

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

JRPP No:	2015SYE110
DA No:	DA15/0947
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of 5 dwellings and construction of residential flat building
Street Address:	6–14 Urunga Parade, Miranda (Lots 22 – 26 DP 26174)
Applicant/Owner:	J T Bezzina
Number of Submissions:	Eleven (11)
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Sutherland Shire Local Environmental Plan 2015 • Draft Sutherland Shire Development Control Plan 2015 • Apartment Design Guide • Section 94 Contribution Plans
List all documents submitted with this report for the panel's consideration:	<ul style="list-style-type: none"> • Draft Conditions of Development Consent • Pre-Application Discussion (PAD) letter • Public Submissions • Sydney Trains concurrence letter • Architectural Review Advisory Panel (ARAP) comments • NSW Police comments
Recommendation:	Approval
Report By:	Martin Southwell – Environmental Assessment Officer (Planner) Sutherland Shire Council

Assessment Report and Recommendation Cover Sheet

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

This development application (DA) is referred to the Joint Regional Planning Panel (JRPP) as the proposal has a capital investment value of more than \$20 million and is nominated under Schedule 4A(3) of the Environmental Planning and Assessment Act, 1979 (EP&A Act). The proposed development has a value of \$29,528,686.

1.2 Proposal

The proposal involves the demolition of all existing structures and the construction of an 8 storey residential flat building (RFB) comprising 103 units and 168 car parking spaces over 3 basement levels, accessed from Urunga Parade.

1.3 The Site

The land is a parallelogram in shape and is located on the southern side of Urunga Parade in Miranda. The site has a total area of 3,670m². It has a single frontage to Urunga Parade and a rear boundary adjoining the Cronulla railway line, both of 80.77m width each. Its side boundary lengths are 47.87m. The site has a fall to the street of about 3 – 4m. The site is located at the eastern edge of the Miranda Centre and is within close proximity to Westfield shopping centre, major public transport nodes, community facilities and public services.

1.4 The Issues

The main issues identified are as follows:

- Bulk and scale
- Overshadowing and privacy
- Building separation – Apartment Design Guide
- Daylight access to communal open space
- Side setback to basement / driveway

1.5 Conclusion

Following assessment of the proposal and having regard to the Heads of Consideration under Section 79C of the EP&A Act, the development is considered worthy of support as it reflects the desired future character of development within the new R4 High Density Residential zone at the eastern edge of Miranda Centre as envisaged under SSLEP 2015. There are some departures from both the Apartment Design Guide (ADG) and Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015) related to building separation, solar access, apartment depth and basement side setbacks. However, on balance the proposal is considered to be an appropriate response to the site with respect to massing, scale, front and rear deep soil setbacks and landscape quality.

The applicant has modified the building as originally proposed in order to reduce the height of the lift overruns, increase deep soil landscaped area and address various ADG non-compliances. The amended proposal is an improved scheme that achieves a relatively high degree of compliance and is recommended for approval subject to appropriate conditions of consent.

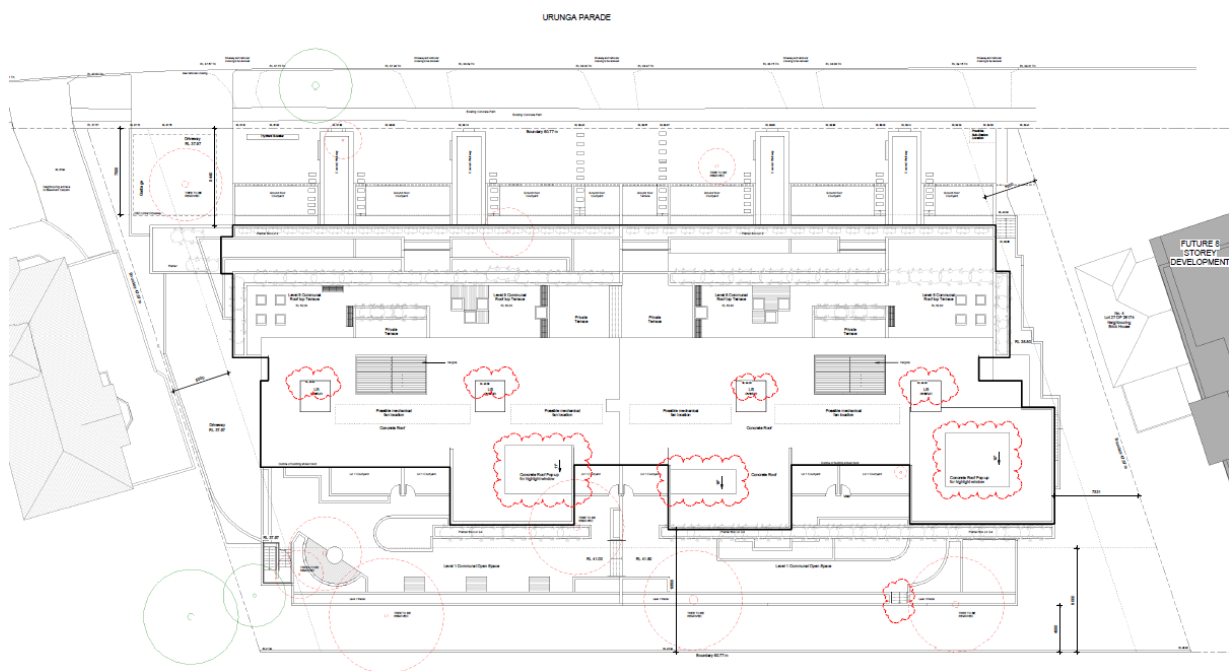
2.0 DESCRIPTION OF PROPOSAL

The proposal is for the demolition of all existing structures and the construction of an 8 storey RFB accommodating 103 residential apartments. The development includes a mix of studio, 1, 2 and 3 bedroom apartments. There are 3 levels of basement car parking accommodating 168 parking car spaces. The basement levels are accessed from Urunga Parade.

The development is of a modern contemporary design creating a street wall of 8 storeys in appearance (Levels G – 7) with the uppermost storey (Level 8) recessed from the front building alignment by 7.2m. There is a large communal open space on the southern side of the building at ground level, and 2 additional north-facing rooftop communal open space areas on Level 8.

One (1) existing Liquidambar tree on the site (south-eastern corner) and 1 existing Water Gum street tree are proposed to be retained. Stormwater is proposed to be discharged to a new pit on Urunga Parade via a 35,000L On-Site Detention (OSD) tank below the driveway.

The Site Plan is reproduced below.



3.0 SITE DESCRIPTION AND LOCALITY

The land is a parallelogram in shape and is located on the southern side of Urunga Parade in Miranda. The site has a total area of 3,670m². It has a single frontage to Urunga Parade and a rear boundary adjoining the Cronulla railway line, each 80.77m wide. Its side boundary lengths are 47.87m. The site has a fall to the street of between 3 and 4m. The highest point of the site is at its south-eastern corner adjacent to the railway line.

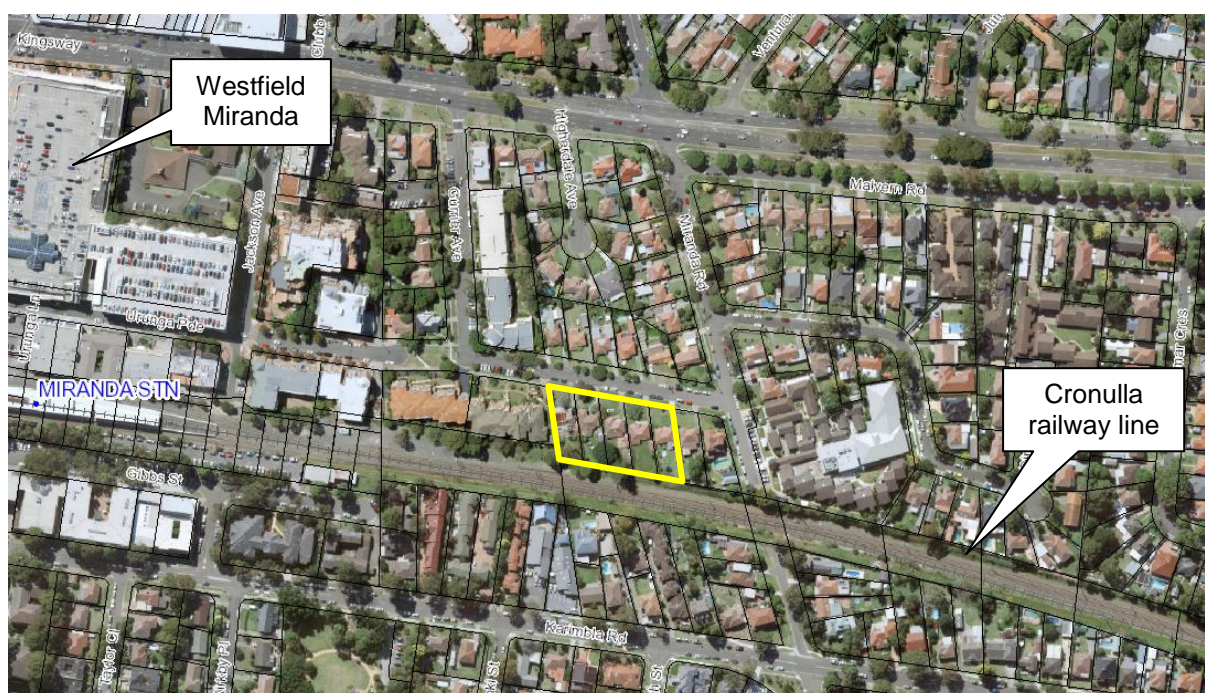
The land is currently occupied by 1 and 2 storey dwellings and outbuildings. There are 20 trees on the site and 1 Water Gum street tree in front of 12 Urunga Parade.

The site is located at the eastern periphery of the Miranda Centre and is within close proximity to Westfield shopping centre, major public transport nodes, community facilities and public services. The site is within a precinct that has recently been “up zoned” under Sutherland Shire Local Environmental Plan 2015 from low density residential to R4 High Density Residential.

Opposite the site to the north are 5 low density dwelling houses, 2 of which have recently been the subject of Pre-DA Discussions with Council for the development of a 7 – 8 storey residential flat building (RFB). To the west of the site is an existing RFB which is 2 storeys immediately adjacent to the site but increases to 3 and then 4 storeys. To the west of that RFB is another 4 storey RFB. On the eastern side of the site are 2 dwelling houses. A DA has recently been lodged to Council for the redevelopment of these 2 houses to an RFB. About 50m to the east of the site is Juliana Village, a high and low level aged care facility.

Aerial photographs of the site and locality are reproduced below and on the following page:





4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 16 June 2015 regarding the proposed development. A formal letter of response was issued by Council on 5 August 2015. A full copy of the advice provided to the Applicant is contained within **Appendix B** of this report and the main points contained in this letter are as follows:
 - The proposed sawtooth / stepped facade was not considered to be the best design outcome due to its considerable visual impacts; the proposal would visually dominate the streetscape.
 - A 3m basement setback had not been achieved on the western side.
 - The site is located within the Rail Noise Buffer area and the 20,000 – 40,000 Annual Average Daily Traffic (AADT) Road Noise Buffer area and therefore an acoustic assessment report is required with any DA.
 - Concurrence from Sydney Trains will be required due to excavation within 25m of the adjoining rail corridor.
- The current application was submitted on 26 August 2015.
- The application was placed on exhibition with the last date for public submissions being 24 September 2015. Nine submissions were received plus 2 additional submissions outside the formal exhibition period (11 submissions total).
- An Information Session was held on 15 September 2015 and 5 people attended.
- Council received a request for additional geotechnical and structural information from Sydney Trains on 6 October 2015 and it was forwarded immediately to the applicant.
- The application was considered by Council's Submissions Review Panel on 27 October 2015.

- Council officers wrote to the Applicant on 26, 28, 29 & 30 October 2015 and requested that the following matters be addressed:
 - *Non-compliant building height due to lift overruns*
 - *Insufficient deep soil landscaped area*
 - *Inadequate waste management details*
 - *Cross ventilation and solar access diagrams required*
 - *Inadequate residential storage areas in units and basement*
 - *Insufficient car wash bays*
 - *Non-compliance with the ADG requirement specifying maximum 15% units that receive no direct sunlight between 9am and 3pm*
- Amended architectural plans were lodged on 30 October 2015 and amended landscape plans were lodged on 2 November 2015.
- The requested additional geotechnical and structural information was also received by Council on 30 October 2015 and was immediately forwarded to Sydney Trains.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the Administrative Provisions of DSSDCP 2015. 177 adjoining or affected owners were notified of the proposal and 11 submissions were received as a result. (Two of those 11 submissions were received outside the formal exhibition period.) A full list of the locations of those who made submissions, the dates of their correspondence and the issues raised is contained within **Appendix C** of this report.

A summary of the main issues is provided below:

- 6.1 Urban Design – The proposal is not in keeping with the existing character of the locality due to its bulk and scale, will adversely impact the streetscape and has insufficient setbacks and a non-compliant height; the proposal is an overdevelopment.
- 6.2 Overshadowing – The proposal will overshadow the houses on the southern side of the railway line and 4 apartments at the eastern end of 16-20 Urunga Parade immediately to the west.
- 6.3 Privacy – The proposal will potentially cause loss of privacy to 4 apartments at the eastern end of 16-20 Urunga Parade, to the 2 dwelling houses to the east, and to the dwelling houses on the northern side of Urunga Parade.
- 6.4 Traffic and Parking Congestion – Street parking is already in short supply in the immediate vicinity, and traffic lights should be installed at the intersection of Kingsway and Miranda Road to assist turns onto Kingsway.
- 6.5 Construction - Impacts on surrounding development from excavation and demolition including damage to adjacent buildings and safe removal of asbestos.

These matters are discussed in the assessment component of this report and, where appropriate, suitable conditions of development consent have been recommended to reduce impacts of the development to the adjoining properties.

Submission Review Panel (SRP)

The above submissions were considered by Council's SRP on 27 October 2015. The SRP concluded that all matters raised, except one, were either not substantive or had been dealt with by design changes in response to the ARAP comments. The one exception was in relation to a non-compliant building height. This matter was found to be substantive by the Panel as the lift overruns breached the 25m height limit. However, the amended proposal that was submitted to Council on 30 October 2015 resolved this issue and the proposal is now fully compliant with the height limit.

Revised Plans

The applicant lodged revised architectural plans on 30 October 2015 and revised landscape plans on 2 November 2015. The amendments that were made by the applicant related generally to building aesthetics, balconies, residential storage areas, waste storage areas, deep soil tree planting and children's playground location. The lift overruns were reduced in height and landscaped area was increased. It was considered by Council that the nature of the amendments made did not warrant renotifying neighbouring residents.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within the *R4 High Density Residential* zone pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed development, being a *residential flat building*, is a permissible land use within the zone with development consent from Council.

The following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Development near Rail Corridors and Busy Roads - Interim Guideline
- Apartment Design Guide (ADG)
- SSLEP 2015
- DSSDCP 2015
- Section 94 Developer Contributions Plans:
 - Shire-Wide Open Space and Recreation Facilities 2005
 - Section 94 Community Facilities Plan
 - Miranda Centre Open Space Embellishment Plan

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

8.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – Design Quality Principles (SEPP 65)

The proposal is affected by SEPP 65. Sutherland Shire Council engages its Architectural Review Advisory Panel (ARAP) to guide the refinement of development to ensure design quality is achieved in accordance with SEPP 65. A brief assessment of the proposal having regard to the design quality principles of SEPP 65 is set out below:

Design Quality Principles	Assessment
Principle 1: Context	The proposal is an appropriate response to the size of the site and the upzoning of this precinct to R4 High Density Residential at the eastern edge of Miranda Centre. It will make a positive contribution to the identity of this new R4 zone and it is consistent with the desired future character of the area as envisaged under SSLEP 2015.
Principle 2: Scale	The proposed scale is generally a positive response to the site. Its scale is mitigated by appropriate facade modulation and a heavy 2 storey stone base. The scale of the proposal is commensurate and compatible with that of the nearby Westfield shopping centre, about 200m to the west, and with other new apartment buildings that will be constructed within this new R4 area in the near future, including on the adjacent sites to the east (2-4 Urunga Parade).
Principle 3: Built Form	The built form is distributed appropriately across the site and now responds well to the street. The original sawtooth facade design has been replaced with a street wall with good articulation to the side boundaries. The built form responds to the adjacent RFB to the west by way of a 2 storey high entry planter over the vehicle driveway.
Principle 4: Density	The density of the proposal is appropriate as it complies with the SSLEP 2015 and offers front and rear setbacks in excess of the required minimums.
Principle 5: Resource, Energy & Water Efficiency	The development incorporates BASIX requirements and sustainability measures into its overall design so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants. A condition of consent has been included requiring a rainwater tank for irrigation of all ground level and podium landscaped areas.
Principle 6: Landscape	The proposed development includes compliant deep soil areas for tree planting and additional landscaped areas on the podium within common areas. These will reinforce the

	existing and desired landscape character of the locality.
Principle 7: Amenity	The proposal generally satisfies the provisions of the ADG with respect to residential amenity, including appropriate building and floor plan layout, solar access, and visual/acoustic privacy.
Principle 8: Safety and Security	The proposed development incorporates suitable Crime Prevention Through Environmental Design (CPTED) Principles in the design, and additional conditions of consent have been imposed.
Principle 9: Social Dimensions & Housing Affordability	The proposal provides a mix of apartment types, which encourages diversity. 31% of all apartments are adaptable.
Principle 10: Aesthetics	An appropriate composition of building elements, textures, materials and colours within the development has been achieved.

8.2 Apartment Design Guide (ADG)

The proposal is affected by the ADG. The following table contains an assessment of the proposal against key controls of the ADG. Refer to the Assessment section of this report for further details with respect to performance of the proposal against the ADG.

Apartment Design Guide (ADG) – Key Controls			
Building separation	<i>Up to 12m:</i> 3m non habitable 6m habitable	<i>West side:</i> 5.08m non habitable 6.03m habitable (balcony)	Yes Yes
		<i>East side:</i> 4.58m non habitable 6m habitable (kitchen)	Yes Yes
	<i>12 – 25m:</i> 4.5m non habitable 9m habitable	<i>West side:</i> 5.08 - 5.78m non habitable 6.03m habitable	Yes No (33%)
		<i>East side:</i> 4.58m non habitable 4.6m habitable (balcony)	Yes No (48.9%)
Natural ventilation	60% of apartments to be naturally cross ventilated.	68 / 103 units (66%)	Yes
	Max. Depth 18m	14m max depth	Yes

Solar access	Living rooms and private open space, 2 hours direct sunlight in mid winter to 70% of units.	76 / 103 (74%)	Yes
	Maximum 15% of units receive no sunlight to habitable rooms	13.6% (14 units)	Yes
Single aspect apartment depth	8m	All comply except the 2 studio apartments (12.2m)	Yes, except the 2 studio apartments exceed min. size by 15m ² (< 2% of all apartments)
Apartment size	Studio: 35m ² 1br: 50m ² 2br: 70m ² 3br: 90m ²	Studio: 49m ² 1br: 50m ² 2br: 70m ² 3br: 99m ²	Yes
Ceiling heights	2.7m	2.8m	Yes
Private open space: – 1 br apartment – 2 br apartment – 3 br apartment – Ground level apartments (or on a podium)	<i>Primary balconies:</i> 8m ² , min. 2m depth 10m ² , min. 2m depth 12m ² , min 2.4m depth 15m ² with min 3m depth	13m ² min, >2.5m depth 12m ² min, >2.5m depth 73.2m ² , >2.5m depth 15m ² minimum	Yes Yes Yes Yes
Communal open space – size	25% of site area (917.5m ²)	Ground level: 712m ² Level 8: 320m ² Total: 1,032m ² (28%)	Yes
Communal space - solar access	50% of principal area of communal open space area to receive 2hrs of direct sunlight in mid winter	The entire 320m ² rooftop communal open space area will receive direct sunlight between 9am and 3pm in winter	Yes
Residential storage	6m ³ per 1br apartment 8m ³ per 2br apartment 10m ³ per 3br apartment	6m ³ min. 8.2 – 18m ³ 20.7m ³	Yes Yes Yes
	At least 50% of storage to be located within the apartments	50% of storage is located within apartments	Yes

8.3 Local Controls – SSLEP 2015 and DSSDCP 2015

The statement of compliance below contains a summary of applicable development controls and a compliance checklist relative to these:

Standard/Control	Required	Proposed	Complies? (% variation)
Sutherland Shire Local Environmental Plan 2015			
Building Height	25m	25m maximum by survey data	Yes
FSR	2.0:1 (15,880m ²)	2.0:1 (7,340m ²)	Yes
Landscaped Area	30% (1,101m ²)	30% (1,104m ²)	Yes
Sutherland Shire Development Control Plan 2015			
Adaptable apartments	30% (31 apartments)	31% (32 apartments)	Yes
Streetscape and Building Form	Built form articulated to avoid large expanses of broken wall	Good articulation	Yes
Street setbacks	7.5m from street (1.5m articulation zone permitted for max 1/3 rd of facade width)	8.6m to closest wall 400mm to 4 entry awnings	Yes No – conditioned to achieve 4.8m setback
Side setbacks	<i>Up to 12m:</i> 4.5m non habitable 6m habitable <i>12 – 25m:</i> 6.5m non habitable 9m habitable	<i>West side:</i> 5.08m non habitable 7.1m habitable <i>East side:</i> 4.58m non habitable 6m habitable (kitchen) <i>West side:</i> 5.08m non habitable 7.1m habitable <i>East side:</i> 4.58m non habitable 4.6m habitable (balcony)	Yes Yes Yes Yes No (21.8%) No (21.1%) No (29.5%) No (48.9%)
Rear setback	<i>Up to 12m:</i> 6m setback <i>12 to 25m:</i> 9m setback	10.6m minimum all levels, up to 16.2m	Yes
Landscaped side setback to basement driveway	1m	1 – 3.5m	Yes

Basement setbacks	<i>Street:</i> May extend into front articulation zone (6m)	7.64m	Yes
	<i>Side and rear:</i> 3m where it extends beyond the building footprint	<i>W side:</i> 683mm at closest point, up to 9.6m	No, but acceptable
		<i>E side:</i> 2.4m at closest point, up to 13m	No, but acceptable
Car parking	1 x 1 bed (27 sp) 1.5 x 2 bed (112.5 sp) 2 x 3 bed (2 sp) Min. 142 residential spaces total Min. 26 visitor spaces (1sp per 4 units)	168 spaces proposed in total - allocation not indicated but minimum number achieved	Yes – Allocation of spaces has been conditioned to comply
Car wash bays	5 car wash bays	5 car wash bays	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1 Sydney Trains – NSW Government

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the Infrastructure SEPP as the proposal involves excavation to a depth greater than 2m within 25m of a rail corridor. On 6 October 2015, Sydney Trains requested additional structural and geotechnical information of the applicant. The requested information was submitted to Council on 30 October 2015 and was immediately forwarded to Sydney Trains for its review. A letter of concurrence from Sydney Trains was received by Council on 25 November 2015. Appropriate conditions of consent have been included within the recommendation below. A copy of the Sydney Trains concurrence letter is held at **Appendix D**.

9.2 Architectural Review Advisory Panel (ARAP)

The development has been reviewed by the ARAP on 2 occasions (Pre-DA and during the DA assessment process). The proposal was modified prior to lodgement of the DA in response to the Panel's Pre-DA comments. At the latest meeting during assessment of the DA, the Panel indicated their general support for the scheme subject to the further resolution of the following matters:

- The uplifted roof on Level 8 should be replaced with a setback horizontal awning to reduce the apparent height and bulk.

- Various minor façade changes could be employed such as grouping pods differently and expressing the 2 storey high base as double height units.
- Further design finessing of the building's compositional qualities is required to ensure it sits comfortably within its context.
- Strong plantings of large trees, both at the street frontage and at the rear, are required.

A copy of the Report from ARAP is held at **Appendix E**.

9.3 Architect

A review of the amendments made to the proposal in response to the recommendations of ARAP has been undertaken by Council's Architect. Overall, the revised design has adequately adopted the recommendations of ARAP. The development proposal is appropriate in its site planning, mass and design and reasonable amenity will be afforded to future occupants and adjoining properties. The application is supported on its urban design quality and architectural merits.

9.4 Landscape Architect

Council's Landscape Architect has reviewed and provided comment on the proposal. Various recommendations were made in relation to tree species. The Landscape Architect initially recommended that a compliant side setback to the basement be achieved on the western side. This matter is discussed in detail within the Assessment section below. The Landscape Architect subsequently reviewed the amended landscape plans and recommended conditions of consent, which have been included in the recommendation.

9.5 Development (Assessment Team) Engineer

Council's Development Engineer has undertaken an assessment of the application and advised that no objection is raised to the proposal, subject to suitable conditions of development consent. These conditions have been included within the recommendation.

9.6 Traffic Engineer

Council's Traffic Engineer was verbally consulted in relation to the need for signalisation of the Kingsway and Miranda Road intersection. The Traffic Engineer advised that additional traffic generated by the proposal will be relatively minor and that the signalisation of the intersection is unwarranted at this time.

9.7 NSW Police

The DA was referred to the Miranda Local Area Command Crime Prevention Officer in accordance with Council's adopted policy for RFBs over 50 units. The comments made by the Crime Prevention Officer have been taken into account in the assessment of the DA. Various reasonable and enforceable

conditions that were recommended by the Officer have been included within the recommended consent conditions. The complete document of NSW Police comments are held at **Appendix F**.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the EP&A Act and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 General Urban Design

SEPP 65, the ADG, SSLEP 2015 and Chapter 5 of DSSDCP 2015 contain relevant matters of consideration relating to urban design and residential amenity for RFBs.

The development incorporates a notably more modern aesthetic than surrounding buildings, but respects the desired future character of the area being the Miranda Centre high density residential fringe. Many sites within this precinct are expected to be redeveloped for new apartment buildings in the near future.

The proposed development complies fully with the maximum 25m building height standards stipulated for the site within SSLEP 2015. This has been checked against the survey data submitted with the DA.

The application was considered by the ARAP and amendments have been made in response to the recommendations made. The proposal is generally of a density, height, bulk and scale anticipated in this new R4 High Density Residential zone and the development integrates appropriately with the adjacent RFBs to the west by way of a 2 storey element over the vehicle driveway. Minor variations to the ADG in terms of plan depths and separation are considered to be acceptable.

The proposal incorporates 4 entry awnings with 4.8m high pylons supporting them. The awnings extend to within 400mm of the front boundary. These pylon structures may be suited to a public place and are reminiscent of “Gate X” signage at sports stadiums. However, they are considered inappropriate in a residential context and out of character in the Sutherland Shire. Therefore a “Design Changes” condition has been recommended which stipulates that these entry awnings must have a minimum street setback of 4.8m, so that they extend no further forward of the side walls to the private courtyards of the ground level apartments. The condition also states that the awnings may be cantilevered or have a simple supporting structure that extends no more than 500mm above the height of each awning.

Matters relating to ecologically sustainable development, energy efficiency and sustainable building techniques have been considered. Though not required in order to achieve BASIX compliance, an underground rainwater tank is

recommended to be included by condition of consent (in line with the proposed OSD tank) for irrigation of all ground level and podium landscaped areas.

The provision of adaptable housing is required to be provided in accordance with DSSDCP 2015. The residential entries respond appropriately to the existing levels in the public domain. The minimum 30% adaptable dwellings requirement has been achieved within the development, plus car parking (with shared zones) for those dwellings.

10.2 Building Separation & Setbacks

The proposal complies generally with the ADG design criteria, including solar access, apartment size and both communal and private open space. However, there are some technical non-compliances with the ADG building separation controls on the western and eastern sides. These have generally been resolved through appropriate treatments such as the provision of highlight windows, frosted glazing or balcony screening.

The north-westernmost balconies on Levels 4 – 8 are exceptions. These balconies have a setback of 6.03m. They are situated opposite 2 storey built form at 16-20 Urunga Parade. Therefore they are elevated sufficiently above that adjacent built form that they will potentially impact only future built form at 16-20 Urunga Parade that exceeds 2 levels. Screening could be provided to the sides of these balconies, or the balconies set back further from the boundary, but doing so would adversely impact the aesthetics of that corner of the building. It is unlikely that the adjacent RFB to the west will be redeveloped in the near future, but when it is redeveloped, appropriate screening on its eastern side may be required as has been achieved on this proposal. On this basis, the non-compliance is considered to be acceptable on merit.

The north-western balcony on Level 3 (Unit 33) technically complies with the ADG building separation requirement, but there is concern that persons standing on it will look down into 2 windows (and onto the balcony) of the adjacent residential unit at 16-20 Urunga Parade. Deleting the balcony would adversely affect the aesthetics of the building. Therefore, a design change condition has been included that requires a 500mm (soil width) planter box to be constructed inside and along the western edge of the balcony and the adjacent sliding door reduced in width to suit if necessary to clear the planter box. This will reduce the useable width of the western side of the balcony thereby reducing the likelihood of persons standing on that section.

10.3 Residential Amenity

The site is located within the road noise buffer of Kingsway (20,000 – 40,000 AADT). The provisions of the Infrastructure SEPP 2007 do not apply as traffic volumes do not exceed 40,000. However, it is considered “best practice” for residential development to comply with the NSW Department of Planning’s “Development near Rail Corridors and Busy Roads – Interim Guideline”. The site at ground level does not have direct line of sight to Kingsway. The upper levels will have direct line of sight until such time as the R4 zoned land to the north is developed. Council has a standard condition of consent that has been

included in the recommendation. It requires compliance with the internal noise level criteria in the Infrastructure SEPP and “Development near Rail Corridors and Busy Roads – Interim Guideline”. The standard condition has been modified slightly to better suit the site specifics and to ensure that any external changes made in order to comply relate only to glazing, treatment of balcony soffits and masonry and do not involve the installation of external screening or architectural features that would increase the visual bulk of the building.

The site is also adjacent to the Cronulla railway line and is therefore affected by rail noise. The applicant has submitted an Acoustic Impact Assessment Report that addresses this matter. The recommendations contained within that report relate to glazing and external wall masonry / concrete specifications. A standard condition of consent has been included in the recommendation, requiring details of the necessary acoustic attenuation treatment to be submitted with the application for a Construction Certificate and certification that all necessary noise attenuation measures have been installed.

The proposal technically complies with the cross ventilation requirements of the ADG, however in reality cross-ventilation is unlikely to be achieved at all times due to the site’s location immediately adjacent to the Cronulla railway line. The abovementioned acoustic report submitted with the DA identifies that noise levels from the railway are such that mechanical ventilation / fresh air supply to air conditioning is required. However, at various times of the evening it would be possible for residents aware of the train schedule to open doors and/or windows to ventilate the rooms.

The ADG requires that 50% of the site’s principal communal open space area must receive direct sunlight for at least 2 hours between 9am and 3pm at mid winter. The ADG states that communal open space areas may be located on a roof. In this instance, the entire 320m² north-facing rooftop communal open space area on Level 8 is usable and will be in direct sunlight all day in winter. This area comprises seats, landscaped areas and has a good level of amenity with city views. It is also obscured from the railway line by the Level 8 apartments and as such will be less impacted by rail noise than the podium communal open space area at the rear of the building. Compliance is therefore achieved.

10.4 Basement Setbacks

The proposed basement does not comply with the minimum 3m side setback stipulated within DSSDCP 2015. This is particularly true of the western side, which is as close as 683mm to the boundary but increases up to 9.6m. The eastern side of the basement has a setback of 2.4 – 13m.

Council’s Landscape Architect has recommended that the western side of the basement have a setback of 3m to accommodate the planting of trees for privacy and visual mitigation purposes. However, this view is not supported on the basis that the basement for the RFB immediately to the west has a minimal side setback (200-800mm). Therefore, a fully compliant 3m setback would leave a relatively narrow section of deep soil that would still be insufficient for the planting of reasonable canopy trees. Insisting on strict compliance for the basement on the western side would likely mean that the

basement is pushed closer to boundaries elsewhere on the site to compensate. The proposal currently has larger front and rear setbacks than are required and is therefore considered to be a good compromise in the circumstances.

The ARAP has suggested that the rear basement setback be increased from the proposed 4m by reducing the street setback to the basement. Council Officers disagree with this approach. It is considered that the 4m basement setback is sufficient as canopy trees will be able to “borrow” deep soil from the adjacent rail corridor, which has similar ground levels for at least 3m into the corridor. This view is shared by Council’s Landscape Architect.

10.5 Natural Environment

The proposal includes significant modification to the site for excavation of the basement and includes the removal of established site vegetation. The proposal meets the minimum 30% deep soil landscaped area requirement of SSLEP 2015. Two (2) existing trees will be retained (1 on the site and 1 street tree).

Though the proposal does not comply with DSSDCP 2015 which states that at least 30% of a podium not occupied by building should be planted out, it is considered that the rear podium communal open space will enjoy substantial tree planting due to the adjacent deep soil area along the rear boundary and as such will borrow amenity from that area. To further increase podium planting within the rear communal open space areas would diminish the residents’ enjoyment of the podium as its useable area would be reduced. It is therefore considered acceptable to vary that DCP control in this instance.

10.6 Overshadowing / Solar Access

A submission has been received from the Owners Corporation of the existing RFB immediately to the west of the site at 16-20 Urunga Parade. The submission states that 4 at the eastern end of that building will be adversely impacted by the proposal due to overshadowing. Two of those apartments have balconies adjacent to the eastern boundary (1 at the front of the building and 1 towards the rear). The proposed development will not cast any shadow on these balconies (nor the ground level terrace below the southernmost of the 2 balconies) after 9.30am in mid winter. Therefore 2 hours of sunlight will be maintained to the balconies between about 9.30am and 11.30am, which is compliant with DSSDCP 2015. The DSSDCP 2015 also states that solar access to north-facing windows to living areas must not be reduced to less than 2 hours. In this respect, the north-facing windows at the front of the RFB at 16-20 Urunga Parade will not be overshadowed by the proposal.

Two additional objections were received from the landowners of 71 and 73 Miranda Road in relation to overshadowing. The objectors’ properties are located in a south easterly direction on the opposite of the railway tracks. An overshadowing assessment of the proposal has revealed that the proposed development will maintain at least 3 hours of sunlight to all residential properties on the southern side of the railway line, including the objectors’

properties, and is therefore compliant with DSSDCP 2015 in relation to this matter. The distance of all of these properties away from the development (due to the railway corridor separating them from the subject site) dictates that the shadow cast by the proposal will shift relatively quickly across the sites throughout the course of the day. As such, all properties will receive sunlight either between 9am and 12pm, 12pm and 3pm or (as in the case of one north-facing villa house at 37 Karimbla Road) 1 hour between 9am and 10am and then 2 additional hours between 12pm and 2pm.

Note: The above overshadowing analysis has been carried out on the assumption that the affected properties to the south have the same elevation as the subject site. In reality, mapping contours indicate that their elevation is between 1 and 3 metres above natural ground level at the rear of the proposed building. Therefore, shadows will be slightly shorter than has been estimated. Furthermore, the shadows have been estimated based on the proposal having a uniform 10.6m rear setback, when in actual fact there are only 3 components with an 10.6m setback, and the remainder of the proposal is setback 15.9m; this will further reduce the actual extent of overshadowing.

10.7 Traffic and Parking Impacts

A Traffic and Parking Assessment report prepared by Jones Nicholson Consulting Engineers was submitted with the DA and has been reviewed by Council's Assessment Team Engineer. The proposal has provided residential car parking in accordance with the DSSDCP 2015. These rates exceed the parking rates specified within the RMS Guide to Traffic Generating Development. Visitors parking is also supplied in accordance with the DCP. Pursuant to Section 79C(3A)(a) of the Act, Council may not require more onerous parking standards than those specified within DSSDCP 2015 and therefore the proposed car parking provision is considered to be acceptable.

Of the 11 submissions received, 8 have requested that the intersection of Kingsway and Miranda Road be signalised to assist turns onto Kingsway. Council's Traffic Engineer was consulted specifically in relation to this matter. The Engineer advised that the additional traffic generated by this proposal (high density rates as per the RMS Guide) will be relatively minor in the context of existing traffic volumes on Kingsway and therefore signalling the intersection is not warranted in the circumstances.

Those 8 submissions have also suggested that timed parking should be introduced in Urunga Parade, and resident parking permits provided. This matter does not directly relate to this DA proposal but the request has nonetheless been forwarded to Council's Traffic Committee for review.

10.8 Waste Management

The proposal includes waste storage areas (including a bulky waste area) in accordance with DSSDCP 2015. These areas are located in the car parking area on Ground Level. The Waste Management Plan submitted by the applicant states that bins will be wheeled to the dedicated pickup area

adjacent to the vehicle driveway and collected by private contractor twice weekly. This solution to waste storage and collection is deemed satisfactory.

10.9 Construction Management

Specific concerns have been raised by neighbouring residents in relation to damage to adjacent buildings during basement excavation and construction works. It is considered that Council's standard conditions of consent relating to permitted construction hours, noise impacts, and construction management are adequate to control the relatively short-term impacts of construction. These conditions have been included within the recommendation.

There is little Council can do to regulate damage caused by a private entity such as a building company to adjacent property beyond the imposition of conditions of consent. However, a condition has also been included that requires the preparation and submission of a dilapidation report (which documents the pre- and post-construction state of the neighbouring properties) for the residential flat building at 16-20 Urunga Parade and the dwelling house at 4 Urunga Parade.

10.10 Archaeological Sensitivity

Council records indicate that the subject site is rated "low" in terms of Archaeological Sensitivity and the immediate locality has been previously surveyed. There is no apparent evidence of shell material or archaeological features within the site at present. The site has been heavily disturbed and the immediately locality has been extensively developed. Furthermore, the characteristics of the site and locality are not typical of Aboriginal settlements in the Sutherland Shire and therefore further archaeological investigations are considered to be unwarranted.

11.0 SECTION 94 CONTRIBUTIONS

The proposed development will introduce additional residents to the area and as such will generate Section 94 Contributions in accordance with Council's adopted Contributions Plans. These contributions include:

Open Space:	\$819,641.97
Community Facilities:	\$137,661.2
Miranda Centre Open Space Embellishment:	\$285,209.11

These contributions are based upon the likelihood that this development will require or increase the demand for local and district facilities within the area. It has been calculated on the basis of 103 new residential apartments with a concession of 5 existing allotments.

12.0 DECLARATION OF AFFILIATION

Section 147 of the EP&A Act requires the declaration of donations or gifts in excess of \$1,000. In addition, Council's DA form requires a general declaration of affiliation. In relation to this DA, a declaration has been made that there is no affiliation.

13.0 CONCLUSION

The proposed development is for the demolition of 5 existing dwelling houses at 6-14 Urunga Parade, Miranda and the construction of an 8 storey residential flat building comprising 103 units.

The subject land is located within the *R4 High Density Residential* zone pursuant to the provisions of SSLEP 2015. The proposed *residential flat building* is permitted within the zone with development consent.

The proposal is considered to be an appropriate response to the site and its new high density residential zoning. The proposal complies fully with all development standards within SSLEP 2015 and is consistent with the desired future character of the area.

Eleven (11) submissions were received in response to public exhibition of the DA and an information session was held which 5 persons attended. The matters raised in these submissions have been discussed in this report and include bulk and scale, inadequate setbacks, detrimental impacts to the streetscape and character of the area, overshadowing, traffic and parking congestion and construction management issues including damage to adjacent properties. These matters have either been dealt with by appropriate conditions of consent or were found to be non substantive by Council's Submissions Review Panel.

The proposal includes variations to basement setback controls of DSSDCP 2015 and various requirements of the ADG. These variations have been discussed and are considered acceptable in the circumstances.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the EP&A Act and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment, and for the reasons outlined within this report, it is considered that Development Application No. DA15/0947 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 That Development Application No. DA15/0947 for Demolition of 5 dwellings and construction of residential flat building on Lots 22 – 26 in DP 26174 (6-14 Urunga Parade, Miranda) be approved, subject to the draft conditions of consent detailed in Appendix "A" of this Report.