

2015SYE123 - 1-5 Pinnacle Street and 13-21 University Road, Miranda

(DA15/1037)

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
	B	Sydney Trains dated 21 January 2016
	C	Architectural Review Advisory Panel Report dated 8 October 2015
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DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. DA15/1037

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 6 months of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Deferred Commencement Building Separation

In order to comply with required building separation to adjoining sites, the full extent (including any balcony) of Units 511, 512, 519, 520, 611, 612, 619 and 620 are to be modified to be no less than 9.0m from the northern boundary.

2. Deferred Commencement Sydney Trains Approval / Certification

The following must be submitted to Council:

- Approval / certification in writing from Sydney Trains that all matters have been resolved to the satisfaction of Sydney Trains.

PART 2 - CONDITIONS OF CONSENT

3. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>

Note: The above table will be populated upon approval of revised plans as required by Condition 1.

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

4. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) To increase solar access to living rooms and balconies:
 - a. Reduce the length of the northern balcony blade walls to Units G02, 107 and 408 by at least an 300mm, and
 - b. Reduce the length of the northern balcony blade walls to Units 208, 308, 508 and 608 to match that of Units G02, 107 and 408 as per above or create voids with a minimum area of 1m²,
 - c. Create a void with a minimum area of 1m² on the western corner of each balcony of Units 317, 417, 517 and 617,
 - d. Include sky lights to both living areas and balconies of Units 616, 714 and 609.
- ii) A minimum of 39 units are to be designed as adaptable units.
- iii) The lower panel of each south facing dining room window of Block B are not to be transparent.
- iv) 10,000L of the proposed 30,000L rainwater tank volume shall be relocated to level 7 of each building (5,000L tank with pump on each tower) for irrigation of the proposed roof top terraces.
- v) To each roof top terrace provide at least one all-weather covered area of minimum area 20m² connected to the stair and lift well by a covered walkway.
- vi) To improve the safety and security of visitors and residents, reconfigure the ground floor car park to provide storage cages in a separate room along the northern end that is only accessible by applicable residents and ensure visitors are provided with an open and clear path of travel to the building lobbies.

- vii) Provide at least two 2 disabled visitor parking spaces within the ground floor car park.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

5. Requirements of Authorities

A Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of Sydney Trains.

Any requirements of Sydney Trains must be incorporated in the application for Construction Certificate where required.

6. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$10,200.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

7. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$981,261.50 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 130 proposed Residential Flat Units, with a concession for 10 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

8. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$166,551.20 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 130 proposed Residential Flat Units, with a concession for 10 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

9. S94 - Miranda Centre

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Miranda Centre Open Space Embellishment Plan, a monetary contribution of \$344,373.70 must be paid to Sutherland Shire Council toward the cost of works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Miranda Centre Open Space Embellishment Plan on the basis of 130 proposed Residential Flat Units, with a concession for 10 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

10. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

11. Design and Construction of Works in Road Reserve (Council Design)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate, for a road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles.
- ii) Construct a 3.5m wide vehicle crossing in University Road and two 3m entry/exit vehicular crossings in Pinnacle Street with associated laybacks.
- iii) Removal of redundant laybacks in Pinnacle Street and University Road and reinstatement with integral kerb and gutter.
- iv) Provide either a "Tee" or "wye" head in University Avenue adjacent to the vehicle crossing for the waste collection vehicle to provide sufficient room for this vehicle to turn around in no more than three maneuvers.
- v) Install 1500mm wide concrete footpath against the front boundary in Pinnacle Street and University Road.
- vi) Alter / install street signage where required.
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels.
- viii) Adjust public services infrastructure where required.
- ix) To Pinnacle Street install 3 *Angophora floribunda* (Rough Barked Apple), 2 *Syncarpia glomulifera* (Turpentine) and 3 *Eucalyptus punctata* (Grey Gum) street trees at irregular centres.
- x) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

12. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

13. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Councils Adopted Schedule of Fees and Charges.

14. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent
- ii) Any Consent issued under the Roads Act for this development

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

15. Internal Driveway Profile

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- iv) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the MRV vehicle.
- vi) The maximum longitudinal grade of the driveway must not exceed 25%.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

16. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) Any garage must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iii) The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- iv) A parking bay within any double garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance in compliance with figure 2.7 of AS2890.6:2009, and
- v) Where a remote controlled garage door is fitted when fully opened it not encroach into the space envelope specified in figure 2.7 of AS2890.6:2009.

B. Before Construction

Certification of the above must accompany the application for a Construction Certificate.

17. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be connected to Council's existing piped system and designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development.

The design must include;

- i) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge.
- iv) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.

B. Before Construction

Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

C. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

18. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

19. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

20. Public Utilities

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

21. Allocation of Common Property

A. Ongoing

Common property must not be allocated by the Owners Corporation for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

22. Approved Landscape Plan

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i) The main flight of stairs in the central walkway shall be widened to 3.0m.
- ii) Reconfigure seating within the central walkway so that a minimum of 50% is shaded by a pergola or tree canopy during summer.
- iii) Relocate the front fences on University Road and Pinnacle Street to 3m inside the boundary. Fences adjacent to Private Open Space shall be no higher than 1.5m and be constructed as either an open form metal fence or 700mm high solid base panel with an 800mm high open form panel on top.

- iv) Extend the Private Open Space for Units G02, G03 and G04 to the front fence facing University Road. Provide side fencing, steps (as required), path and a gate to allow direct access for each unit to University Road. Provide low shrub, grasses and ground cover planting, not lawn, between the front fence and paved terrace.
- v) Extend the Private Open Space for Units 116, 117 and 118 to the front fence facing Pinnacle Street. Provide openings/doors (if required), side fencing, path and a gate to allow direct access for each unit to Pinnacle Street. Provide low shrub, grasses and ground cover planting, not lawn, between the front fence and paved terrace.
- vi) Extend the Private Open Space for Units 112 and 113 to the northern boundary fence. Remove the planter boxes on the northern edge of the terraces, provide steps to the lower garden area as required and side fences with gates that allow direct access from both gardens to the Common Open Space to the west. Substitute deciduous trees for *Syncarpia glomulifera* to allow winter sun into the units. In the lower garden area provide lawn and screen planting to the northern boundary fence.
- vii) As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector). Plant all trees and understorey species in informal clumps and at irregular centres rather than in formal rows or hedges to reflect the local character of Sutherland Shire.
- viii) To the 3m wide planting strip along the Pinnacle Street frontage substitute 3 *Eucalyptus paniculata* (Grey Ironbark), 3 *Syncarpia glomulifera* (Turpentine), 3 *Eucalyptus punctata* (Grey Gum), 5 *Angophora costata* (Smooth Barked Apple) and 5 *Banksia serrata* (Old Man Banksia) for the 9 *Banksia integrifolia* and 9 *Cupaniopsis anacardioides*.
- ix) To the 3m wide planting strip along the University Road frontage mix the 3 *Syncarpia glomulifera* (Turpentine) and 5 *Angophora costata* (Smooth Barked Apple) and plant an additional 5 *Banksia serrata* (Old Man Banksia). Plant trees at irregular centres.
- x) The trees in planter boxes in the central walkway shall be indigenous rainforest species suitable for shady conditions. Substitute *Syzygium oleosum* (Blue Lilly Pilly), *Synoum glandulosum* (Scentless Rosewood) and *Elaeocarpus reticulatus* (Blueberry Ash) for *Plumeria acutifolia* and *Sapium sebiferum*.
- xi) In the central walkway substitute *Backhousia myrtifolia* (Grey Myrtle) for *Viburnum tinus* and a range of indigenous ferns such as *Doodia aspera*, *Blechnum cartilagineum* and *Christella dentata* for *Philodendron* 'Xanadu'.
- xii) To both street setbacks substitute *Doryanthes excelsa* (Gynea Lily) for *Pennisetum* 'Rubrum'.
- xiii) In the ground floor Common Open Space adjacent to the northern boundary provide an additional two (2) *Angophora costata* (Smooth Barked Apple) adjacent to the seats and substitute indigenous species for the *Strelitzia nicholai*, *Bambusa* 'Gracilis' and *Alpinia* 'Variegata'.
- xiv) To the roof terrace on top of Block A, provide a basic kitchen (bench, sink and hot/cold tap) in the common room.
- xv) To the roof terrace on top of Block B, include basic kitchen facilities under cover and provide a toilet adjacent to unit 702. Relocate one of the BBQ's from the eastern pergola to the western pergola.
- xvi) Tree Protection Zones (TPZ) must be shown on plan for all existing trees to be retained and protected.
- xvii) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the

- rainwater tank, to enable effective landscape maintenance.
- xviii) The private open space at ground level of each dwelling must be provided with one tap with a removable water key, connected to a pump and the rainwater tank.
 - xix) Each ground floor unit shall be provided with a clothes line easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevarde, Gympie
Ph: 02 9524 5672

23. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be

removed”.

- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

B. Design

- i) 12 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 4 to 1 on private land.
- ii) 48 replacement trees are required to be planted.
- iv) Trees must have a minimum container size of 5 litres.

Note: For any remaining replacement trees that are not included in the approved Landscape Plan, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at www.sutherlandshire.nsw.gov.au/forms <<http://www.sutherlandshire.nsw.gov.au/forms>> . A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

24. Tree Retention and Protection

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following trees as marked in the Arborist report prepared by TLC Tree Solutions (8.Tree Protection Fencing, p18, dated 24th August

2015) to ensure the installation and adequacy of all tree protection measures.

The trees identified for retention must be protected by the following measures:

- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Arborist report. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the trees identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

25. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

26. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

27. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

28. Noise Control - Residential Air Conditioning Unit

To minimise the noise impact on the surrounding environment:

A. Design

Individual units must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) Unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

29. Noise Control - Design of Plant and Equipment (General Use)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Noise control measure recommended in the Acoustic Assessment by Renzo Tonin & Associates dated 19 August 2015 are to be implemented to achieve the required sound levels.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

30. Rail Noise and Vibration Design Criteria (Residential & Noise Sensitive Receivers)

To minimise the impact of noise from the adjoining rail corridor on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Renzo Tonin & Associates dated 19 August 2015 approved as part of this application.

B. Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

Details of the acoustic attenuation treatment must accompany the application for a Construction Certificate in accordance with 'A' above and must include all post construction validation test results.

31. Noise and Vibration Control - Residential Car Park

To minimise noise and vibration from use of the security door in the car park:

A. Design

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

32. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

33. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;

- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

34. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

35. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

36. Sydney Water Tap inTM & Compliance Certificate

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap inTM to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

37. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

38. Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

Only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

39. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

40. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit numbers must be clearly displayed.

ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.

iii) The dwellings must have the following street address format:

Proposed Block A will be known as No.3 Pinnacle Street and units as follows: G01/3 Pinnacle Street, Miranda, 101-111/3 Pinnacle Street, Miranda, 201-211/3 Pinnacle Street, Miranda, 301-311/3 Pinnacle Street, Miranda, 401-411/3 Pinnacle Street, Miranda, 501-511/3 Pinnacle Street, Miranda, 601-611/3 Pinnacle Street, Miranda, 701-705/3 Pinnacle Street, Miranda

Proposed Block B will be known as No.1 Pinnacle Street and units as follows: G01-G03/1 Pinnacle Street, Miranda, 101-108/1 Pinnacle Street, Miranda, 201-209/1 Pinnacle Street, Miranda, 301-309/1 Pinnacle Street, Miranda, 401-409/1 Pinnacle Street, Miranda, 501-509/1 Pinnacle Street, Miranda, 601-609/1 Pinnacle Street, Miranda, 701-702/1 Pinnacle Street, Miranda

or as modified by this consent.

41. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: 180 spaces
- Residential visitors: 33 spaces
- Car wash bays: 5 spaces

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

42. Security

A. Design

In order to maximise safety and security of future residents and visitors, the following security measures are to be provided.

- Adequate lighting is to be provided to the central pathway and building entry points. Lighting is to be directed to pathways and appropriately spaced to ensure even lighting throughout the area.
- Basements are to be painted a light colour to improve lighting efficiency.
- Adequate lighting is to be provided throughout this parking level.
- Entry doors and lifts are to be provided with appropriate security measures including intercom.
- Fire stairs from the ground floor parking are to provide unsecured access to the outside only.
- A CCTV system must be installed to monitor all common areas (including letter boxes), the access / exit driveway and all basement car park levels including lift areas.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

43. Undergrounding of Power Lines

B. Before Occupation

All power lines along both frontages of the site must be placed underground and street lighting installed to the satisfaction of Ausgrid prior to the issue of any Occupation Certificate. A copy of certification from Ausgrid that the works have been completed to Ausgrid's satisfaction must accompany an application for any Occupation Certificate.

44. General Deliveries / Loading

A. Ongoing

- i) All general deliveries to the site must be carried out within the hard stand waste collection / loading bay within the site.
- ii) The hard stand waste collection / loading bay must be clearly signposted as being used for both the collection of waste and for all general deliveries / loading.

Annette Birchall
Sutherland Shire Council

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

END OF CONDITIONS

RE: DA15/1037 University Rd/Pinnacle St Development concurrence

Tsirimiagos, Jim to 'ABirchall@ssc.nsw.gov.au'
:

From: "Tsirimiagos, Jim" <JIM.TSIRIMIAGOS@transport.nsw.gov.au>

To: "ABirchall@ssc.nsw.gov.au" <ABirchall@ssc.nsw.gov.au>

Annette, please see attached the comments sheet from our engineers. Our external engineers had forwarded this to our internal engineers prior to x-mas. The person dealing with this has only just returned from leave.

There are some critical items that the Applicant needs to address.

Could you forward this to the applicant for the dealing.

Regards

Jim Tsirimiagos
Town Planning Manager
Property Division
Finance and Corporate Services
Sydney Trains

T 02 8575 0780 | F 02 8575 0315
Level 2, 36-46 George Street, Burwood NSW 2134
PO Box 459, Burwood NSW 1805
Sydney Trains is a NSW Government agency



Architectural Review Advisory Panel

Proposal:

Demolition of 10 existing dwellings and construction of a residential apartment building comprising 132 units, basement parking and associated landscape works

Property:

1-5 Pinnacle Street MIRANDA NSW 2228

13-21 University Road MIRANDA NSW 2228

Applicant:

Miranda One Pty Ltd

File Number:

DA15/1037

The following is the report of the Architectural Review Advisory Panel Meeting held on 8 October 2015 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

1. “DA15/1037 – Demolition of Existing Structures and Construction of a Residential Flat Development Containing 132 Units at 13-21 University Road & 1-5 Pinnacle Street, Miranda – JRPP Application

Council's David Jarvis, Carine Elias and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Jeremy Bishop, Arthur Gartrell, Simon Dahdah, Andrew Darroch, Rob Frew and Marco Novita addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

This DA proposal is for demolition of existing structures and construction of two (2) residential flat buildings containing 132 units at 13-21 University Road and 1-5 Pinnacle Street, Miranda. The site area is 5,630sqm approx.

The site is within Zone R4 - High Density Residential, maximum FSR is 2:1 (11,260sqm approx), maximum height of building is 25 metres and the minimum landscaped area is 30% of the site.

Key Controls:

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)

Draft Sutherland Shire Council Development Control Plan 2015 (DSSDCP 2015)

Applicant's Submission

The functions and responsibilities of the Panel were explained to the Applicant. The application is subject to State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (Amendment No. 3), June 2015 and the Apartment Design Guide, June 2015. The project will be determined by the Joint Regional Planning Panel (JRPP).

PRINCIPLE 1 – CONTEXT & NEIGHBOURHOOD CHARACTER

One of the first projects that will radically change the area, this proposal has been competently handled.

PRINCIPLE 2 – SCALE & BUILT FORM

Built form is generally well-conceived, with positive landscaped space between the buildings. If the additional floor placed on the south-eastern corner is found to impact on the dwellings on the other side of the railway, it could be relocated to the north-eastern corner. The repeated motif of the double storey order will need a better material than AFS walling if its construction is to be consistent with the design.

PRINCIPLE 3 – DENSITY

OK.

PRINCIPLE 4 – SUSTAINABILITY

The southern building has generally good cross-ventilation: apartments without cross-ventilation are limited to one bedroom. Cross-ventilation performance of the northern building is much worse; Unit 215 could have a window to the void between buildings which would allow better ventilation; and the north-eastern corner of the building, especially the circulation spaces, could be reconfigured to provide better ventilation to Unit 212, which is otherwise a two bedroom north-facing unit without cross-ventilation.

PRINCIPLE 5 – LANDSCAPE

Refer to:

- Council's "Native Plant Selector" on its web site for site plant list selection.
- Refer to Council's Street Tree Register for street tree selection.
- Refer to Council's Greenweb Restoration Zone.

100% indigenous trees and 50% native plant selection are required as the site is in the Greenweb Restoration area. The street trees on Pinnacle Street are of poor quality and should not be retained.

The design of the central space as a through-site pedestrian way is well-considered, but must remain clearly accessible to the public throughout the day and night. Cross sections through the pedestrian way in both directions would assist to better understand the design - use the Architect's sections. No gates or fences should be provided to the pedestrian way at street frontages – suggest Applicant has a look at Mondrian in Waterloo that has an un-gated pedestrian access way. The current entrances to the access ways are restricted and should be wider and more generous, to make them 'public'.

The public way should be designed as a pedestrian street. There should be no gates and it should be as clear and legible as possible, like a city street. Apartments adjacent to it should have appropriate setbacks for plants as screening.

The uses of the communal open spaces on the roof-top should be clarified. More landscaping should be provided at the end where they adjoin the neighbouring development with the addition of some screening and small trees.

PRINCIPLE 6 – AMENITY

The amenity of the apartments is generally good, however it appears that many bathrooms are denied a window and some bedrooms a second window for cross ventilation simply due to the overriding aesthetic of solid and void. The aesthetic should not compromise the amenity. A double order can be maintained by coupling the windows with a spandrel panel between. Some living/dining areas appear tight and square in plan and will be difficult to furnish.

A lot of units have bathrooms located on the building perimeter but have no natural light; windows can easily be provided in a way that would suit the strong aesthetic. Windows to the lift lobbies on the southern building can also be relocated to better suit those people waiting for a lift, rather than be placed near apartment doorways.

The north-eastern corner of the northern building could be rearranged to provide better ventilation to the two bedroom unit 212.

A developer/marketing driven desire to over-commodify the units, with a stand-alone study and a galley kitchen, is compromising the size of the living/dining areas. The Architect who has organized the massing, circulation and general site design so well, should be given more latitude to deal with the overall amenity of the internal planning. South-facing corner apartments could be improved by locating living rooms and terraces on the corner towards the east or west.

Additional shadow studies are needed to demonstrate that the additional storey does not overshadow the living area of neighbouring properties on the other side of the rail line.

PRINCIPLE 7 – SAFETY

Good.

PRINCIPLE 8 – HOUSING DIVERSITY & SOCIAL INTERACTION

Good.

PRINCIPLE 9 – AESTHETICS

The aesthetic is strong and well conceived but should not be so inflexible as to limit the amenity of apartments. The additional windows requested for bathrooms should not detract from a good result.

The replanning of south-facing living areas to the corners could loosen up the tight symmetry of the planning. The construction of the double height walls needs to be done with a material that can handle this scale over the long term.

RECOMMENDATIONS/CONCLUSIONS:

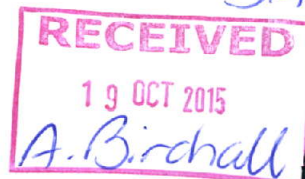
A strong and confident proposal, well-conceived in plan and its overall aesthetic which, with refinement of internal planning and the interface to the public street, could be even better.

The central space should remain clearly accessible to the public throughout the day and night.

The Applicant is requested to respond to the suggestions of this ARAP report as part of the resolution of design quality issues arising from its submission. The Applicant's response should be descriptive and adopt a format of Panel suggestion and response, clearly transcribing the suggestion from the report, followed by the Applicant's response under each Principle."

Frank Stanisic
ARAP Chairman

27 October 2015



NSW Police Force
www.police.nsw.gov.au

ISSUE:

Submission regarding Development Application No. DA15/1037 at 13-21 University Street, Miranda & 1-5 Pinnacle Street, Miranda, submitted by Senior Constable Christopher Shade, Reg'd No. 27402.

BACKGROUND:

See attached file.

COMMENT:

Development Application No.: DA15/1037

Proposal: Demolition of 10 existing dwellings and the erection of a residential apartments comprising of 132 units, and a 2 & 3 level basement parking for a total of 220 car spaces and associated landscape works.

Property: 10 existing dwellings comprising of 1 A Pinnacle Street, Miranda, 17 University Road, Miranda, 15 University Road, Miranda, 5 Pinnacle Street, Miranda, 13 University Road, Miranda, 2A Pinnacle Street, Miranda, 21 University Road, Miranda, 3 Pinnacle Street, Miranda & 19 University Road, Miranda

Police Ref: D/2015/488939

We refer to your development application which seeks approval for the development of residential buildings comprising 132 units with 2 and 3 level basement car parking for 220 vehicles. The proposed development will result in an increase in activity, both in and around the location. Such activity will subsequently increase the risk of crime, along with increasing crime opportunities and potential offenders to the development and its surroundings.

After perusing the paperwork the following suggested treatment options are submitted for consideration including a number of Crime Prevention through Environmental Design (CPTED) factors that should be considered in this development.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily

Miranda Local Area Command

34 Kingsway, Cronulla

Telephone 02 9527 8199 Facsimile 02 9527 8137 E/Net 58199 E/Fax 58137 TTY 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

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JRPP (Sydney East Region) Business Paper - (17 February 2016) - (2015SYE123)

15-10-15

see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, pathways throughout the site, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Security lighting should not illuminate observers or vantage points. Within the residential complex, observers are likely to be "inside" dwellings. Light should be projected away from buildings towards pathways and gates – not towards windows and doors. Additionally, the central pathway through the complex should provide adequate lighting for pedestrian safety. The attached development application does not specify such lighting considerations.

- **Landscaping**

The safety objective of "to see and be seen" is important in landscaped areas. Research and strong anecdotal evidence suggests that vegetation is commonly used by criminals to aid concealment through the provision of entrapment pockets. Dense vegetation can provide concealment and entrapment opportunities.

Species can be selected for different locations on the basis of their heights, bulk and shape. A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment. It is recommended that 3-5m of cleared space be located either side of residential pathways. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Given the inclusion of shrubs and trees throughout the site within the proposed development, it must be emphasised that the vegetation be kept trimmed and maintained at all times.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not

go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development application does not specify access control measures throughout the development. It is, however, crucial that these access control measures be considered.

Consideration should be given to installing security shutters at the entry to the underground car park area. It is noted that the following 'can be conditioned' - "*where security measures to car parks are provided an intercom system shall be installed for visitors to gain entry. This system shall incorporate a CCTV system to ensure that the visitor space availability can be determined*" (Annexure B, SSDCP 2006 Compliance Table, p.15). This security control measure should strongly be considered prior to approval of this development application.

Police would recommend that all residents are allocated access cards to provide temporary activation of security shutters to the basement area. This security access control measure could also be used to gain access into the pool area – access/safety control measures are not specified within the development application.

The proposal does not specify the type of locks to be fitted to roller doors within the basement car park area. Police would recommend that garage doors are designed and installed to the Australian Standards, fitted with quality locks. Within the local area, a common modus operandi of break and enter offenders whilst targeting premises of similar nature, is to access the residential premise via the garage area. Hence, quality deadlock sets should be fitted to internal doors leading from the garage area into individual townhouses. Storage doors within the garage area should also be fitted with quality deadlocks.

Police recommend that the underground car parking areas be painted white to greatly help to reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

Police would suggest the use of CCTV to monitor the common areas, access/exit driveways and underground car parks to ensure resident safety and security.

Internal residential entrance doors and frames should be of solid construction. These doors should be fitted with quality deadlock sets, which comply with the Australian/New Zealand standards and Fire Regulations (Australian Building Code) to enable occupants to escape in emergency situations such as a fire. Consideration should be given to installing key operated locks to windows. In addition to this, consideration should be given to installing locks that allow for windows and doors in a partially open position.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that residents are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use the space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

The overall design of the outdoor "common areas" should include low barrier vegetation, bright/even lighting, wide/even paving, effective guardianship and an absence of entrapment opportunities. In addition to visible street numbering at the entrance to the complex, and throughout, this development should contain clearly signposted directional signage to assist both visitors and emergency services personnel.

Other Matters

Lighting

Offenders within the area target this type of development, both in its construction phase and when the units are occupied. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

Car Park Security

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the car park areas, and breaking into the vehicles. Due to the isolation of the garages, these offences are not usually noticed by the owners until much later. It is suggested that this area be monitored by CCTV and appropriately sign-posted to deter potential offenders.

Way-finding

Way-finding in large environments such as this proposed development site can be confusing. Design and definitional legibility is an important safety issue at these locations. Knowing how and where to enter and exit, and find assistance within the development, can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should *reinforce*, but not be an alternative to legible design.

Letter Boxes

Mail theft/identify theft costs to the community millions of dollars annually and due to the size of this proposal (132 units) and the volume of mail that will be delivered, it is highly recommended the letter boxes are secured in the foyer area with access via 'swipe card' or the entry door be fitted with quality locks that are approved by Australian Standards. Multi storey residential apartments are a prime target for mail and identity theft offenders. Letter boxes that are positioned on the outside of the unit complex are easily accessible by a 'master key' or residents leaving the letter boxes unlocked.

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation any person who does so acknowledges that:

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the Council or the organisation referred to on page one*
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the Council or the organisation referred to on page one.*
- The NSWPF hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

RECOMMENDATION:

Forwarded through the Chain of Command for comment then to the General Manager, Sutherland Shire Council. All DA paperwork to be filed for a period of 7 years.

Christopher Shade
Senior Constable
Crime Prevention Officer
Miranda Local Area Command
8 October 2015

- 1) Sergeant Millington - Crime Co-ordinator, Miranda LAC

*For the information and attention of
the GM SSC. RMJC Sgt 8/10/15.*

- 2) Detective Chief Inspector Woolbank - Crime Manager, Miranda LAC

[Signature]
9.10.15

- 3) Superintendent O'Toole - Miranda Local Area Commander

[Signature]

- 4) General Manager - Sutherland Shire Council

20 January 2016

Sutherland Shire Council
Annette Birchall
Planning & Environment Division
Locked Bag 17
Sutherland NSW 1499

Dear Annette,

Application no. DA15/1037

Proposal: Demolition of 10 existing dwellings and the erection of a residential apartment building comprising 130 units, basement parking and associated landscape works. RE: additional information

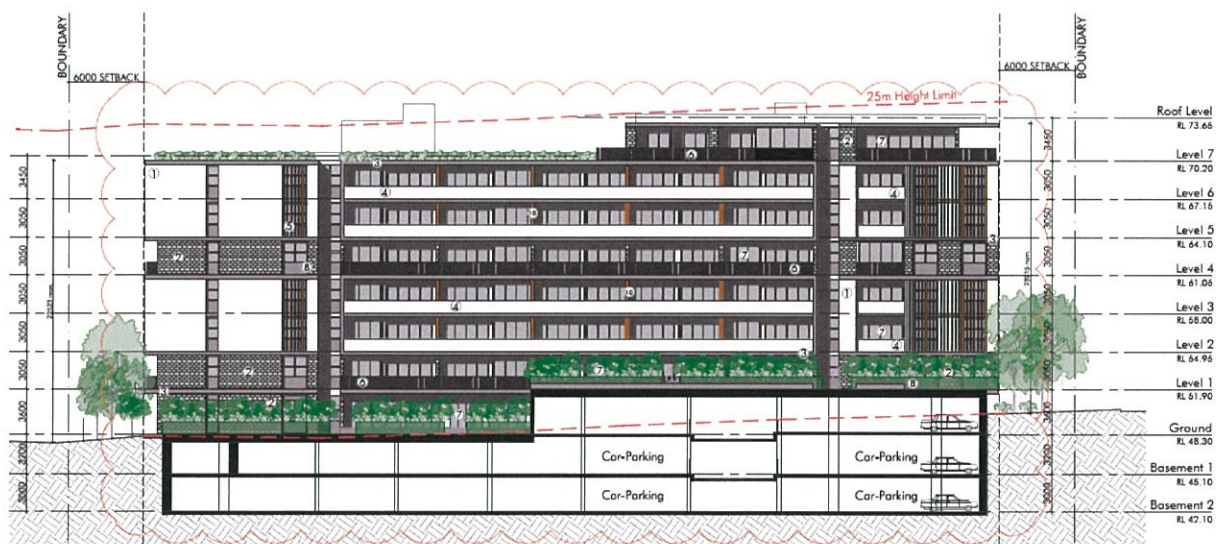
Property: 1-5 Pinnacle Street and 13-21 University Road Miranda

In reference to your email dated 18th January 2016, please find below the additional information requested in regards breach of height for Building B of the subject development application.

This information is to replace page 8 to the amended Clause 4.6 of Sutherland Local Environmental Plan 2015 – Exceptions to Development Standards, already issued by the applicant Miranda One Pty Ltd.

Furthermore, to clarify, height control under the Sutherland Shire LEP is 25m, the proposed height at the maximum breach point is 27.8m.

The proposal has taken advantage of the fall of the land to relocate the part of the massing which would have narrowed the public through-site link (the northern extension to Block B) and to locate it in a partial lower level fronting University Road. This results in a stepped roof plane for Block B with a maximum of seven residential levels following the slope of the land.



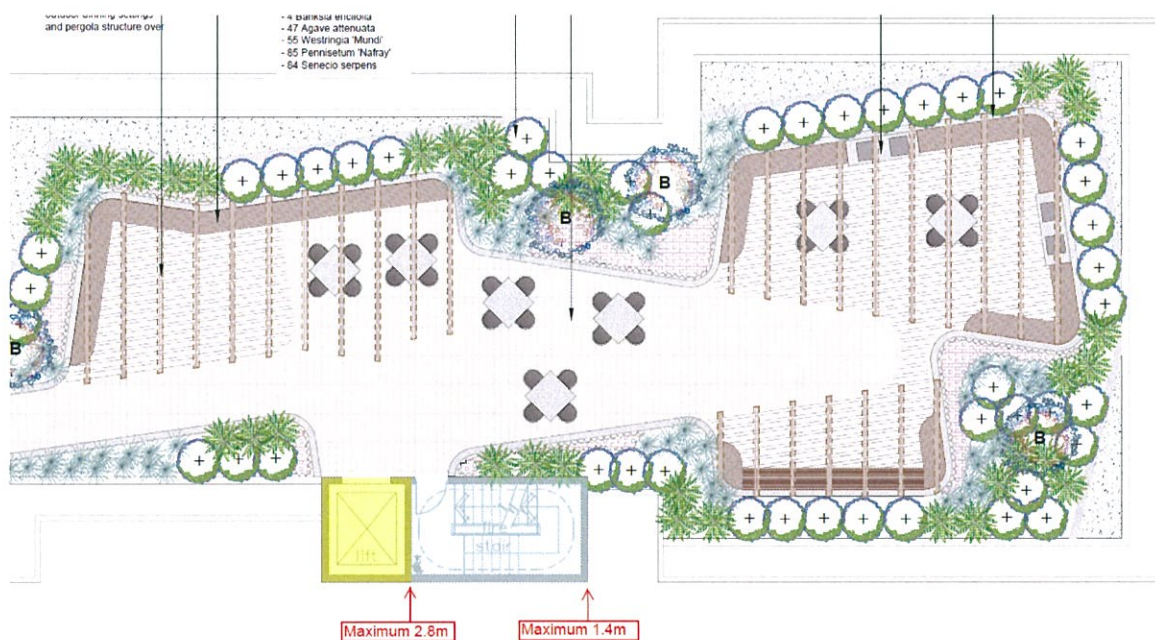
Building B, North Elevation

Additional Information to Cl4.6
1-5 Pinnacle Street and 13-21 University Road Miranda



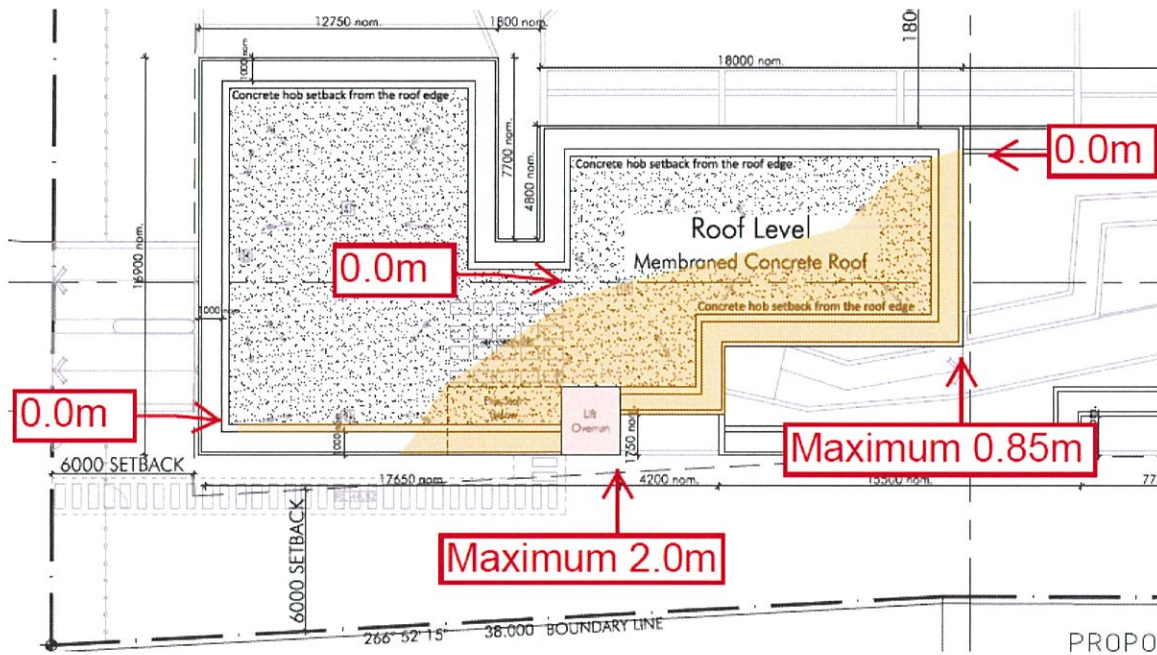
Building B, South Elevation

On the eastern side of Block B. The parapets of the residential levels consistent with the LEP height controls and it is only the lift overrun (breach by maximum of 2.8m) and stair access (breach by maximum 1.4m) which provide disable access to the roof top communal open space which form the breach to the height control as shown highlighted in the extract below.



Building B, Roof Level, Eastern Section

On the western side of Block B. It is generally consistent with the LEP height controls, with a portion of the eastern roof line of the western section of Building B breaching the height control by a maximum of 0.85m. The total area exceeding the LEP height limit of 25m is 135sqm which is 2.4% of the site due to the fall of the land. The lift overrun access which provide access to the residential units on Level 7 which form part of the breach by a maximum of 2.0m to the height control as shown highlighted in the extract below. Any shadow impact of the breach is predominately impacting upon the development itself.



Building B, Roof Level, Western Section

If you require any further information regarding this matter please do not hesitate to contact the undersigned.

Regards,

Simon Dandah
Miranda One Pty Ltd
P: 02 8436 9000

**Justification under Clause 4.6 of Sutherland Local Environmental Plan
2015 – Exceptions to Development Standards.**

Height

Control 25m

Proposed Height 28.8m

Clause 4.6 states:

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 Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General 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 Director-General 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 RU4 Primary Production Small Lots, 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 4.3 (Height of buildings), but only in relation to land shown as being in Area 1 or Area 2 on the Height of Buildings Map,*
- (cb) clause 5.3A (Development below ground level in Zone RE1),*
- (cc) clause 6.10 (Heritage floor space),*
- (cd) clause 6.11 (Utilisation of certain additional floor space requires allocation of heritage floor space),*
- (ce) clause 6.17 (Sun access planes),*
- (cf) clause 6.18 (Exceptions to sun access planes),*
- (cg) clause 6.19 (Overshadowing of certain public places), except in respect of Australia Square Plaza, Chifley Square, First Government House Place and Sydney Town Hall steps,*
- (ch) Division 1 of Part 7 (Car parking ancillary to other development).*

Discussion

The proposed development amalgamates site 12 and all of site 11 (with the exception of 11 University Road) consistent with the DCP requirements. The larger site amalgamation allows the opportunity for all vehicular access to occur via Pinnacle Street and a larger park to be provided at the south of University Road. It also allows the through-site link between Pinnacle Street and University Road to align more closely with the pedestrian desire lines along Pinnacle Street and produces a better public benefit and better planning outcome than the indicated pedestrian path at the north of the site. The proposed building separation around the public path achieves a width of 18m where the DCP northern option would only achieve 14m and allows for a more

extensive landscaped experience and better interface between the through site link and the residential.

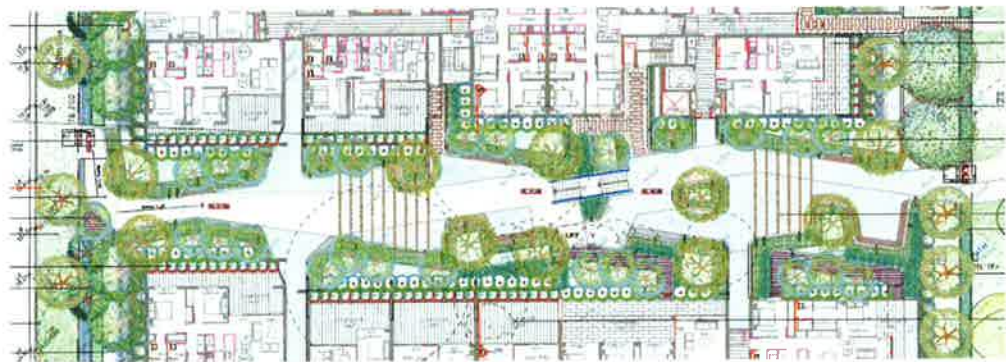


Sutherland DCP Extract Sites 11 and 12.



Extract of sites 11 and 12 Massing Plan in the Sutherland DCP.

In order for the development to maximize the amenity of the public through-site link the proposal has deleted the northern return on Block B (Site 12) to maximize the separation distance between the blocks and provide the public through-site link following the local pedestrian desire lines between Pinnacle Street and the University Road park. The proposed public through-site link is reflected in the landscape plan extracts below.



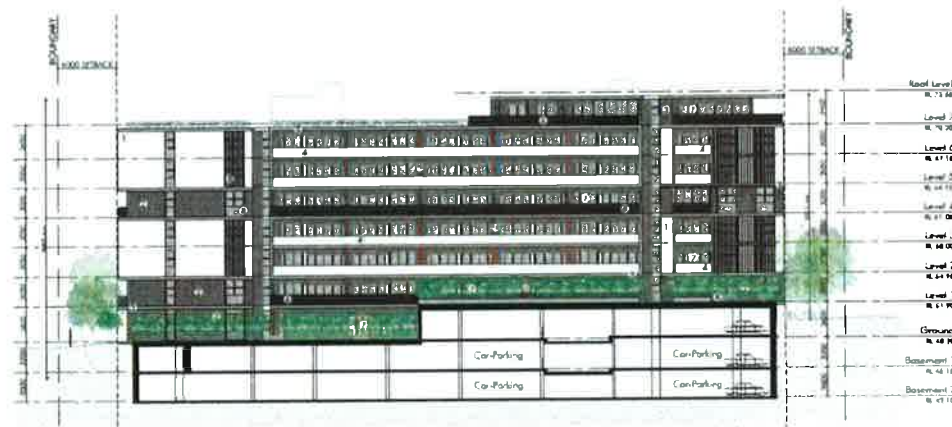
Proposed Public through-site link (detail)



Proposed Public through-site link

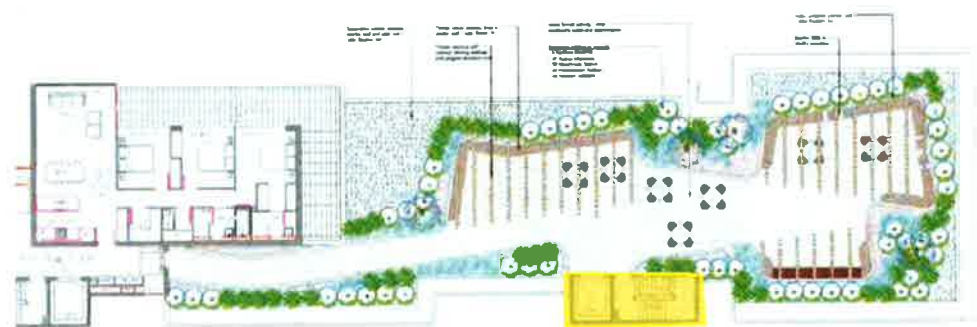
The proposed development does not seek to intensify the development above that which is contemplated by the controls. This is borne out by

The proposal has taken advantage of the fall of the land to relocate the part of the massing which would have narrowed the public through-site link (the northern extension to Block B) and to locate it in a partial lower level fronting University Road. This results in a stepped roof plane for Block B with a maximum of seven residential levels following the slope of the land.



Block B North Elevation

The parapets of the residential levels consistent with the LEP height controls and it is only the lift overrun and stair access which provide disabled access to the roof top communal open space which form the breach to the height control as show highlighted in the extract below.



Roof Level Building B

It is considered that in this instance this gives rise to a better planning outcome and public benefit in terms of the provision of the through-site linked in an improved location and form and roof top communal open space which is accessible for all occupants.

While it would be possible to provide an open stair access to the roof top open space and a stair climber or platform lift which would give access to the roof top without breaching the height control, it is considered that it is a better planning outcome and more desirable equitable access to continue the lift to the roof top. For these reasons it is considered that the breach to the height control is acceptable.

It is considered that the proposal results in a better planning outcome by providing a built form which is compatible with and complimentary to the provision of an enhanced through-site link and high quality, accessible communal open space on the roof top and that a compliant building form would not be consistent with its context by presenting a building which narrowed the separation between the buildings and gave rise to a less direct through-site link.

The proposal is demonstrated not to give rise to any significant amenity impacts in terms of solar access, privacy, views or bulk and scale with regard to the breach and on balance this is considered to be an appropriate approach and it is considered that this is the type of situation for which Clause 4.6 expressly provides.

In the circumstances where there are sound environmental and site specific reasons for the breach to the height control and where the proposal would be consistent with the bulk and scale of desired future development in this locality it is considered unreasonable and unnecessary to apply the control and consequently the exception to the height control standard under Clause 4.6 is considered acceptable.

I will now address each aspect of Clause 4.6 in turn for completeness:

(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.*

The proposal seeks flexibility in the application of the standard where the breach to the height control arises from a building, which is consistent in bulk and scale with the surrounding buildings and the desired future character of the area. A compliant building would inappropriately affect the integrity of the proposed through-site link and would not provide the level of equity of access to high quality communal open space. This is considered to achieve flexibility consistent with the objectives of this clause.

The proposal provides for a better outcome, while providing high amenity and high levels of solar access and outlook for the communal open space and the public through-site link. This is considered to be a better outcome consistent with the objectives of this clause.

(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.

The development standard proposed to be contravened *Clause 4.3 Height* is not 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.*

This submission is that written request for consideration by the consent authority. The compliance with the clause is considered unreasonable and unnecessary in the circumstance of this case as outlined in the discussion above where the proposal results in a building form of bulk and scale consistent with the character of the surrounding development and the desired future character of the area within which it is located. The failure to set aside the standard would in effect give rise to additional intervention for a no significant gain gain. The contravention of the control by the proposal does not give rise to any environmental effect of sufficient significance, which would cause concern and it is considered that the environmental benefits of the proposal providing an accessible roof top communal open space public and through-site link with enhanced solar access, outlook and amenity is on balance an appropriate environmental outcome to justify the contravention of 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 Director-General has been obtained.

The objectives of Clause 4.3 Height are;

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

(a) to ensure that the scale of buildings:

(i) Is compatible with adjoining development, and

(ii) Is consistent with the desired scale and character of the street and locality in which the buildings are located or

-
- the desired future scale and character, and
- (iii) complements any natural landscape setting of the buildings,
- (b) to allow reasonable daylight access to all buildings and the public domain,
- (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
- (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,
- (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,
- (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.

It is demonstrated in the plans and accompanying documentation that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties. The proposal does not create any adverse visual impacts from adjoining properties, the street, waterways and public reserves. The proposal promotes view sharing by retaining desired heights across the site. The bulk and scale of the proposal is considered to be consistent with the desired future character of the locality and provides an appropriate transition in height between the relevant parts of the new development. It is considered that these objectives are met by the proposal.

The objectives for development in this zone are;

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.

-
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
 - To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
 - To minimise the fragmentation of land that would prevent the achievement of high density residential development.

The proposed development improves the provision of housing for the needs of the community by improving the amenity of the offering and increasing the vitality of the area.

The proposal increases the variety of housing types. The proposal increases the concentration of housing to take advantage of its access transport, services and facilities.

The proposal provides for *a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

The proposal is considered to meet the objectives for development in the zone.

The proposal is considered consistent with the objectives of the standard and for development in this zone as required by this subclause.

(5) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.*

The contravention raises no matters of State or regional significance. It is considered that where the proposal is consistent and compatible with the neighbouring sites in terms of its bulk, scale and character and there is no public benefit in maintaining the development standard. No other matters are required to be taken into consideration by the Director-General.

(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 RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

The proposal is not for contravention of a subdivision control.

(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).

The consent authority will keep a record of the determination.

(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.*

The proposal is not complying development. The development standard does not arise from the regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.

In this instance it is considered appropriate to make an exception to the Height development standard under the provisions of Clause 4.6 for the reasons outlined in the preceding discussion.



Signature:

Name:

Andrew Darroch

Date:

December 2015