

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No:	2015SYE148
DA No:	DA15/1254
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of 6 existing dwellings and construction of a seven storey and an eight storey residential flat buildings containing 99 units with basement carparking
Street Address:	Lot 28 DP 11987, Lot 29 DP 11987, Lot 30 DP 11987, Lot 8 DP 31029, Lot 9 DP 31029, Lot 10 DP 31029 - 16 Pinnacle Street, Miranda, 40 Pinnacle Street, Miranda, 18 Pinnacle Street, Miranda, 20 Pinnacle Street, Miranda, 42 Pinnacle Street, Miranda, 44 Pinnacle Street, Miranda
Applicant/Owner:	42 - 44 Pinnacle St Miranda Pty Ltd
Number of Submissions:	4
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) • Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Section 94 Developer Contributions Plans: <ul style="list-style-type: none"> ○ Shire-Wide Open Space and Recreation Facilities 2005 ○ Section 94 Community Facilities Plan ○ Miranda Centre Open Space Embellishment Plan
List all documents submitted with this report for the panel's consideration:	<ul style="list-style-type: none"> • Draft Conditions of Development Consent • Sydney Trains concurrence letter • Architectural Review Advisory Panel (ARAP) comments • NSW Police comments
Recommendation:	Deferred commencement consent
Report By:	Amanda Treharne – Environmental Assessment Officer Sutherland Shire Council

1. EXECUTIVE SUMMARY

1.1 Reason for Report

This application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$20,000,000 and as such is nominated under Schedule 4A(3) of the Environmental Planning and Assessment Act 1979. The application submitted to Council nominates the value of the project as \$24,698,857.

1.2 Proposal

The original application was for the demolition of 6 existing dwellings and construction of a six storey and an eight storey residential flat building containing 101 units with basement carparking for 155 vehicles at the above property. The application has since been revised to allow for the demolition of 6 existing dwellings and construction of a six storey and an eight storey residential flat building containing 99 units with basement carparking for 105 vehicles.

1.3 The Site

The site comprises 6 parcels of land identified as Lots 28 - 30 in DP11987 (Nos 16 – 20 Pinnacle Street, Miranda) and Lots 8 - 10 in DP31029 (Nos 40 - 44 Pinnacle Street, Miranda).

The amalgamation of lots results in a rectangular shaped site with a total area of 3,495.25m².

1.4 The Issues

The main issues identified are as follows:

- Shortfall in the landscaped area requirement under Sutherland Shire Local Environmental Plan 2015.
- Proposed alternative built form to that of the preferred Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015) Miranda Precinct Building Envelope Plan.
- Shortfall of parking required under DSSDCP 2015.

1.5 Conclusion

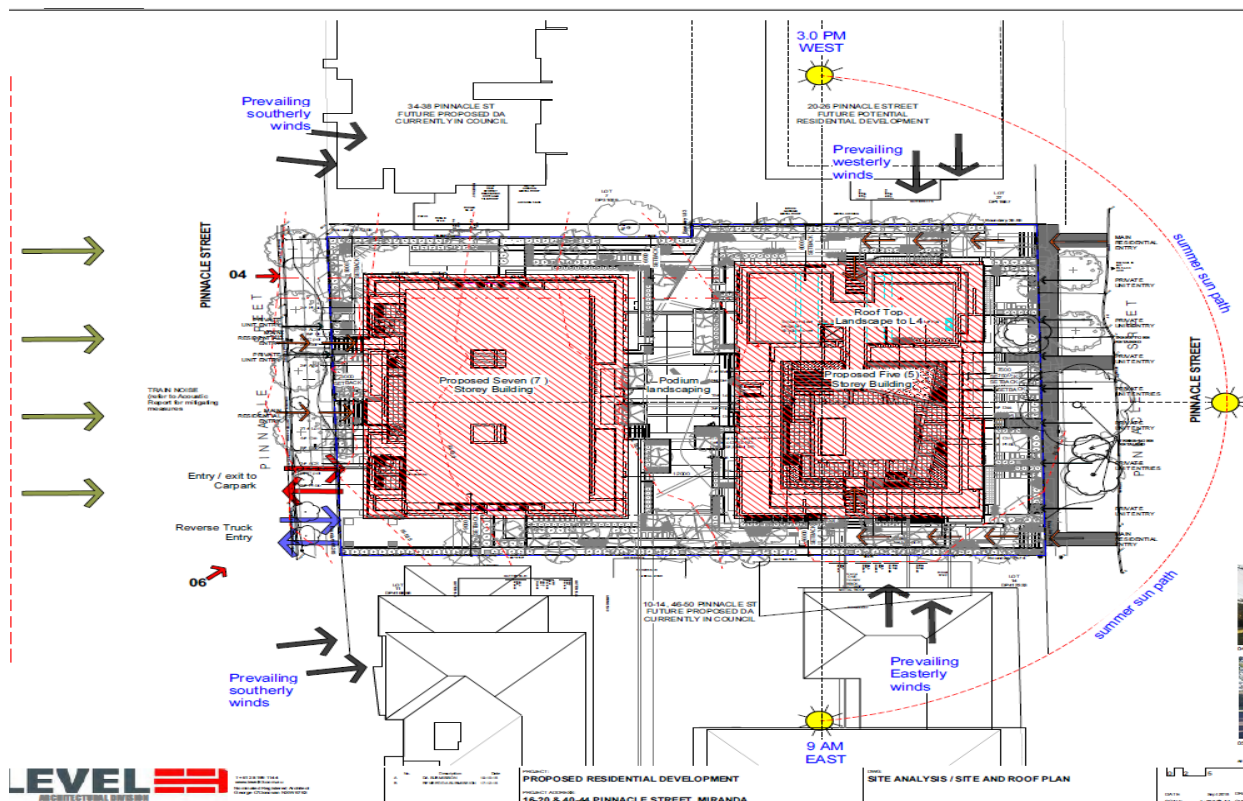
Following detailed assessment of the proposed development the current application is considered worthy of support, subject to deferred commencement conditions which seek amendments regarding waste collection, landscaped area, car parking and built form. A complete set of draft conditions is attached as **Appendix A**.

2. DESCRIPTION OF PROPOSAL

The application is for demolition of 6 existing dwellings and construction of two residential flat buildings (1 x 6 storey and 1 x 8 storey) containing 99 units with basement carparking at the above property.

Details of the proposal are as follows:

- Vehicle entrance to the site via Pinnacle Street (south) to 3 levels of car parking (2 x basement levels and 1 partially excavated basement level) containing 105 car spaces.
- Provision of a designated loading bay / waste storage and collection area on the eastern side of the building on Pinnacle Street (south) suitable for an MRV truck and screened on both sides by landscaping.
- A central landscaped courtyard and communal open space area between the two buildings.
- A northern building (part 4 and part 6 storeys in height) containing 48 apartments accessed via two separate cores. Part of Level 4 contains a roof terrace on the western side of the building. A roof terrace is also proposed on the roof of Level 6.
- A southern building (8 storeys in height) containing 51 apartments accessed via two separate cores. Two small roof terraces are proposed on the southern side of two of the units on Level 8 of the building.
- A mix of units comprising 7 studios; 44 x 1 bedroom units; 41 x 2 bedroom units and 7 x 3 bedroom units.
- Stormwater will be discharged to the southern side of the site to Pinnacle Street via an underground OSD system.



Site Analysis Plan

3. SITE DESCRIPTION AND LOCALITY

The site comprises 6 parcels of land identified as follows:

- Lots 28 - 30 in DP11987 (Nos 16 - 20 Pinnacle Street, Miranda)

- Lots 8 - 10 in DP31029 (Nos 40 - 44 Pinnacle Street, Miranda)

The lots are back to back such that the site extends from the northern frontage of Pinnacle Street through to the southern frontage of Pinnacle Street. Pinnacle Street forms a U-shape, with Sylvania Road to its west.

The amalgamation of lots results in a rectangular shaped site with a northern frontage of 48.79m, a southern frontage of 46.14m, an eastern boundary of 72.74m and a western boundary of 71.82m. It has a total site area of 3,495.25m².

The site has a fall of approximately 1.5m from the northern side to the south.

Existing on the site are 6 dwelling houses and associated outbuildings, garages and swimming pools along with a number of mature trees.

The majority of development surrounding the subject site comprises low density residential dwellings on single allotments. A cluster of multi-unit dwellings comprising townhouses and villas (including development owned by NSW Land and Housing) exist in the north-east corner of Pinnacle Street, which extend through to the Kingsway. See aerial photographs below.

The site is located at the periphery of the Miranda Centre and is within close proximity to major public transport nodes, community facilities and public services. The development is within the new Miranda Pinnacle Street Precinct, which has recently been “up zoned” under Sutherland Shire Local Environmental Plan (SSLEP) 2015 from low density residential to R4 High Density Residential.



Aerial Photo of Subject Site



4. BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD15/0085) was held on 17 August 2015 regarding the proposed development. A formal letter of response was issued by Council dated 14 October 2015. The main points contained in this letter are as follows:
 - Council's concern with the proposed breaking of the desired amalgamation pattern and the potential isolation of an adjoining lot.
 - Side setbacks to meet the minimum 6m set out in the Draft SSDCP 2015
 - Potential to retain a cluster of trees within the site;
 - Incorporate a roof terrace to the rear building to assist with meeting ADG compliance for solar access to common open space;
 - Reference to the ADG and not the Residential Flat Design Guide
 - Concern with the extent of excavation proposed.
- The current application was submitted on 21 October 2015.
- The application was placed on exhibition with the last date for public submissions being 24 November 2015. 4 submissions were received.
- An Information Session was held on 17 November 2015 and 2 people attended.
- On 19 November 2015 the application was considered by ARAP.
- Council officers wrote to the Applicant on 23 December 2015 advising that it supported ARAP comments and requesting that the following additional information be provided:

- Submit the necessary information for Sydney Trains matters may be resolved if concurrence is required;
- Re-massing of the southern building to reflect the preferred building envelope in draft SSDCP 2015;
- Design changes to ensure compliance with side setbacks;
- The submission of additional cross-sections through the site showing the relationship of the development with the side boundaries and the adjoining developments;
- Demonstrate compliance with the ADG requirements with respect to unit sizes, balcony sizes and balcony design for some units;
- The submission of solar access diagrams at hourly intervals to demonstrate ADG compliance;
- The provision of a designated loading bay;
- Confirmation of compliance with the deep soil landscaped area requirement.
- Amended plans (the current scheme) were lodged on 13 January 2016.
- The amended plans were renotified from 21 January to 11 February 2016. No submissions were received.
- The application was considered by Council's Submissions Review Panel on 9 February 2016.
- On 16 February 2016 Council officers met with the applicant to discuss desired amendments to the revised plans. At the meeting the applicant agreed to submit some draft revisions for Council officers to review.
- The JRPP were briefed of the application on 17 February 2016
- On 29 February 2016 the applicant submitted draft revisions for review. The applicant advised by email that in their opinion the amendments sought by Council did not result in an improved development outcome for the site.
- On 1 March 2016 Council officers advised the applicant by email that they disagreed with the applicant's view and were willing to facilitate a further meeting to run through the design requirements, namely:
 - The reason for the revised form was to reflect a whole block context of similar built form and to ensure the proposed development contributed to the anticipated likely future streetscape. Plans of the built form on the corner block and to the rear western side were tabled at the meeting to enable the applicant to view other developments currently being considered by Council.
 - In terms of the northern building, Council would like to see the roof terrace removed as the lift and stairs is not an element which adds positively to the form or aesthetics of the building.
- 11 March 2016, concurrence letter was received from Sydney Trains.
- On 18 March Council's JRPP officer advised the JRPP that the subject application would not make the agenda for 6 April due to the applicant not having resolved the design approach for the development.

- On 4 April 2016 the applicant submitted correspondence advising that they would proceed with the proposal as already submitted, with no further changes. This included justification of the departure from DSSDCP 2015 in terms of the preferred Building Envelope Plan.
- On 19 April 2016 the applicant was advised that the justification submitted was insufficient to enable Council to compare the preferred scheme and that submitted in terms of solar access. The applicant was also advised that the issue of insufficient landscaped area had not been addressed since Council's 2015 correspondence.
- On 20 April 2016 the applicant submitted additional streetscape plans and solar access diagrams.
- On 29 April 2016 the applicant submitted revised architectural plans of the basement levels and the deep soil landscape area calculations. The revised scheme included a large cut-out in the basement across 3 levels to enable the provision of the required deep soil landscaped area but a reduction in on-site parking provision of 47 spaces.
- On 3 May 2016 Council officers emailed Sydney Trains with the revised basement plans to ascertain if any change to its concurrence is required.
- Sydney Trains sent a revised concurrence letter dated 19 May 2016.

5. ADEQUACY OF APPLICANT'S SUBMISSION

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

6. PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 41 of Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

50 adjoining or affected owners were notified of the original and current proposal and 4 submissions were received after the notification of the original proposal. No objections were received to the current proposal.

Submissions were received from the following properties:

Address	Date of Letter/s	Issues
211 President Avenue, Miranda	28 October 2015	1, 6
1/7 Pinnacle Street, Miranda	24 November 2015	5
11 Pinnacle Street, Miranda	23 November 2015	1, 2
23 Pinnacle Street, Miranda	30 November 2015	3 and 4

The issues raised within the original proposal are as follows:

6.1 Issue 1 - Parking and Traffic Impacts

Concern is raised that this proposal in conjunction with the other DA's in the precinct will result in traffic congestion in the local streets.

Comment: Traffic and parking have been addressed in the assessment section of this report.

6.2 Issue 2 - Overshadowing

Objection was raised to insufficient plans to determine the impact on their amenity in terms of overshadowing.

Comment: The objector is located to the north of the subject site on the northern side of Pinnacle Street and therefore no overshadowing of their property will occur as a result of the proposed development.

6.3 Issue 3 - Construction vehicles

There is concern that the scale of machinery required for the construction in existing narrow streets and with no pavements, will create a pedestrian hazard for local residents.

Comment: This concern will be addressed with conditions of consent and the implementation of a Construction Management Plan.

6.4 Issue 4 - Loss of amenity

Concerned is raised with the construction of the proposed building in the midst of single dwellings with families still living in them which will affect their quality of life.

Comment: The subject site forms part of a precinct where a change in built form and character is inevitable as a result of the change in zoning under SSLEP 2015. The majority of sites have now been taken up and consents either issued or pending. Conditions of consent are recommended to ensure compliance with the standard construction hours, noise impacts and construction vehicle management to assist with minimising the short term effects.

6.5 Issue 5 - Exclusion from the amalgamation pattern

There is raised concern with being the only single residence surrounded by high rise development.

Comment: The objector resides on a site which contains 2 detached dwellings. To the rear of this at 676 Kingsway is a single site. Adjacent the residence is a townhouse development of 4 dwellings to the west and the NSW Land and Housing Corporation land to the east (cluster housing). These sites are also zoned R4 but were excluded from the Pinnacle Street Precinct Amalgamation Plan. The reason for this is the fact that these sites already contain medium density development and there was

only a small chance of these sites being further amalgamated. If able to be secured, these sites have the potential for similar development. The objector has been advised of this on a number of occasions.

6.6 Issue 6 - Overdevelopment

Concern is raised with the increasing number of flat buildings around Miranda including the existing and further parking difficulties associated with more development.

Comment: The subject proposal is in accordance with the permissible development standards set out for the R4 Zone in SSLEP 2015 and is therefore consistent with Council's vision for the location. Subject to conditions regarding an increased provision of on-site parking, the proposal will comply with the DSSDCP 2015 parking requirements. See 'Assessment' section below.

Submission Review Panel (SRP)

The 4 submissions received by Council during public exhibition were considered by Council's SRP on 9 February 2016. The SRP concluded that all matters raised within the submissions are either not substantive or can be dealt with via conditions of consent.

Revised Plans

The applicant lodged revised architectural plans on 13 January 2016. The amendments made to the original proposal included the following:

- 1 x 6 storey building and 1 x 8 storey building comprising 99 units;
- Vehicle access via Pinnacle Street south to three levels of basement parking comprising 155 car spaces;
- An apartment mix comprising 7 x studios; 44 x 1 bedrooms, 41 x 2 bedrooms and 7 x 3 bedrooms (including the provision of 32 adaptable units);
- The provision of a central area for common open space between the two buildings as well as a rooftop garden on Level 4 and the roof of Level 6 of the northern building and two separate rooftop terraces on Level 8 of the southern building.
- A simplified design aesthetic for the facades of the buildings.

It was deemed necessary to renotify the amended proposal on the basis that the amendments resulted in a development that differed greatly in its appearance from that originally notified. No submissions were received during the second notification period.

7. STATUTORY CONSIDERATIONS

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

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- Apartment Design Guide (ADG)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
- Section 94 Developer Contributions Plans:
 - Shire-Wide Open Space and Recreation Facilities 2005
 - Section 94 Community Facilities Plan
 - Miranda Centre Open Space Embellishment Plan

8. STATEMENT OF COMPLIANCE

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

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

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

Design Quality Principles	Assessment
Principle 1: Context and neighbourhood character	The site is located within the Miranda Pinnacle Street Precinct which is a pocket of land on the periphery of the Miranda Centre which has been up-zoned from low density residential to the R4 Zone. The proposal is consistent with the desired amalgamation pattern and an appropriate response to the large site. Subject to some design changes it will contribute positively to the desired future character of the Pinnacle Street Precinct as envisaged under draft SSDCP 2015.
Principle 2: Built Form and Scale	The layout of the proposed buildings towards the northern and southern ends of the site, with a central landscaped courtyard between, is an appropriate design response to the site. The layout deviates from that originally in DSSDCP 2015 but is considered acceptable. The proposed

	built form is generally consistent with the built form envisaged in DSSDCP 2015 with the exception of the upper levels on both the northern and southern building. The northern building steps down to the west to enable a communal roof terrace with good solar access. Both buildings are generally recessed from the sides at the upper levels and the architecture affords good articulation to the scale of the buildings.
Principle 3: Density	The proposed density is compliant with the maximum development standard under SSLEP 2015. It is generally acceptably distributed across the site.
Principle 4: Sustainability	The development incorporates BASIX requirements and sustainability measures into its overall design. Implementation of conditions will ensure dwellings will receive adequate solar access and cross ventilation so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 5: Landscape	The proposed development results in a non-compliance with the landscaped area development standard contained within SSLEP 2015. The non-compliance has been conditioned to require removal of some proposed hardsurfaces (including the waste collection bay) to ensure the minimum landscaped area is provided. This will assist to provide sufficient deep soil areas on the site to facilitate mature tree planting which is a core principle of the Pinnacle Street Strategy – to achieve well designed residential flats in a landscaped setting.
Principle 6: Amenity	The proposal has the potential to adequately satisfy the provisions of the ADG with respect to residential amenity, including appropriate building and floor plan layout, solar access, natural ventilation and visual/acoustic privacy.
Principle 7: Safety	The proposed development incorporates Crime Prevention Through Environmental Design (CPTED) Principles in the design. Additional conditions of consent have been imposed.
Principle 8: Housing Diversity and Social Interaction	The proposal provides a mix of apartment types (studios, 1, 2 & 3 bedrooms), encouraging diversity in the future occupation of the development in terms of social mix. Adaptable and liveable housing options are also proposed. The development includes facilities to encourage social interaction including the central landscaped courtyard and roof terrace areas on both buildings.
Principle 9: Aesthetics	An appropriate composition of building elements, textures, materials and colours within the development has generally been achieved.

8.2 Apartment Design Guide (ADG)

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

Apartment Design Guide (ADG) – Key Controls			
Building separation	<p><i>Up to 12m:</i> 6m non habitable 12m habitable</p> <p><i>12 – 25m:</i> 9m non habitable 18m habitable</p>	<p>Complies 12m – 19m habitable</p> <p>Complies 15m (Level 4 balcony to roof terrace and western separation from adjacent building DA15/1156)</p>	<p>N/A Yes</p> <p>N/A No – see below</p>
Natural ventilation	60% of apartments to be naturally cross ventilated. Max. Depth 18m	<p>71/99 units (71.7%)</p> <p>19m max depth (to bedrooms) but 16.5m from balcony to balcony</p>	<p>Yes</p> <p>Yes</p>
Solar access	<p>Living rooms and private open space, 2 hours direct sunlight in mid winter to 70% of units.</p> <p>Maximum 15% of units receive no sunlight to habitable rooms</p>	<p>77/99 (77.8%)</p> <p>12.1% (12 units)</p>	<p>Yes</p> <p>Yes</p>
Single aspect apartment depth	8m	Max 7.7m - all comply	Yes
Apartment size	<p>Studio: 35m²</p> <p>1br: 50m²</p> <p>2br: 70m²</p> <p>3br: 90m²</p>	<p>Studio: 38 – 41m²</p> <p>1br: 50 - 64m²</p> <p>2br: 70 – 79m²</p> <p>3br: 90 - 100m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Ceiling heights	2.7m	2.8m	Yes
Private open space:	<p><i>Primary balconies:</i> 4m² no min depth 8m², min. 2m depth 10m², min. 2m depth 12m², min 2.4m depth</p> <p>15m² with min 3m depth</p>	<p>9m² 8 - 22m² and 2m depth 10 – 23m² and 2 – 3m 22 - 44m² min and 2-3m depth</p> <p><15m² minimum achieved</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Communal open space – size	25% of site area (873.8m ²)	<p>Ground level: 592m²</p> <p>Level 4: 195m²</p> <p>Level 6: 262.7m²</p> <p>Level 8: 84m²</p> <p>Total: 1133m² (32%)</p>	Yes – see below
Communal space - solar access	50% of principal area of communal open space area to receive 2hrs of direct sunlight in mid	Rooftop communal open space areas will receive direct sunlight between 9am and 3pm in winter	Yes

	winter		
Residential storage	6m ³ per 1br apartment 8m ³ per 2br apartment 10m ³ per 3br apartment	Proposal complies	Yes
	At least 50% of storage to be located within the apartments	50% of storage is located within apartments	Yes

8.3 Local Controls – SSLEP 2015 and DSSDCP 2015

The compliance table below contains a summary of applicable development controls:

Standard/Control	Required	Proposed	Complies? (% variation)
Sutherland Shire Local Environmental Plan 2015			
Building Height	25m	24.6m maximum by survey data	Yes
FSR	2:1 (6,990m ²)	2:1 (6,990.5m ²)	Yes
Landscaped Area	30% (1,048m ²)	28% (980m ²) – remaining 68m ² has been conditioned to comply	No – see below
Sutherland Shire Development Control Plan 2015			
Adaptable apartments	20% (20 apartments)	35% (35 apartments adaptable)	Yes
Liveable apartments	10% (10 apartments)	As above	Yes
Building Envelopes	Miranda Pinnacle Street Precinct Building Envelope Plan – preferred streetscape outcome	Alternative built form for both buildings proposed	No – see below
Streetscape and Building Form	Development to address the street. Built form articulated to avoid large expanses of broken wall.	Each building addresses Pinnacle Streets (north and south). Well articulated elevations	Yes
Street setbacks	6m from Pinnacle Street north (but no articulation zone) 3m from Pinnacle Street south where compliance with amalgamation pattern	Proposal complies Proposal complies	Yes Yes
Side setbacks	6m	<i>West side:</i> 4.5m to exit stair at ground level for north building with remainder of development compliant <i>East side:</i> 4.5m to exit stair at ground level for north building with rest of building compliant	No – see below No – see below
Rear setback	3m frontage to Pinnacle St south	Min 3m frontage	Yes
Landscaped side	1m	1.2m landscape setback	Yes

Standard/Control	Required	Proposed	Complies? (% variation)
setback to basement driveway			
Basement setbacks	<p><i>Street:</i> May extend into front articulation zone (6m)</p> <p><i>Side and rear:</i> 3m where it extends beyond the building footprint</p>	<p>Varies from 4.3m – 5.2m</p> <p><i>W side:</i> 4.17m – 6m <i>E side:</i> 4.2m at closest point, up to 6m <i>Rear:</i> 10.9m – 12.4m</p>	<p>Yes</p> <p>Yes</p>
Car parking	<p>1 x Studio x 7 units (7 spaces) 1 x 1 bed x 44 units (44 spaces) 1.5 x 2 bed x 41 units (61.5 spaces) 2 x 3 bed x 7 units (14 spaces)</p> <p>1 space per 4 units for visitor parking x 99 units (25 spaces)</p> <p>Total required 152 spaces</p>	105 spaces	No (47 space shortfall) – see below
Car wash bays	1 bay for first 10 dwellings, then 1 per 30 dwellings (5 required)	4 shared car wash bays / visitor spaces provided	Acceptable

8.4 State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The following provisions of State Environmental Planning Policy (Infrastructure) 2007 apply to the development.

Clause 86 – Excavation in, above or adjacent to rail corridors

This clause applies to the subject proposal as it involves the penetration of ground to a depth of at least 2m below existing ground level on land within 25m (measured horizontally) of the southern rail corridor. Clause 86(2) requires Council to refer the application to Sydney Trains for concurrence. Sydney Trains granted concurrence by way of deferred commencement conditions. This is addressed further in Section 9.1 of the report below.

Clause 102 - Impact of road noise or vibration on non-road development

The subject site extends north to south through the U-shaped Pinnacle Street. As such the proposed southern building is adjacent the railway corridor. The impact of rail noise and vibration on the residential development must be considered under Clause 102. The development application has been accompanied by an Acoustic Report prepared by Acoustic Noise & Vibration Solutions Pty Ltd which addresses the acoustic criteria of the SEPP. The Report has been reviewed by Council officers and suitable noise attenuation measures can be incorporated into the design of the building fronting the railway corridor. This will be achieved by way of conditions of consent. Overall, an acceptable acoustic environment and reasonable amenity will be achieved for future occupants.

8.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX) aims to establish a scheme to encourage sustainable residential development across New South Wales. BASIX certificates accompany the development application addressing both buildings within the development. The proposal achieves the minimum performance levels / targets associated with water, energy and thermal efficiency.

9. **SPECIALIST COMMENTS AND EXTERNAL REFERRALS**

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

9.1. Sydney Trains – NSW Government

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the Infrastructure SEPP as the proposal involves excavation to a depth greater than 2m within 25m of a rail corridor.

Engineering plans submitted by the applicant indicate that the proposed building's structural elements (e.g. footings and basement) will be more than 25m from the rail corridor and less than 2m in depth. However, a batter which is also proposed as part of the development would be within the 25m and deeper than 2m. The proposed works are deemed to be ground penetration by Sydney Trains and as such concurrence is required. Sydney Trains provided concurrence to the proposal by way of correspondence dated 8 March 2016.

The most recent set of amended plans submitted by the applicant on 29 April 2016 showed a revised basement design. Whilst there was no change to the footprint of the basement a set of revised plans was forwarded to Sydney Trains for comment on 3 May 2016. A further letter was received from Sydney Trains on 20 May 2016 advising of concurrence for the revised basement design. This concurrence requires Council to impose a deferred commencement condition on the consent.

A copy of the email and attachment from Sydney Trains is attached at **Appendix B**.

9.2. NSW Police Force (Miranda Local Area Command)

The DA was referred to the Miranda Local Area Command Crime Prevention Officer in accordance with Council's adopted policy for residential flat buildings over 50 units. The NSW Police provided a response on 18 January 2016, which raises no objection to the proposal but recommends a number of CPTED principles be considered. These include:

- External lighting and security lighting (ensure adequately lit paths and entries and in the central common open space area;
- Landscaping (ensure it does not screen potential intruders);

- Basement car park – consider security shutter at the entry; CCTV system in car park; locks on individual garage doors;
- Way-finding – the design should ensure legibility to entrances and exits within the development;
- Territorial enforcement – the design should be clear on what is private and what is public space, without needing to achieve this with gates or enclosures.
- Letter boxes – located internally within the foyer rather than external to the building;

A number of these design considerations have been included in the proposed development and some of the relevant conditions that were recommended by the Officer have been included within the consent conditions. A copy of the full NSW Police comments is held at **Appendix C**.

9.3. Architectural Review Advisory Panel

The application was considered by Council's ARAP on 19 November 2015, during which concerns regarding the development proposal were outlined. The conclusions reached by ARAP were as follows:

- *Confirm that ADG solar access compliance to units and communal open space is achieved, taking into account the adjacent forms of development.*
- *Items noted under "Amenity" need to be addressed.*
- *The form, character and expression of the buildings should be simplified.*
- *Details of the central landscaped courtyard should be provided and the space made more accessible."*

The items noted under the 'Amenity' principle include matters such as compliance with the required minimum apartment sizes; poor amenity for the ground level central open space; inequitable provision of common open space for the two buildings; balustrade materials on balconies; questioning the provision of only one lift in the southern building; apartment design; basement design and lifts etc.

A copy of the Report from ARAP is attached at **Appendix D**.

The revised proposal submitted by the applicant in January 2016 addressed a number of the ARAP concerns – particularly those regarding ADG compliance for the units, as well as the landscaping of the central courtyard space, additional roof terraces and demonstrating solar access. The revised design does not alter the proposed mass or form of the buildings but does result in an improved architectural expression, with a simplified visual appearance and more subdued colour tones. This is addressed further in the Assessment section of the report below.

9.4. Engineering

Council's development engineer has undertaken an assessment of the application with respect to on-site stormwater management and disposal; works within the road reserve; waste management; vehicle access; on-site parking provision and pedestrian access. The proposal was initially acceptable in all aspects until a revised basement plan was submitted.

The revised basement plan contains a large cut-out at all 3 levels of the basement, resulting in a U-shaped circulation design and a reduction in on-site car parking of 50 spaces from the previously submitted plan. In order for the revised on-site parking proposal to be supported Council's engineer has advised of the following requirements;

- An additional basement level must be provided to enable an on-site provision of minimum 47 spaces. The basement design must be compliant with AS2890.1
- Both of the western corners of the basement will be required to be splayed 2m to facilitate manoeuvring and safe sight lines.
- Proposed stacked parking spaces 6 & 13, 7 & 14, 8 & 15 must be reallocated to residential.
- Proposed parking spaces 9, 10 & 11 must be allocated for visitor parking.

Conditions of consent have been included in the recommendation. The issue of parking shortfall is further discussed in the 'Assessment' section of the report below.

9.5. Landscape Architect

Council's Landscape Architect has reviewed the revised landscape plan. The plan shows considerable hard surfacing such as concrete pavers and pathways on areas which have been shown by the applicant to be calculated as deep soil landscape area to meet the SSLEP 2015 requirement. The landscape architect has recommended conditions which require removal of these structures (and marked up a revised landscape plan).

Implementation of the amendments will ensure the development provides sufficient soft landscaped area to support the planting required to meet the Council's objectives for the precinct. These conditions (and the plan) are contained in **Appendix A**.

Further discussion regarding landscaped area requirements is discussed in 10.2 of the Assessment section of the report below.

9.6. Architect

Council's architect has undertaken an assessment of the application and advised that whilst the development is generally well designed, it fails to contribute to the wider strategy of the Miranda Pinnacle Street Precinct.

This precinct is based on a strategy developed by Council to develop an appropriate character for each street, maximise amenity for each development and create a specific relationship between buildings. Throughout the assessment process the intent and objectives (with a level of flexibility where appropriate) has been applied to each site within the precinct as it has developed.

The basic principles of the strategy are to maximise building bulk and height in the southern portion of the site, where overshadowing impacts are minimal given the railway line. ADG setbacks have been applied to the side setbacks in an uneven manner to ensure that one consolidated useable space is

provided at the fourth level on the western side of the building, rather than a centralised built form stepped in from either side – which would provide two smaller less useable spaces. This strategy also creates a defined pattern in the street which contributes to the character of the precinct.

The northern side of Pinnacle Street is intended to be significantly lower than the southern side which allows more natural light to service the southern buildings and landscaped areas. Side boundary setbacks have also been applied in an uneven manner to create large consolidated roof gardens on the western side of each building, resulting in a defined pattern of built form in the street.

Council's architect considers that some minor developments to the distribution of the built form as currently proposed will result in a building which contributes to the strategy of the precinct.

The issue of built form and the Pinnacle Street Precinct Building Envelopes Plan is discussed in the 'Assessment' section of the report below.

10. ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Height

A maximum building height of 25m applies to the site pursuant to Clause 4.3 and the Height of Buildings Map of SSLEP 2015. The proposal has a maximum height of 24.6m and complies.

10.2 Landscaped Area

Clause 6.14 of SSLEP 2015 specifies the landscaped area development standard. The applicable development standard for the site is 30% or 1048m².

The original proposal submitted by the applicant contained approximately 19% of deep soil landscaped area. Revised plans recently submitted by the applicant introduced further deep soil landscaped area in the central courtyard area, achieved by modifying the basement design to create a U-shape. The applicant stated that the revised plans were compliant with the 30% development standard however Council officer calculations indicate only 980m² of landscaped area, which is a shortfall of 2%.

The above figure was reached by utilising the applicant's plan for deep soil landscaped area. It is noted however that within the area shown, considerable areas of hardsurfacing (largely concrete pavers) are proposed. The definition of landscaped area contained within SSLEP 2015 specifically precludes any building, structure or hard paved area and as such the area shown on the plan and

calculated by the applicant is less than the estimation provided. The paved areas are too numerous to calculate correctly and instead have been conditioned to be deleted from the landscaped plan.

It is noted that the proposed U-shaped basement car park will require 2m splays on both the western corners to enable compliance with the Australian Standard AS2890:1. This will further reduce the amount of available deep soil landscape area (albeit marginally by 4m²) and increases the degree of non-compliance.

The shortfall across such a large site which is capable of providing the required landscaping, as with other similar developments within the precinct, is not considered appropriate, particularly having regard to the objectives of the landscaped area development standard which state as follows:

- (a) *to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire,*
- (b) *to minimise urban run-off by maximising permeable areas on the sites of development,*
- (c) *to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,*
- (d) *to ensure that landscaping carried out in connection with development is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.*

The application cannot be approved in the absence of a Clause 4.6 objection. However, it is recommended that the proposal be amended to comply as follows:

- Deletion of the waste collection bay – this is proposed on the eastern side of the driveway entry and is a significant portion of hardstand. Utilising this as deep soil landscaped area would yield approximately 47m² and result in improved streetscape outcomes;
- Removal of specific decks, paving and pathways in accordance with the plan prepared by Council's Landscape Architect. **(Appendix 'A')**

Conditions to this effect have been included in the recommendation. Further discussion regarding the waste collection area and amendment to incorporate this within the basement is addressed in Section 10.11 of this report below.

10.3 Building Envelopes

Section 7.6 of DSSDCP 2015 contains the objectives and controls for achieving the Miranda Pinnacle Street Precinct Building Envelope Plan (BEP). The section specifies that there are a variety of built form options on each amalgamated site with the BEP showing the preferred built form layout that Council considers achieves the best amenity for future and existing residents and better outcomes for the public domain.

The objectives of the BEP are as follows:

1. *Ensure that developments are designed to an appropriate height, mass and building separation to protect solar access potential for adjacent future residential flat developments and areas of the public domain.*
2. *Improve the connectivity and permeability of the area by improved pedestrian links.*
3. *Achieve variations in height within developments to provide transitions to existing future adjacent developments.*

The BEP encourages a variation of building heights across the precinct to maximise solar access to all buildings and allow compliance with the ADG for building separation at different heights between the various sites. A copy of the BEP from the DSSDCP 2015 is shown below.



The BEP for this site sets out two buildings, situated north and south on the site. The northern building is an L-shaped building leading into the central courtyard area. The height of the northern building is part 4, part 6 storey, proportioned west to east respectively. The southern building is rectangular and required to be stepped part 6, part 8 storey, proportioned west to east respectively.

This stepped built form pattern is shown repeated along both the Pinnacle Street frontages in the BEP to achieve a streetscape pattern of stepped urban form.

The applicant has sought to provide a varied built form to that in the preferred BEP. The variation occurs with the provision of a single rectangular building on the northern side instead of an L-shaped building. The other variation occurs at the upper levels of the proposed buildings (levels 5 and 6 on the northern building and Levels 5 – 8 on the southern building).

The alternative rectangular building envelope for the northern building is considered it to be an improvement. The ARAP did raise concern with the alternative built form with respect to the solar access obtained in the central courtyard and the ground level units stating that *'improved solar access to the central courtyard could be provided with further consideration of redistribution of the built form across the upper two levels.'* (Of the northern building).

The applicant has sought not to redistribute the form of the upper two levels of the northern building, preferring to maintain the initial proposed form. As part of the justification for departure from the BEP, the applicant provided indicative streetscape elevations showing the Council's preferred BEP and indicative solar diagrams to assist with understanding the benefits of this compared to the applicants proposed scheme. A copy of the applicant's indicative streetscape elevations of Council's preferred BEP for both the northern and southern buildings is included below.



Northern and southern Indicative Built Form anticipated by the Building Envelope Plan (prepared by the applicant)

The elevations are useful for showing the distinct stepped form that the BEP seeks and the relationship of this in the context of the approved / proposed built forms on either side. The applicant has included an extra level (7 instead of 6 which the BEP requires) on the northern building and as such the image presented is not an accurate depiction of what the BEP requires and solar access comparisons could not be relied upon in this case.

Notwithstanding this, in terms of the proposed massing of the upper levels of the northern building, the alternative put forward is acceptable, with the exception of the Level 7 roof terrace. The northern building is less significant in its variation to the stepped form (compared to the southern), given that the upper levels are sited more towards the east than the west. This enables provision of a communal rooftop terrace on the western side and enables solar access to the southern building compliant with ADG requirements. Whilst the preferred BEP shows a more defined 6 storey element to the east stepping down to a fourth storey element, the alternative form does achieve some degree of stepping. Read in context with the other developments along Pinnacle Street (north) which have / are going to adhere to the preferred BEP, the streetscape outcome will be acceptable.

The proposed Level 7 roof terrace is not supported as the lift and stair over-runs to access the roof, parapet walls and planting are elements which add unnecessary height to the building. The centralised stairs, lift over-run and roof element add to the 'tiered' stepping of the building rather than the preferred BEP stepped form which is more clearly delineated and massed to the east. A condition has been included in the recommendation that the roof terrace and associated structures be deleted from the plans.

The proposed southern building adopts a centralised stepped form rather than the preferred BEP 8 storey building height to the east, stepping down to a reduced component of 6 storey built form to the west. The objective of the BEP is less about solar access in this instance than about the relationship of the buildings with adjacent sites and a sharing of the building separation requirements under the ADG. The BEP establishes the 8 storey component to the east that maintains a 6m setback for all levels (instead of 9m for levels 5 – 8) as required by the ADG. This creates a stepped form on each site which is then repeated for the length of the Pinnacle Street frontage(s). Each site works with the neighbouring site to share the ADG building separation at the upper levels.

Both of the adjoining sites to the east (DA15/1007) and the west (DA15/1156) of the subject site have designed buildings in accordance with the preferred BEP. DA15/1007 is already approved and DA15/1156 was being recommended for delegated approved at the time of preparing this report. What this means for the subject proposal is that the building separation on the western side of the southern building is non-compliant with the ADG separation requirement between buildings. The upper levels (5 – 8) are setback only 15m from the side of the building to the west. Level 5 is only 13m to the edge of the balcony.

Whilst the alternative design put forward by the applicant has planning merit in terms of the resultant built form, the ADG non-compliance for building separation may result in unacceptable amenity impacts. This is largely the case as a result of Units C3.03 and C3.03 (on Level 5) which are designed with a large west facing balcony and numerous sliding doors to bedrooms and living areas facing due west. Minor design changes to the balcony to reduce views to / from the units to the adjacent development can achieve improved amenity and minimise privacy impacts. The elevations submitted with the revised proposal indicate a planter extending almost the full length of the balcony. This is not

reflected in the floor plans, which show the planters in front of the bedroom sliders only. A condition has been included in the recommendation requiring that the planter be extended to within 3m of the northern and southern ends of the balcony and requiring the maintenance of plant species a minimum 1m high within the planters. Vertical louvers are also recommended on the northern and southern ends of the balcony to provide an additional level of privacy near the main living areas of the two units. These changes should assist to minimise the perceived loss of privacy with the adjacent development.

The western façade of Levels 6 – 8 is far more defensive – with the use of highlight windows and narrow vertical windows to restrict views out / in. Balconies are also largely oriented north or south and part screened with vertical louvers. These design aspects minimise the potential loss of privacy and amenity from the breach in separation distance at these levels.

10.4 Streetscape and Built Form

Section 8 of Chapter 7 (DSSDCP 2015) contains the streetscape and built form objectives and controls for the Pinnacle Street Precinct. The key objectives in terms of streetscape are as follows:

1. *Ensure that all elements of development visible from the street, or the public domain make a positive contribution to the streetscape.*
2. *Ensure that building services are integrated into the overall built form.*
3. *Create entrances which provide a desirable and safe identity for the development and which assist in visitor orientation.*
4. *Ensure that vehicle access and parking areas do not dominate the streetscape and allow for the safe passage of pedestrians along the street and into the development.*
5. *Improve the visual amenity of the public domain.*
6. *Establish a barrier free environment for all people who live, work and visit Sutherland Shire.*

The vision for the Pinnacle Street Precinct set out in DSSDCP 2015 is to provide high quality residential development within a landscaped setting and which make a positive contribution to the streetscape environment. The ARAP considered that the development form, character and expression of the buildings as submitted should be simplified. The revised plans submitted by the applicant addressed the architectural detailing and character of the building, resulting in a simplified aesthetic for both buildings. The colour tones proposed are far more subdued, with the bright hue of orange removed. Overall, the revised building aesthetic will make a positive contribution to the streetscape.

As stated above, the proposed roof terrace, stairs, lift and over-run and the connecting roof element are components of the northern building which are not desirable. They significantly add to the bulk, scale and height of the building and detract from its visual appearance at the upper levels. The height of these elements results in the building having a greater height than the 8 storey building to the south. Whilst this is partially as a result of the topography of the site, it does not assist with the objective of the precinct to provide stepped buildings of varying heights.

Deletion of the level 7 roof terrace (approx 260m²) will result in a reduction of communal open space across the site such that it will be non-compliant with the 25% requirement within the ADG. The Level 7 terrace will not lessen the amenity available for future residents given the large terrace proposed on Level 4. Separate roof terraces are provided on the roof of the southern building, as well as the large communal courtyard space between the buildings. Whilst the central courtyard space will be largely shaded during winter, it will be a pleasant space during the remaining seasons.

The proposed southern building (facing the railway line) is well articulated and is appropriately defensive to the railway line, ensuring a degree of acoustic privacy for future residents.

Both of the buildings have been appropriately designed to address the two road frontages as well as the central courtyard space. The circulation space at ground level for both buildings enables easy access to and from the lift cores to the central open space area or to the pedestrian access paths flanking both sides of the development. The balconies and living areas facing the central open space and the side setback areas promote casual surveillance and activate the public areas around the buildings for improved security. The proposed single aspect south facing units are provided with a high quality outlook over the central open space (with the exception of the ground level unit in the southern building. This faces Pinnacle Street (south) directly.

To further encourage street activation, the DSSDCP 2015 encourages ground floor units facing the street to be provided with street access where possible. Offering garden units through the extension of the private open space into the front setback or to side boundaries increases housing choice, encourages activity around the building and reduces maintenance costs for the overall development. The proposal achieves this for all of the ground level units on the northern and southern sides of both of the buildings.

A cross over and hard stand area is proposed on the eastern side of the vehicle entrance ramp for the collection of waste. The area is proposed to be well landscaped on both sides and the rear to minimise the streetscape effect. As mentioned above, this waste collection area has been recommended to be removed from the plan to enable the provision of compliant deep soil landscaped area. The replacement of this hardstand area adjacent the large driveway entry with landscape planting will be a significant improvement, ensuring that vehicle driveways and service areas do not visually dominate the southern streetscape appearance of the building.

Vehicle access to the basement is obtained via a single entry on Pinnacle Street (south). This enables the northern frontage of Pinnacle Street to be free of driveways, which improves the visual amenity of the public domain and provides an active street frontage at ground level, with direct access to all ground level apartments. The topography of the site means that the basement entrance is on the eastern side of the site, enabling the provision of two units facing Pinnacle Street (south). This activates the street frontage on the southern side of the development.

The provision of an accessible built environment is both a design and a legislative requirement and is central to all new developments within the Sutherland Shire to provide all people with the opportunity for equitable and barrier free movement. The proposed development incorporates level entrances, lift access to all areas including roof top terraces, and the provision of adaptable units.

Overall, the proposal is acceptable having regard to its streetscape presentation, subject to conditions outlined above which provide for an improved built form and streetscape.

10.5 Building Separation

As stated earlier in Section 10.3 of this report, the building envelope proposed for the southern building will likely result in a separation distance of 13m on Level 5 and 15m at the upper 3 levels on the western side (instead of the required 18m), having regard to the adjacent proposed development at 34-38 Pinnacle Street (DA15/1156). The eastern elevation of this building is setback 6m from the eastern boundary for the full height of the building, reflecting the BEP. The units proposed on the eastern side of the development contain kitchens, dining and lounge areas on this eastern side, as well as balconies. The reduced separation distance between this building and the proposed building may result in adverse amenity effects for both. To mitigate these potential effects, conditions will be required to be imposed affecting the design of both buildings – with privacy screens, highlight windows or balcony screening as a minimum.

To mitigate the degree of impact of the subject proposed building, design changes are required to the balcony of Units C3.02 and C3.03 (Level 5). Conditions have been imposed requiring the balcony to be more defensively designed with an extended planter box and vertical louvers to provide screening. A condition in this regard is included in **Appendix A**.

The other non-compliance with building separation occurs internally within the proposed development on Level 4 between the private balcony of Unit C4.03 (north-east corner of the southern building) and the proposed communal roof terrace on the western side of the northern building. The separation distance proposed is 15m instead of 18m. It is considered that privacy screening on the southern side of the roof terrace (within the planter area) would provide a degree of privacy for the future occupants of Unit C4.03. A condition in this regard has been included in **Appendix A**.

10.6 Communal Open Space

The ADG requirement for communal open space is 25% of the site area. The current proposal is currently in excess of the requirement, but it is recommended to delete the Level 7 roof terrace on the top of the northern building (see Section 10.3 above). Removal of the roof terrace does not compromise the development in terms of access to communal open space for future residents. The resultant on-site provision of communal open space will still be compliant (25%) with the ADG requirement. The large majority of the open space is at ground level, but both buildings will retain separate roof terraces as well. These roof terraces will receive more than adequate solar access.

Overall, the provision of communal open space on the site is consistent with the principles of the ADG in that the spaces will provide outdoor recreation opportunities for residents, enable them to connect to the outdoor environment and provides 'breathing space' between the buildings.

10.7 Parking

The initial application incorporated 155 car spaces within the 3 basement levels. This parking provision was compliant with the DSSDCP 2015 requirement of 153 spaces (based on 101 residential units). The modified basement design includes 105 spaces for 99 residential units. The DSSDCP 2015 requirement is 152 spaces. The proposal is therefore 47 spaces deficient in on-site parking.

The application included a report prepared by Transport and Traffic Planning Associates titled Assessment of Traffic and Parking Implications. The report says very little regarding parking other than to quote the numerical parking requirements of DSSDCP 2015 and to state that the proposal complies.

A revised Traffic Report was submitted with the first set of amended plans in January 2016 which sought to utilise the parking provisions set out in the Guide to Traffic Generating Development stating that a total of 97 spaces was required but that 155 spaces had been provided in accordance with DSSDCP 2015.

The ADG states the following with respect to parking:

1. For development in the following locations:

- *On sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan area; or*
- *On land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum car parking requirements for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.*

The 800m distance must be practically applied – as walking distance and not as the crow flies. Residents have to be able to walk to the station. The closest point of the subject site, in the eastern corner of 16 Pinnacle Street is 1.2km from the Miranda Railway Station and 415m to the KFC on Kingsway, the closest commercial business to the subject site.

The Pinnacle Street Precinct is a small enclosed pocket – with the railway line to the south, Sylvania Road to the west and Kingsway to the north. The U-shaped Pinnacle Street is narrow and will not readily accommodate an excess of on-street car parking. Council has been consistently applying the DSSDCP 2015 rates for all developments proposed within the precinct. A variation from the parking rate in this instance is not supported.

The DSSDCP 2015 provisions require the provision of 47 additional on-site parking spaces. An assessment of the proposed basement levels has been undertaken and it is considered that the spaces can be accommodated which was agreed to by the applicant in discussions with Council. A fourth level of basement is considered necessary to accommodate the further 47 spaces. The depth of the fourth basement level would be such that there would be no need for the cut-out as proposed by the applicant in the current design – with the fourth basement level able to extend underneath the deep soil landscaped area. This would accommodate the required parking spaces. A condition in this regard has been included in **Appendix A**.

10.8 Archaeological Significance

Council records indicate that the site is rated medium in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken.

10.9 Stormwater Management

Assessment of Stormwater management was undertaken and considered satisfactorily addressed by conditions of consent.

10.10 Greenweb

The subject site is identified within Council's Greenweb strategy. The Greenweb is a strategy to conserve and enhance Sutherland Shire's bushland and biodiversity by identifying and appropriately managing key areas of bushland habitat and establishing and maintaining interconnecting linkages and corridors.

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. Appropriate conditions have been included to substitute plantings with suitable species to address the Greenweb area requirements.

10.11 Waste Management

As raised earlier in this report (Section 10.2) the proposal is deficient in the provision of deep soil landscaped area across the site. The building footprints and basement areas largely account for the extent of hardsurfacing. The proposed loading bay / waste collection point for the development is located on the eastern side of the proposed driveway entry to the basement parking and comprises a separate area of hardstand approximating 47m².

An improved environmental outcome for the site would be to utilise Basement 1 adjacent the waste storage room for the pick-up and collection of waste. This would entail a standard MRV truck reversing down the driveway (currently proposed 1:20 ramp) then exiting the site in a forward direction. The headroom required for the basement would be 4.4m (presently 3.7m). Deletion of the proposed visitor

/ wash bay directly adjacent the lift lobby would also be required to facilitate truck parking. Some design changes to the southern building would therefore be required to facilitate the change.

The net benefits however in changing the location of the waste management collection point and the associated driveway crossing are considerable, in that:

- It enables the area to be utilised as deep soil landscaped area, assisting with increased permeable area on the site and increased area for tree planting.
- It results in a significantly improved streetscape outcome (i.e. the replacement of an open waste collection bay with a landscaped garden area.
- It ensures waste management facilities are integrated with the design of the building.
- It enables collection service providers to efficiently collect waste with a minimum of disruption to the community or adjoining properties.
- It increases pedestrian connectivity on the eastern side of the site (presently terminated near Unit DG.02 because of the loading bay).
- It enables the retention of car parking space on-street (instead of another vehicle crossing).
- It represents a holistic approach to the built form.

The issue of insufficient car parking provision on-site has generated the need for conditions regarding an additional basement level for the development. It is not considered unreasonable to require minor basement changes to facilitate the collection of waste within the first basement level. A condition has been included in **Appendix A**.

11. SECTION 94 CONTRIBUTIONS

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

Open Space:	\$770,578.89
Community Facilities:	\$129,985.92
Miranda Centre:	\$269,083.89

These contributions are based upon the likelihood that this development will require or increase the demand for local and district facilities within the area. It has been calculated on the basis of 99 new residential units with a concession of 6 existing allotments.

12. DECLARATION OF AFFILIATION

Section 147 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application a declaration has been made that there is no affiliation.

13. CONCLUSION

The proposed development is for the demolition of 6 existing dwellings at 16-20 and 40-44 Pinnacle Street, Miranda.

The subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, comprising 2 residential flat buildings, associated parking and landscaping is a permissible land use within the zone with development consent.

The application was placed on public exhibition on two (2) separate occasions and in response to public exhibition, submissions were received from 4 households. The matters raised in these submissions have been discussed in this report and conditions of consent have been included to address these concerns.

The development is generally consistent with the zone objectives and responds well to the site and surrounds.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan, ADG and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA15/1254 may be supported for the reasons outlined in this report.

14. RECOMMENDATION

- 14.1 That Development Application No. DA15/1254 for demolition of 6 existing dwellings and construction of two residential flat buildings comprising 99 units, basement car parking and associated landscaping on Lots 28 – 30 DP 11987 and Lot 8 - Lot 10 DP 31029 at 16 – 20 Pinnacle Street and 40 – 44 Pinnacle Street, Miranda be approved, subject to the deferred commencement draft conditions of consent detailed in Appendix “A” of the Report.