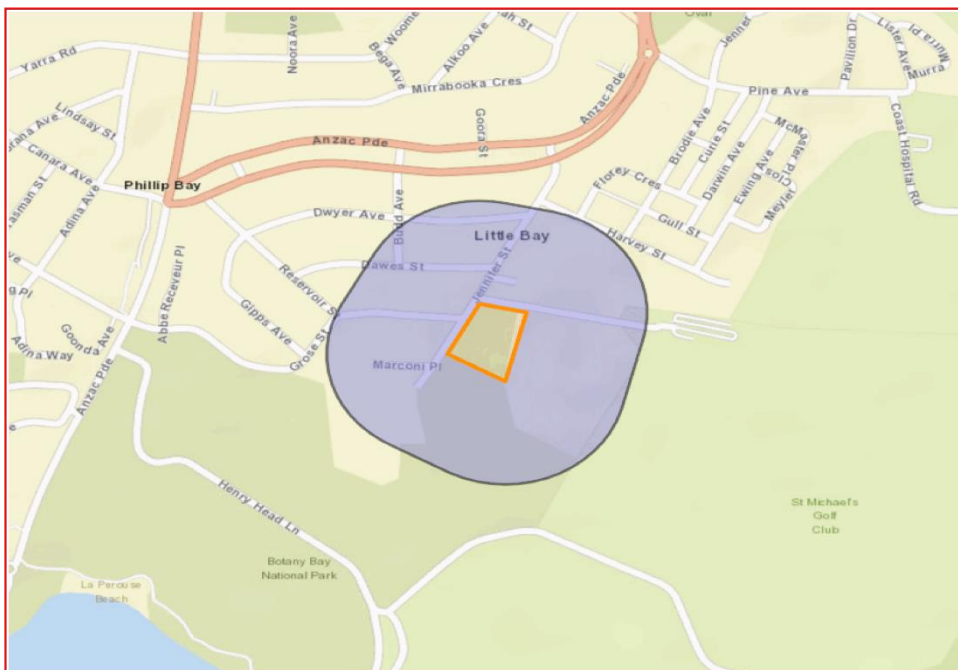
Email: ojfbrown@gmail.com

Dear Sir or Madam:

Date: 21 October 2021

AHIMS Web Service search for the following area at Lot : 11, DP:DP1237484, Section : - with a Buffer of 200 meters, conducted by Oliver Brown on 21 October 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 1: Updated AHIMS search

Due Diligence Aboriginal Cultural Heritage Assessment

**Lot 5250 and Lot 5251 on DP 822223
Little Bay**

**Prepared for
Arben Management on behalf of
La Perouse Local Aboriginal Land Council**



obca

Oliver Brown Consulting Archaeology
1/1 Park Street, Clovelly, NSW 2031
Phone: 0427 414 226
ABN: 2501947929
ob@obca.com.au

Table of Contents

Executive Summary	2
1 Introduction and Study Requirements	3
2 Legislative Context	4
2.1 <i>National Parks and Wildlife Act 1974</i>	4
3 Aboriginal Community Consultation	5
4 Due Diligence Process	5
4.1 Introduction	5
4.2 Due Diligence Steps 1-4	6
5 Predictive Assessment	7
5.1 Aboriginal Cultural Heritage Sites in the Area	7
5.2 Predictive Assessment	8
6 Property Inspection	8
6.1 Methods	8
6.2 Results	9
7 Discussion and Recommendations	9
Appendix 1 Photographs	10
Appendix 2 AHIMS Site Data	11
Appendix 3 La Perouse Local Aboriginal Land Council Comment	13

List of Figures

Figure 1:	Location	3
Figure 2:	Aerial Image of Study Area	4
Figure 3:	OEH Due Diligence Process	6
Figure 4:	AHIMS listed sites in surrounding region	7

List of Tables

Table 1:	Penalties for harm offences under NPW Act	5
----------	---	---

Quality Control

Revision/Version No.

Prepared by:

Prepared for:

OBCA Job No.

© OBCA 2012

Re-issue (with LALC comment): 10th February 2012

Oliver Brown Consulting Archaeology

Arben Management on behalf of

La Perouse Local Aboriginal Land Council

11030

Due Diligence

Aboriginal Cultural Heritage Assessment

Lot 5250 and Lot 5251 on DP 822223

Executive Summary

Arben Management is representing La Perouse Local Aboriginal Land Council during aspects of the sale of land at Lot 5250 and Lot 5251 on DP 822223 Little Bay. Both lots comprise 'empty' lots with some remnant native vegetation. OBCA has undertaken a due diligence assessment under the Office of Environment and Heritage (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

The study involved a search of the Aboriginal Heritage Information Management System (AHIMS) database, an outline of the relevant legislative context, documentation of results by the due diligence process, a predictive statement incorporating regional site distribution patterns, and a property inspection in partnership with a sites officer from the La Perouse Local Aboriginal Land Council.

There are no sites listed on either property and field survey finds that no undetected are considered likely to be present. This is supported by a predictive assessment based on regional site data. Following the OEH due diligence process, no application for an AHIP would be required for works that would disturb the ground surface. This process would provide a defence against prosecution if unanticipated Aboriginal objects were discovered, assuming appropriate stop work measures were in place.

Due Diligence

Aboriginal Cultural Heritage Assessment

Lot 5250 and Lot 5251 on DP 822223

1 Introduction and Study Requirements

Arben Management is representing La Perouse Local Aboriginal Land Council during aspects of the sale of land at Lot 5250 and Lot 5251 on DP 822223 Little Bay (Figure 1). Both lots comprise 'empty' lots with some remnant native vegetation. Arben Management has engaged Oliver Brown (OBCA) to conduct a due diligence assessment under the Office of Environment and Heritage (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. The Code is intended to assist land managers in determining whether activities may harm Aboriginal objects and require consent in the form of an Aboriginal Heritage Impact Permit (AHIP). While the report does not constitute a transferable document to a potential purchaser of the land, it is intended to guide and allow them to anticipate the outcome of their own due diligence assessment.

The study involves a search of the Aboriginal Heritage Information Management System (AHIMS) database, an outline of the relevant legislative context, a documentation of the results of the due diligence process and a predictive statement incorporating regional site distribution patterns. In excess of statutory due diligence requirements, a property inspection has been undertaken in partnership with a sites officer from the La Perouse Local Aboriginal Land Council.

Figure 1: Location

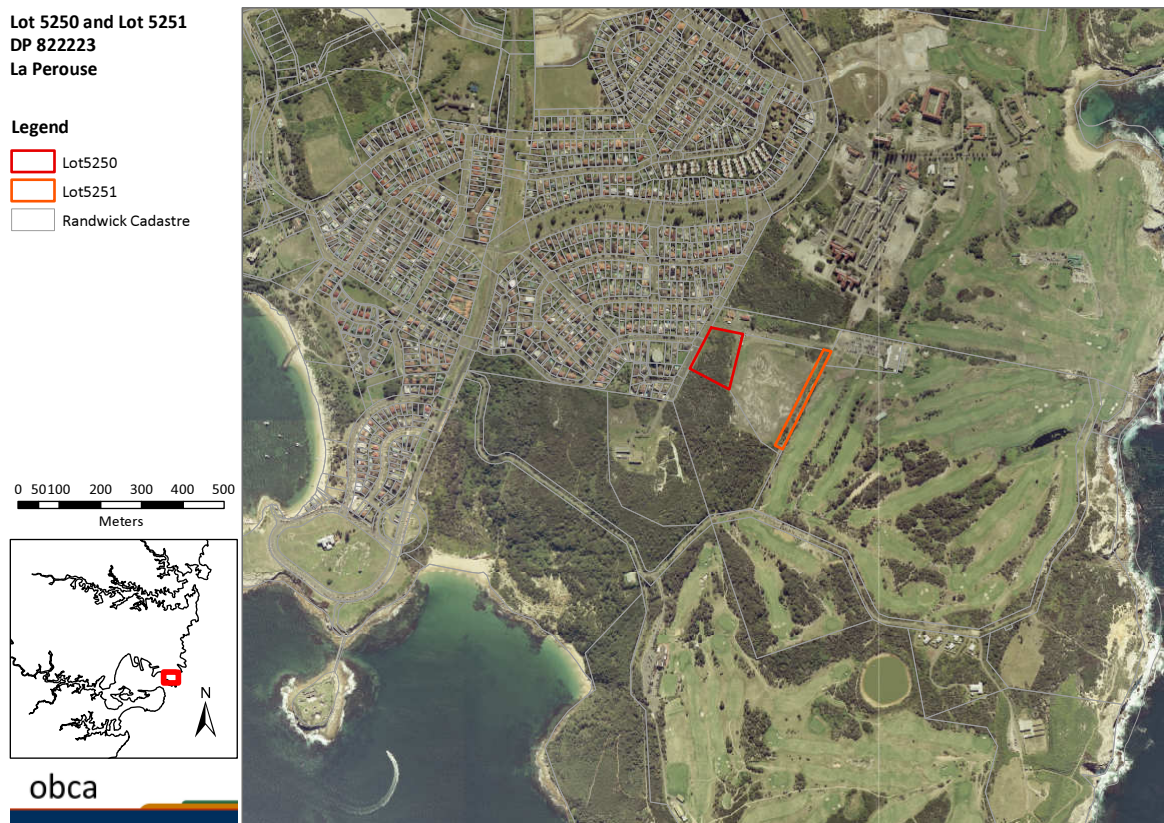


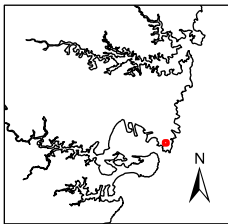
Figure 2: Aerial Image of Study Area

Lot 5250 and Lot 5251
DP 822223
La Perouse

Legend

- Lot5250
- Lot5251
- Randwick Cadastre

0 10 20 40 60 80
Meters



obca



2 Legislative Context

2.1 *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal legislation managing Aboriginal heritage in NSW. To a large extent, other key statutes defer to the NPW Act with respect to Aboriginal cultural heritage management.

In the NPW Act as amended:

- Section 5 defines an Aboriginal Object as: “any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains”.
- Section 86 states that a person must not harm an Aboriginal object, with two tiers of offence based on whether or not the harm is done knowingly. Harm is defined to include any act or omission that: Causes or permits destruction, defacement or damage to an Aboriginal object or place; or moves an object from the land on which it had been situated; or is otherwise specified by the regulations. Penalties are outlined in Table 1 below.
- Section 87 sets out defences to prosecution under Section 86, and includes if “The defendant can show that due diligence had been exercised to determine whether the act or omission constituting

the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed. Due diligence can be demonstrated through compliance with requirements specified in the Regulation, or in a code of practice adopted or prescribed by the Regulation” (i.e. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*).

- Section 90 relates to detailed regulation surrounding AHIPs and requires OEH to maintain the Aboriginal Heritage Information Management System (AHIMS) sites register and provide access to people exercising due diligence to determine whether an act or omission would harm an Aboriginal object.

Table 1: Penalties for harm offences under NPW Act

Offence	Maximum penalty – Individual	Maximum penalty – Corporation
A person must not knowingly harm or desecrate an Aboriginal object	2,500 penalty units (\$275,000) or imprisonment for 1 year	10,000 penalty units (\$1,100,000)
	5,000 penalty units (\$550,000) or imprisonment for 2 years or both (in circumstances of aggravation)	
A person must not harm or desecrate an Aboriginal object (strict liability offence)	500 penalty units (\$55,000)	2,000 penalty units (\$220,000)
	1,000 penalty units (\$110,000) (in circumstances of aggravation)	

3 Aboriginal Community Consultation

Aboriginal community consultation is a fundamental aspect of Aboriginal cultural heritage management in NSW. The Office of Environment and Heritage (OEH) recognises that Aboriginal people are themselves the principal determinants of the significance of their heritage. The assessment has been undertaken in partnership with a sites officer from the La Perouse Local Aboriginal Land Council. It should be disclosed that LPLALC are the vendors of the land. The Land Council is required under S52 (4) of the *Aboriginal Land Rights Act*: “a) to take action to protect the culture and heritage of Aboriginal persons in the Council’s area, subject to any other law, and; b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council’s area”.

A survey of both properties was undertaken on Tuesday 22nd November with David Ingrey of LPLALC involving discussion of archaeological potential.

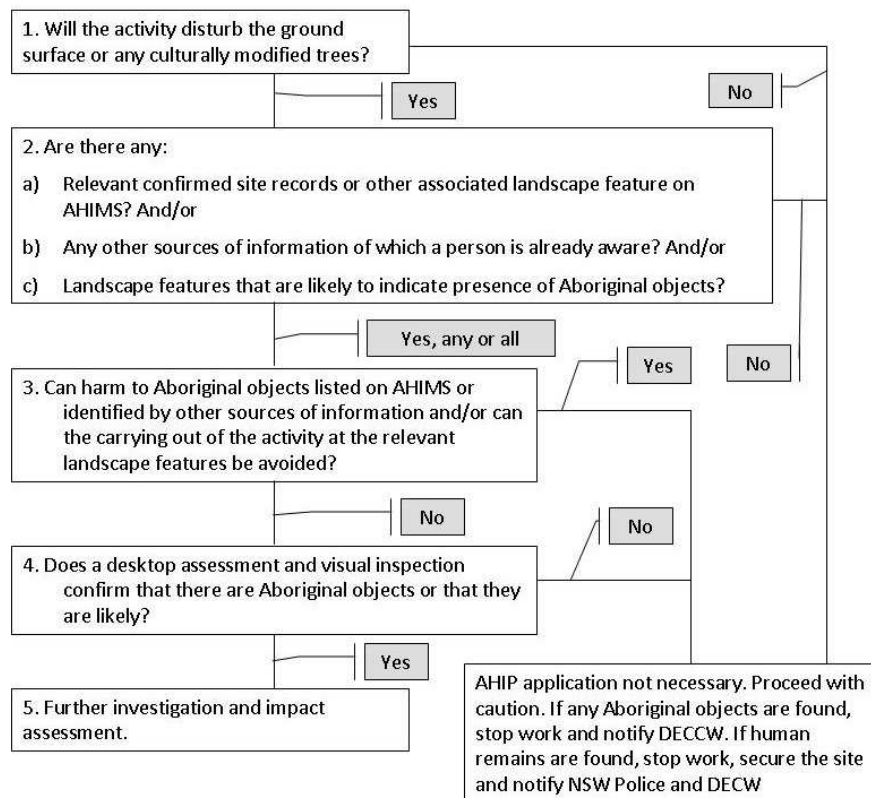
4 Due Diligence Process

4.1 Introduction

The due diligence process is set out by OEH in a stepwise manner outlined below in Figure 3. The process determines whether an Aboriginal Heritage Impact Permit (AHIP) is needed for work to proceed. Non-requirement of an AHIP can be either because it is assessed that no Aboriginal cultural heritage material is present or because its potential extent is accurately defined and appropriate measures are in place to avoid impact.

4.2 Due Diligence Steps 1-4

Figure 3: OEH Due Diligence Process



Step 1. This assessment allows for the event that future activity will disturb the ground surface. At the preliminary stage it is not distinguished which parts of the properties this applies to as the whole property is being assessed.

Step 2a. There are no listed sites on the properties. This is confirmed by a search conducted on 17/11/2011 (AHIMS Web Service search Client ID 56732; see Section 5).

Step 2b. There is no other information indicating a likely presence of any Aboriginal objects. This is drawn in particular from David Ingrey's (LPLALC) unrivalled knowledge of local site locations as well as the predictive model outlined below in Section 5.

Step 2c. In the absence of any registered site records, the significant indicator that Aboriginal cultural heritage may be present relates to 'Landscape features' in the Code which, on undisturbed land, require continuation in the due diligence process (none applying):

- within 200m of waters ; or
- located within a sand dune system; or
- located on a ridge top, ridge line, or headland; or
- located within 200m below or above a cliff face; or
- within 20m of or in a cave, rock shelter, or a cave mouth.

The nearest mapped water is more than 400m to the east associated with coastal heath swamps. The shoreline is at its closest 700m to the SE on Botany Bay and 800m to the east on the rocky shoreline south of Little Bay. While dune systems are present in the wider area these are associated with the coast and do not extend into the study areas. While Lot 5250 lies on higher land than some of its surroundings, it is not on a pronounced ridgeline; a local high point is signified by the reservoir some 80m to the west of this lot. There are no rock overhangs (cliffs or rockshelters) in the study areas.

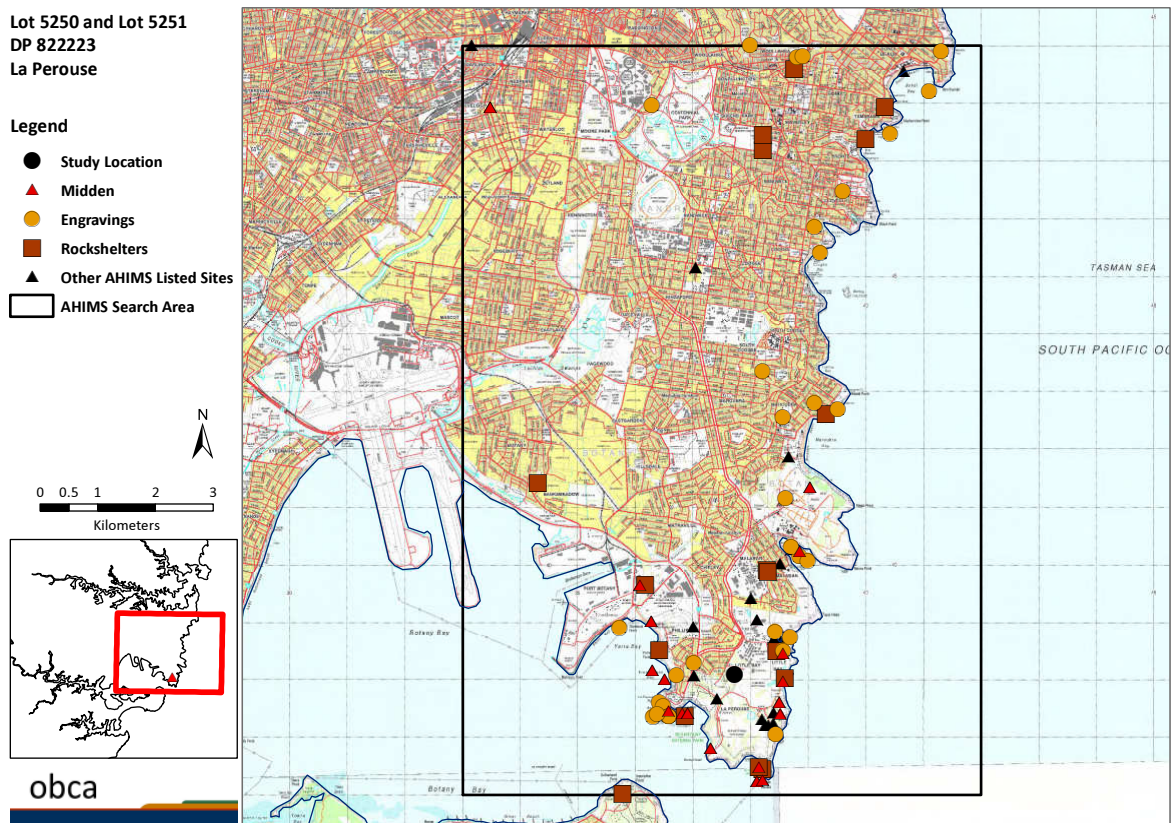
The circumstances applying to the property allow for an exit to the due diligence process at Step 2. Better practice, as agreed with the client, has however maintained that visual inspection of the property is warranted, as well as an archaeologically advised consideration of regional site patterns and predictive assessment of the likelihood of unknown sites. That is, Step 4 of the Due Diligence process has been undertaken.

5 Predictive Assessment

5.1 Aboriginal Cultural Heritage Sites in the Area

An AHIMS sites registry search in area in a 9km x13km area returned a list of 87 sites (Fig 4). The dominant site types are middens (29), rock engravings (29) and rockshelters (17), which is entirely consistent with coastal sandstone country. The majority of sites are within 200m of water; the majority of sites are also only possible in relation to sandstone rockshelters or large exposures on which engraved art may occur.

Figure 4: AHIMS listed sites in surrounding region



As shown in Figure 4, there is a significant clustering of known Aboriginal sites in south-east Sydney in the La Perouse / Little Bay area surrounding the study location. This results from: There being less of the development impact in the area that has destroyed sites further north; the presence of important coastal resource areas, camping sites and travel routes around Little Bay and the shores of Botany Bay; and relatively high number of post-invasion sites related to the Aboriginal community centred on La Perouse.

5.2 Predictive Assessment

The predictive assessment of the location of Aboriginal cultural heritage material has been well developed in Australia over recent decades as a response to the needs of studies such as this where development planning requires assessment of the likelihood of unknown sites occurring. It considers factors such as geomorphology, slope and proximity to resources such as fresh water. Basic principles applying to the study areas include:

- That sites are most commonly located within 200m of fresh water;
- That sites in coastal sandstone areas show aggregation patterns near to beaches, shellfish resources, rockshelters, and expanses of sandstone suitable for engraving.
- Burial sites in the Sydney region are essentially confined to near-coastal sand deposits (associated with the depth of such sand deposits as well as them being common activity areas) and rockshelter deposits.

Based on these factors, the potential for undetected Aboriginal sites is considered to be minimal. Site types that may occur away from the coast, freshwater, rockshelters, or large sandstone exposures, all rely on circumstances that are not present; being known historical importance of the area or factors suggesting enough overall amenity for occupation to suggest a Potential Archaeological Deposit (PAD). Known sites of high repeated activity are known nearby on the shores of Little Bay and Botany Bay and these locations can be seen as amenity draws – which is to say that rather than stopping in what would have been relatively dense Eastern Suburbs Banksia Scrub, people would logically move the activities leading to an archaeological record to these areas of greater amenity.

It is also notable that the types of sites that occur in the area are relatively conspicuous, particularly middens, rock art sites, rockshelters, grinding grooves, and scarred trees. Any of these site types are either likely to have been previously located and recorded or to have been located during property inspection.

6 Property Inspection

6.1 Methods

The study areas were inspected by Oliver Brown (OBCA) and David Ingrey (LPLALC) on Tuesday 22nd November 2011. Both sites were inspected on foot. Surface visibility was low (<1%) and general access into the dense heath was restricted. The inspection was therefore more an on-site discussion and consideration

of archaeological potential in relation to previous disturbance and landscape character than a systematic transect-based survey. That said, the dominant site types in the area would have been detectable based on the presence of suitable landforms that would have directed intensive searching (i.e. rockshelters or large sandstone exposures).

6.2 Results

No sites were located during the property inspection. It was also considered that there is very little potential for unknown sites to occur outside of the general acknowledgement that isolated artefacts of the 'background scatter' can be present in any landscape.

7 Discussion and Recommendations

A desktop-based due diligence assessment finds that there would be no need for an application for an AHIP for any work involving disturbance of the ground surface. The predictive assessment and associated survey by an archaeologist and LPLALC sites officer confirms this assessment.

The area is without doubt within an important Aboriginal landscape, both in contemporary terms and in relation to pre-invasion Aboriginal archaeology. Some of the most important sites in metropolitan Sydney are nearby and the wider area contains some of the last undisturbed landscapes of coastal Sydney. The study areas themselves however are considered highly unlikely to contain any significant archaeological deposits.

Lot 5251 is a heavily disturbed section of land, being a former roadway and having a significant ditch dug through it intended to modify shallow groundwater movement. The historical significance of the sandstone 'cobbled' roadway surface that remains in sections has not been investigated in this assessment and may warrant evaluation in terms of potential local significance.

Lot 5250 contains clear evidence of past disturbance but may also retain intact pre-invasion soil profiles, however these are considered unlikely to contain archaeological deposits.

It is recommended that no further assessment should be required in the event of proposed disturbance of the ground surface. Any purchaser of the land should however revisit the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* prior to any work to view possible changes to the regulatory framework and to be aware of the types of stop work provisions needed to maintain a due diligence defence against prosecution under the *National Parks and Wildlife Act*. LPLALC should be contacted and invited to inspect any unanticipated finds or the discovery of any large flat sandstone exposures that could potentially contain rock art beneath any post-1788 fill.

Appendix 1 Photographs

Plate 1:

Plate 2: Lot 5251 consists largely of a modified former roadway and drainage ditch and is therefore heavily disturbed



Plate 3: Coral ferns (*Gleichenia* sp.) marking the location of the ditch and the adjacent golf driving range)



Plate 4: The remnant sections of sandstone 'cobbles' on the roadway through Lot 5251 have not been assessed with regard to potential historical significance.



Plate 11: The largest sandstone exposure in Lot 5250 (based on aerial imagery) was inspected and found not to contain engravings or grinding grooves and it is not thought likely that any would be present in other associated exposures.



Appendix 2 AHIMS Site Data

NB. Burial site data removed

AHIMS id	Site Name	Context	Features*	asrtypes
45-6-2675	JVM 2	Enclosed Shelter	ART , SHL	None
45-6-2897	Queens Park PAD (duplicate 45-6-2896)	Enclosed Shelter	PAD	None
45-6-1146	Congwong Cave, La Perouse	Enclosed Shelter	ART	Shelter with Art
45-6-0675	Randwick Queen's Park Waverley	Enclosed Shelter	ART	Shelter with Art
45-6-1405	Bellevue Hill;Cooper Park;	Enclosed Shelter	ART	Shelter with Art
45-6-2243	Little Bay Cave;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-0976	Botany Bay;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-2583	Minmi Cave;Botany Bay NP;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-1062	La Perouse;Cape Banks Cave;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-1964	Long Bay Cave 2;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-1947	Tamarama Beach Cave;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-2283	Sand Dune Midden;Little Bay;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-2060	South Bondi Cave;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-0886	Bare Island;Yarra Bay;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-6-1963	Long Bay Cave 1;	Enclosed Shelter	AFT , ETM , SHL	Shelter with Midden
45-3-2375	Staples Lookout 6	Open Site	GDG	Axe Grinding Groove
45-6-2306	Gordons Bay;	Open Site	GDG	Axe Grinding Groove
45-6-2158	Little Bay 7;	Open Site	GDG	Axe Grinding Groove
45-6-1363	Cromwell Park;Long Bay;	Open Site	ART , GDG	Axe Grinding Groove, Rock Engraving
45-6-2156	Little Bay 4;	Open Site	ACD , AFT , ETM , SHL	Contact, Mission, Midden, Open Camp Site
45-6-1145	La Perouse;	Open Site	AFT , ETM , SHL	Midden
45-6-0561	Congwong Beach	Open Site	AFT , ETM , SHL	Midden
45-6-0292	Yarra Point;Botany Bay	Open Site	AFT , ETM , SHL	Midden
45-6-0556	La Perouse;BBNP Proposal	Open Site	AFT , ETM , SHL	Midden
45-6-1061	La Perouse;	Open Site	AFT , ETM , SHL	Midden
45-6-2597	Wynyard St Midden	Open Site	AFT , ETM , SHL	Midden
45-6-1148	Cape Banks;La Perouse;	Open Site	AFT , ETM , SHL	Midden
45-6-1152	Bumborah Point;	Open Site	AFT , ETM , SHL	Midden
45-6-1144	La Perouse;	Open Site	AFT , ETM , SHL	Midden
45-6-1762	Congwong Beach;	Open Site	AFT , ETM , SHL	Midden
45-6-1237	Yarra Bay;Captain Phillip Monument;	Open Site	AFT , ETM , SHL	Midden
45-6-2271	Gully Midden 1;	Open Site	AFT , ETM , SHL	Midden
45-6-1056	Maroubra Bay; Midden	Open Site	AFT , ETM , SHL	Midden
45-6-1060	La Perouse	Open Site	AFT , ETM , SHL	Midden
45-5-2587	Frenchmans Bay Foredune	Open Site	AFT , ETM , SHL	Midden
45-6-1058	La Perouse;Little Bay Cave 5;	Open Site	AFT , ETM , SHL	Midden
45-6-1965	Long Bay Cave 3;	Open Site	AFT , ETM , SHL	Midden, Open Camp Site
45-6-2894	Maroubra Dunehills	Open Site	AFT	None
52-3-1115	Cape Banks	Open Site	AFT , SHL	None
45-6-2794	PAD 1 Malabar Headland	Open Site	ART	None
45-6-2896	Queens Park PADs	Open Site	HAB : 1, PAD : 1	None
45-6-2670	Little Bay Ochre Site	Open Site	OCQ	None
45-6-2680	Broadway Picture Theatre PAD 1	Open Site	PAD	None
45-6-2755	Long Bay PAD	Open Site	PAD	None
45-6-2740	PAD Cape Banks	Open Site	PAD	None
45-6-2658	Little Bay Road PAD1	Open Site	PAD	None
45-6-2752	Angophora Costator scarred tree	Open Site	TRE	None
45-6-2753	Cape Banks Road, Scarred Tree	Open Site	TRE : 1	None
45-6-2169	Bondi Beach;	Open Site	AFT	Open Camp Site
45-6-2155	Little Bay 3;	Open Site	AFT	Open Camp Site
45-6-2154	Little Bay 2;	Open Site	AFT	Open Camp Site
45-6-2495	Prince of Wales Hospital Aboriginal;Hearth;	Open Site	AFT	Open Camp Site
45-6-2157	Little Bay 6;	Open Site	AFT	Open Camp Site
45-6-0651	Site 4, La Perouse	Open Site	ART	Rock Engraving
45-6-0659	La Perouse	Open Site	ART	Rock Engraving
45-6-2280	Jensen Place;Lurline Bay South Coogee;	Open Site	ART	Rock Engraving
45-6-0720	Bondi Bay;Ben Bucker;	Open Site	ART	Rock Engraving
45-6-0648	Site 1, La Perouse	Open Site	ART	Rock Engraving
45-6-0873	La Perouse Reserve	Open Site	ART	Rock Engraving

45-6-0680	Little Bay, La Perouse	Open Site	ART	Rock Engraving
45-6-0734	Bellevue Hill;Cooper Park;	Open Site	ART	Rock Engraving
45-6-0683	Long Bay;Malabar;	Open Site	ART	Rock Engraving
45-6-0690	Cooper Park;Bellevue Hill;	Open Site	ART	Rock Engraving
45-6-0653	Site 6, La Perouse	Open Site	ART	Rock Engraving
45-6-1403	La Perouse,	Open Site	ART	Rock Engraving
45-6-0650	Site 3, La Perouse	Open Site	ART	Rock Engraving
45-6-0686	Long Bay;	Open Site	ART	Rock Engraving
45-6-0719	Bondi Golf Links;North Bondi;	Open Site	ART	Rock Engraving
45-6-0898	Woollahra;	Open Site	ART	Rock Engraving
45-6-1059	La Perouse.	Open Site	ART	Rock Engraving
45-6-1055	Maroubra Bay;	Open Site	ART	Rock Engraving
45-6-0698	Maroubra;Athol Park House;	Open Site	ART	Rock Engraving
45-6-0701	Mistral Point Maroubra	Open Site	ART	Rock Engraving
45-6-0750	Marks Park;Tamarama;Bondi Beach;	Open Site	ART	Rock Engraving
45-6-0639	Botany Bay;Bumbarah Point;	Open Site	ART	Rock Engraving
45-6-0647	Centennial Park	Open Site	ART	Rock Engraving
45-6-0649	Site 2, La Perouse	Open Site	ART	Rock Engraving
45-6-1057	La Perouse	Open Site	ART	Rock Engraving
45-6-0694	Middle Head;Port Jackson;	Open Site	ART	Rock Engraving
45-6-0652	Site 5, La Perouse	Open Site	ART	Rock Engraving
45-6-0697	Coogee Bay;Randwick;	Open Site	ART	Rock Engraving

*AFT = Artefact; ART = Rock art; ETM = Earth mound (erroneously applied to many midden records); SHL = Shell, denoting shell midden and other archaeological faunal remains; GDG = Grinding groove; TRE = Scarred tree; PAD = Potential archaeological deposit; OCQ = Ochre quarry.

Appendix 3 La Perouse Local Aboriginal Land Council Comment**La Perouse Local Aboriginal Land Council**

P.O. Box 365, Matraville NSW 2036

Telephone: (02) 9311 4282

Facsimile: (02) 9661 7423

Mr. Oliver Brown
Consultant Archaeologist
1/1 Park Street
CLOVELLY NSW 2031

Via Email - ob@obca.com.au

Dear Mr Brown,

RE: Site Inspection, 11 Jennifer Street, Little Bay NSW 2036

I write in regard to the La Perouse Local Aboriginal Land Council ("LPLALC") conducting a cultural heritage inspection on the 22 November 2011 at the above mentioned property.

The cultural heritage assessment was conducted at the request of the Arben Management, who acts on behalf of the LPLALC. LPLALC representative, David Ingrey, conducted the inspection with you and has concluded that no Aboriginal objects were identified during the inspection.

In addition to the above position the LPLALC members resolved that the cultural and heritage significance of the lands defined as Lots 5250 and 5251 DP 822223 have no impact to Aboriginal people.

However, the LPLALC advises that any future ground disturbance that unearth Aboriginal objects (such as human or animal bone, shell material or stone artifacts), all works must cease and the NSW Office of Environment and Heritage and LPLALC be contacted immediately.

If you would like to discuss this issue further please don't hesitate to contact the LPLALC office on 9311 4282 during business hours.

Yours sincerely,

Chris Ingrey
Chief Executive Officer

Date: 09 February 2012