

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

<b>JRPP No:</b>	<b>2015SYE163</b>
<b>DA No:</b>	<b>DA15/1393</b>
<b>Local Government Area:</b>	<b>Sutherland Shire</b>
<b>Proposed Development:</b>	<b>Demolition of existing dwellings and construction of a residential flat development containing 105 residential units and basement carparking</b>
<b>Street Address:</b>	<b>473 – 489 President Avenue and 138 Acacia Road, Kirrawee</b>
<b>Applicant/Owner:</b>	<b>Aplusgroup</b>
<b>Number of Submissions:</b>	<b>5</b>
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	<b>General Development over \$20 million</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>• Apartment Design Guide (ADG)</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)</li> <li>• Section 94 Contribution Plan</li> </ul>
<b>Recommendation:</b>	<b>Approval</b>
<b>Report By:</b>	<b>Frances Beasley, Planner Sutherland Shire Council</b>

## **1.0 EXECUTIVE SUMMARY**

### **1.1 Reason for Report**

The application is referred to the JRPP as the development has a capital investment value of more than \$20 million and is nominated under Schedule 4A (3) of the Environmental Planning and Assessment Act 1979. The applicant's submission indicates that the proposed development has a capital investment value of \$29,000,000.

### **1.2 Proposal**

The proposal is for the demolition of existing structures and the construction of 2 x 5-storey L-shaped residential flat buildings comprising 105 apartments at the above property. Two basement levels will accommodate 172 car parking spaces, accessed from President Avenue.

### **1.3 The Site**

The land is slightly irregular in shape and is located on the north-east corner of Acacia Road and President Avenue in Kirrawee. The site has a total area of 6,290m<sup>2</sup>, with a primary frontage to President Avenue of 118m and a western frontage to Acacia Road (Princes Highway) of 52.7m. The site is relatively flat, falling approximately 3m from the northern (rear) boundary to the southern President Avenue frontage.

The site is located adjacent to one of the busiest intersections in the LGA. The development will be within close proximity to major public transport nodes, community facilities and public services.

A planning proposal containing the subject site as well as land to the north and east is currently under assessment by Council. The proposal is for a significant increase in height and density for the south west residential area of the central precinct of Kirrawee.

### **1.4 The Issues**

The main issues identified are as follows:

- Urban design;
- Stormwater drainage;
- Traffic safety and management.

### **1.5 Conclusion**

Following assessment of the proposal and having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, the development is generally considered worthy of support as it reflects the desired future character of development within Kirrawee locality as envisaged under SSLEP 2015.

The proposal entails relatively minor departures from the relevant DCP and ADG controls being mainly building separation and setbacks. On balance, this assessment considers that the site is suitable for a building of the type, use and size proposed, subject to the imposition of appropriate conditions of consent.

The applicant has modified the building as originally proposed in response to concerns raised by Council staff.

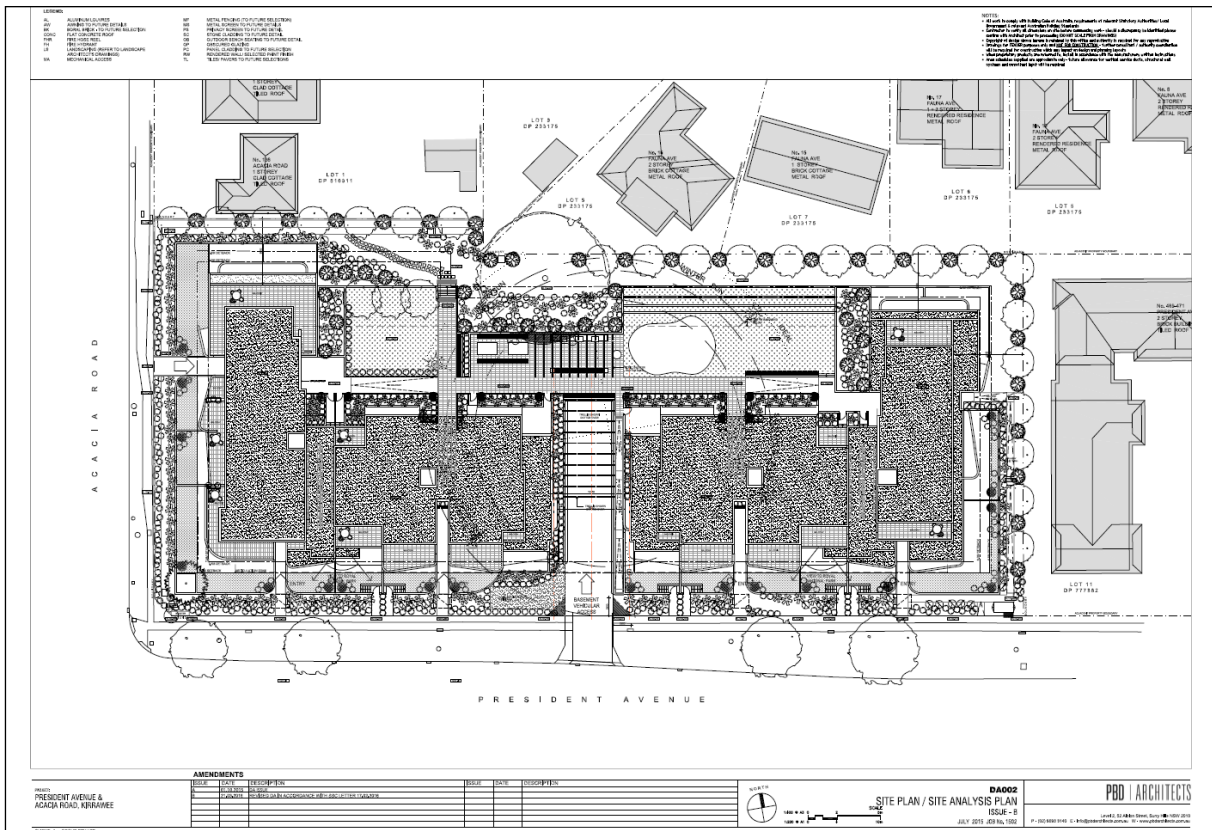
## 2.0 DESCRIPTION OF PROPOSAL

The proposal is for the demolition of existing structures and the construction of 2 x 5-storey L-shaped residential flat buildings over a common 2-level basement carpark. The building contains 4 storeys with an articulated facade in face brick below a recessed lightweight upper floor. One communal open space is provided at ground level to the north of the site, taking advantage of the orientation and solar access. All trees are to be removed within the building footprint and an area of deep soil landscaping is maintained around the perimeter of the site. Details of the proposal include:

- Demolition of all existing buildings and structures
- Construction of 105 residential apartments comprising:
  - 38 x one bedroom apartments
  - 63 x two bedrooms apartments
  - 4 x three bedroom apartments
- 172 car parking spaces across a two level basement car park

The basement car park is accessed from midway along the President Avenue frontage. An existing stormwater easement is proposed to be relocated around the north/ west perimeter and connect to the existing system on President Avenue.

A communal open space area is provided within the development at ground level in the rear, northern portion of the site. All trees are to be removed within the building footprint excluding a significant Sydney Blue Gum (*Eucalyptus saligna*) located at the rear northern boundary which is to be retained and integrated into the communal open space design. Deep soil landscaping is to be maintained along all perimeter boundaries. A site plan is provided below.



**3.0 SITE DESCRIPTION AND LOCALITY**

The land is an amalgamation of 10 existing lots, located on the corner of Acacia Road (Princes Highway) and President Avenue, Kirrawee. It has a total area of 6,290m<sup>2</sup>, a western frontage to Acacia Road of 52.7m and a southern frontage to President Avenue of 118m. The land falls 3m from the northern rear boundary to the southern President Avenue frontage. Of particular significance is the group of substantial native trees near the rear boundary and along the President Avenue frontage. The land is currently occupied by single detached dwellings. Vehicular access is obtained both via Acacia Road and President Avenue. There is a Council stormwater drainage pipeline and easement bisecting the site.

The site is located adjacent to one of the busiest intersections in the LGA. The development will be within 300m of Kirrawee railway station and 1km from Sutherland interchange.

Opposite the site is a residential flat development of 3 buildings which have a primary frontage to, and vehicular access from President Avenue. Immediately to the east of the site is a two storey townhouse development with vehicle access off President Avenue. Adjacent to the north of the site is a mix of single and two storey detached houses within a cul-de-sac. Approximately 100m to the east of the site is a Council's Fauna Place Child Care Centre. The former Kirrawee Brick Pits site located approximately 400m northeast of the subject site is subject to a Part 3A approval (and a current Part 4 project due to be determined by the JRPP) for a mixed use development containing 749 residential units, supermarkets and retail space, community infrastructure and a public park.



Figure 1 – Location Plan

#### 4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 10 August 2015 regarding a similar scheme to that currently proposed. A formal letter of response was issued by Council dated 10 August 2015. A full copy of the advice provided to the Applicant is contained within **Appendix “B”** of this report and the main points contained in this letter are as follows:
  - Further design resolution required for the traffic and public domain around the edges and entries to the site.
  - Vehicle access via one central driveway off President Avenue was raised as a concern due to the close proximity to a major traffic intersection and relative high traffic flows.
  - The redirection of Council's stormwater easement must be resolved during the early design stage.
- The current application was submitted on 10 November 2015.
- The application was placed on exhibition with the last date for public submissions being 24 December 2015. Five (5) submissions from 4 parties were received.
- An Information Session was held on 16 December 2015 and had 8 attendees.
- The application was considered by Council's Submissions Review Panel on 2 March 2016.

- Council officers in their letter dated 17 February 2016 requested that the following additional information be provided:
  - Provide a loading bay and garbage collection point suitable for a typical “HRV” sized collection vehicle.
  - Redesign the pedestrian access on the western boundary so as not to conflict with Councils stormwater easement.
  - Amend residential parking allocation plan.
  - Additional stormwater drainage details, in particular in relation to the realignment of Council's stormwater easement, drainage infrastructure and overland flow path.
  - Further detail and swept path analysis for the proposed driveway off President Avenue.
  - Details and amendments to the proposed landscape scheme.
  - Consolidate the underground car park to minimise excavation and maximise deep soil landscaping along Acacia Road and President Avenue frontages.
- The application was discussed with the Architectural Review Advisory Panel (ARAP) who provided the following suggestions:
  - Further consideration of the character of the street facades, including the provision for more substantial planting along Acacia Road and President Avenue, and the adoption of lighter coloured materials.
  - A detailed review of the curved wall structures and their integration with effective space utilisation as well as the reduction of narrow non-effective external spaces between glass and curved walls.
  - A review of the landscape proposal and related building adjustments.
  - A review of the design approach associated with the car park entry sequence.
- Council officers met with the applicant on 15 March 2016 to discuss design changes.
- Amended plans and information were lodged on 23rd March and 31<sup>st</sup> March 2016.

## **5.0 ADEQUACY OF APPLICANT’S SUBMISSION**

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

## **6.0 PUBLIC PARTICIPATION**

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

345 adjoining or affected owners were notified of the proposal and 5 submissions from 4 properties were received as a result.

Submissions were received from the following properties:

Address	Date of Letter/s	Issues
15 Fauna Place, Kirrawee	13 November 2015	<ul style="list-style-type: none"> <li>• Overdevelopment</li> <li>• Traffic</li> <li>• Parking</li> </ul>
14 Fauna Place, Kirrawee	13 November 2015	<ul style="list-style-type: none"> <li>• Single entry/exit point off President Avenue</li> <li>• Traffic</li> <li>• OH&amp;S issues relating to demolition (asbestos removal)</li> </ul>
18 Fauna Place, Kirrawee	24 <sup>th</sup> December 2015	<ul style="list-style-type: none"> <li>• Kirrawee not included in Council's Housing Strategy for increase development</li> <li>• Overdevelopment</li> <li>• Traffic &amp; Parking</li> <li>• OH&amp;S issues relating to demolition (asbestos removal) and construction</li> <li>• Bulk/scale/modern aesthetic</li> <li>• Privacy</li> <li>• Impact on amenity of adjoining residents (natural ventilation)</li> </ul>

#### 6.1 Issue 1 – Parking and Traffic Impacts

Concerns were raised in relation to the proposed single entry/exit point off President Avenue, adequacy of on-site parking and the impacts on the surrounding street network to accommodate an increase in population and traffic. The methodology and accuracy of data of the submitted traffic report was also questioned in terms of the volume of predicted vehicle trips and the accuracy of using old traffic assessment guidelines as a reference.

Comment: The proposal has been reviewed by Council's Traffic Engineer who is satisfied that the proposal will not adversely affect the surrounding street network. The parking provided is compliant with Council's Draft SSDCP 2015 requirements excluding the provision for car wash bays which is

unlikely to impact the overall provision for on-site parking. The methodology used to assess the traffic impacts are considered to be satisfactory. Whilst it is acknowledged that there will be an increase in vehicle movements, the proposed on site car parking and adjoining road network is considered able to support this increase.

#### 6.2 Issue 2 – Overdevelopment, bulk and scale

Concern was raised that the proposed development was of a scale and density that is not in keeping with the adjoining built form of the Kirrawee precinct and would impact negatively on the overall character of the locality. These objections note concern with the scale, density and modern aesthetic of the building and resultant 'overdevelopment' of the site.

Comment: The proposed development complies with the relevant controls relating to bulk and scale for the subject site. The visual bulk of the building is effectively reduced through the use of articulation, the distinct entry access, curved, articulated frontage and the provision of extensive landscaping around the perimeter of the site.

The Assessment section of this report provides a detailed assessment of the built form and its impact on the character of the locality.

#### 6.3 Issue 3 – Asbestos materials exposed during demolition

Concern has been raised in relation to the health impacts the construction will have on adjoining residents in terms of possible disturbance of asbestos materials.

Comment: The site management plan during construction has been reviewed by Council's Engineer and is considered adequate. The issue relating to construction management can be addressed by standard condition.

#### 6.4 Issue 4 – Privacy

Concern was raised as to the potential loss of privacy to the adjoining property to the east of the development.

Comment: The east elevation of the proposed development generally complies with the minimum separation distances with the exception of a minor technical non-compliance as a result of a protruding building element off the bedrooms of units BG10, B110, B210 and B310. The area of protrusion contains a window that faces north towards the rear boundary, allowing for minimal opportunity for overlooking to the adjoining eastern property. The rest of the building bulk along the east elevation has been set back a minimum 6m from the boundary and contains either windows off bedrooms, highlight windows off bathrooms or balconies which have been appropriately screened.



#### 6.5 Issue 6 – Impact on amenity (natural ventilation/air flow)

Concern was raised in regards to the impact of the proposed development on the natural ventilation and air flow to adjoining properties. Specifically, the benefit of southerly winds to the natural ventilation of adjoining properties to the north will be lost due to the bulk and scale of the proposed development.

Comment: It is acknowledged that the proposed development may reduce the effect of a southerly wind more so than the single and two storey dwellings that currently exists on the site. However, the building provides adequate articulation, breezeways, and separation distances to maintain an acceptable level of amenity to adjoining properties.

#### 6.6 Issue 7 – Kirrawee precinct unable to support proposed growth

A submission raised concern that not enough analysis had been done to confirm that the Kirrawee precinct has the capacity to support an increase in density, in particular once the Kirrawee 'Brick Pit' site has been redeveloped.

Comment: The gazettal of the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) in June 2015 introduced changes to density and heights controls within the Kirrawee precinct and across the Sutherland Shire. Areas typically within close proximity to train stations and employment, such as Kirrawee, were nominated for a greater increase in density. These changes came as a result of extensive research and analysis and consideration of the cumulative impact of increased density on road networks, access to services and resident amenity. The greatest extent of growth initially proposed for Kirrawee was not adopted in SSLEP 2015, which in fact took a more conservative approach.

#### Submission Review Panel (SRP)

The above submissions were considered by Council's SRP on 2 March 2016. The SRP concluded that all matters raised were either not substantive, had been resolved via conditions or had been dealt with by design changes.

#### Revised Plans

The applicant lodged revised plans on 23rd March and 31<sup>st</sup> March 2016. The changes responded to the concerns raised by Council staff at preliminary assessment stage. The changes include a revised landscape scheme, amended basement layout, introduction of a loading bay adjoining the driveway, and additional stormwater details. Given the timeframe of the assessment, these plans were not publicly exhibited however parties that made submissions during the original notification period have been notified of the changes.

## 7.0 STATUTORY CONSIDERATIONS

The following Environmental Planning Instruments (EPI's), Draft Development Control Plan (DDCP), Codes or Policies are relevant to this application:

- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development).
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007.
- Apartment Design Guide (ADG)
- Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015).
- Section 94 Plans.

The subject land is located within Zone R4 – High Density Residential under Sutherland Shire Local Environmental Plan 2015. The proposed development, being a Residential Flat Building, is a permissible land use within the zone with development consent.

## 8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls.

### 8.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development – Design Quality Principles

The provisions of SEPP 65 apply to the residential flat building development. 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:

<b>Design Quality Principles</b>	<b>Assessment</b>
Principle 1: Context	This proposal, being a residential flat building, is an appropriate response to the desired “mid-rise” future character of inner Kirrawee. It is acknowledged that the development represents a contrast to the existing, predominantly low density pattern of development. However, the proposed development has responded sympathetically to the context of the site through articulation, proportions of the building form itself and through extensive deep soil landscaping around the site perimeter.
Principle 2: Scale	The proposed scale is generally a positive response to the site and

	setting, with a 'stepping in' of the 5 <sup>th</sup> storey and a large setback allowing for a generous communal open space adjoining the north boundary. The proposed development provides an articulated form with adequate separation distances, reducing the overall bulk and scale of the development.
Principle 3: Built Form	The building bulk has been massed towards the street frontages with a large north facing communal area that takes advantage of natural solar access. Extensive landscape treatments to road frontages, and side and rear boundaries will ensure the development transitions appropriately to the streetscape and scale of buildings envisaged on adjoining land.
Principle 4: Density	The proposed density is distributed appropriately across the site.
Principle 5: Resource, Energy & Water Efficiency	The development incorporates BASIX requirements and sustainability measures into its overall design so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 6: Landscape	The proposed development includes the retention of a significant tree within the north facing communal open space, adequate deep soil areas along the perimeter of the site, and extensive landscaping along the Acacia Road and President Avenue frontages. Further planting and appropriate species selection will reinforce the existing and desired future character of the locality.
Principle 7: Amenity	The proposal adequately satisfies the provisions of the Apartment Design Guide in terms of residential amenity, including appropriate building and floor plan layout, acceptable building separation distances, visual/acoustic privacy and solar access.
Principle 8: Safety and Security	The proposed development incorporates suitable Crime Prevention Through Environmental Design (CPTED) Principles in the design. However, conditions of consent have been recommended to ensure further compliance with CPTED principles.
Principle 9: Social Dimensions & Housing Affordability	The proposal provides a mix of apartment types including 30% adaptable dwellings, which encourages diversity.
Principle 10: Aesthetics	An appropriate composition of building elements, proportions, textures, materials and colours within the development has been achieved.

## 8.2 Apartment Design Guide (ADG)

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

<b>Apartment Design Guide (ADG) – Key Controls</b>			
	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
Building Separation/Setbacks	<p><i>Up to 4 storeys:</i></p> <p>12m (habitable)</p> <p>9m (habitable and non-habitable)</p> <p>6m (non-habitable rooms)</p> <p><i>5-8 Storeys:</i></p> <p>18m (habitable rooms/balconies)</p> <p>12m (habitable and non-habitable rooms)</p> <p>9m (non-habitable rooms)</p>	<p><b>Up to 4<sup>th</sup> storey:</b></p> <p><u>North Elevation</u></p> <p><i>Ground floor</i> – 4.5m (terrace) to north boundary.</p> <p><i>Levels 1-3</i> – 6m (balconies) to north boundary.</p> <p><u>East Elevation</u></p> <p><i>Ground Floor</i> – 4.5m (terrace) to east boundary.</p> <p><i>Levels 1-3</i> – 6m (balconies) to east boundary. __m (bedroom ‘curved’ window) to east boundary.</p> <p><b>5<sup>th</sup> storey:</b></p> <p><u>North Elevation</u></p> <p><i>Level 4</i> – 9m (balcony) to</p>	<p>No (25%) – Levels 1-3 east facing bedroom ‘curved’ window (4.5m should be 6m).</p> <p>See ‘Assessment’ section of this report</p>

		north boundary  <u>East Elevation</u>  Level 4 – 9m (bedrooms) to east boundary	
Solar access	Living rooms and private open space, 2 hours direct sunlight in mid winter to 70% of units.	Min. 2 hours direct sunlight to 76% of dwellings achieved	Yes
	Maximum 15% of units receive no sunlight to habitable rooms	11.4% max.	Yes
Natural ventilation	60% of apartments to be naturally cross ventilated.  Max. Depth 18m	66/105 units (63%)  15m max. depth	Yes  Yes
Single aspect apartment depth	8m	Acceptable	Yes
Apartment size	1br: 50m <sup>2</sup>  2br: 70m <sup>2</sup>  3br: 90m <sup>2</sup>	1br: 50m <sup>2</sup>  2br: 70m <sup>2</sup>  3br: 90m <sup>2</sup>	Yes
Ceiling heights	2.7m	2.7m	Yes
Private open space:  - 1 br apartment - 2 br apartment - 3 br apartment - Ground level apartments (or on a podium)	<i>Primary balconies:</i> 8m <sup>2</sup> , min. 2m depth 10m <sup>2</sup> , min. 2m depth 12m <sup>2</sup> , min 2.4m depth  15m <sup>2</sup> with min 3m depth	13m <sup>2</sup> min, >2.5m depth  12m <sup>2</sup> min, >2.5m depth  73.2m <sup>2</sup> , >2.5m depth 15m <sup>2</sup> minimum	Yes
Communal open	25% of site area	25% (1600m <sup>2</sup> ) provided	Yes

space – size	(1572.5m <sup>2</sup> )		
Communal space - solar access	50% of communal open space to receive 2hrs of direct sunlight in mid winter	Communal open space faces northeast and exceeds minimum solar access requirements	Yes
Residential storage	6m <sup>3</sup> per 1br apartment	6m <sup>3</sup> min.	Yes
	8m <sup>3</sup> per 2br apartment	8m <sup>3</sup> min.	Yes
	10m <sup>3</sup> per 3br apartment	10m <sup>3</sup> min.	Yes
	At least 50% of storage to be located within the apartments	50% of storage is located within apartments	Yes

### 8.3 Local Controls – SSLEP 2015 and DSSDCP 2015

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

Standard/Control	Required	Proposed	Compliance
<b>Sutherland Shire Local Environmental Plan 2015</b>			
Building Height	16m max.	16m max. on south west corner	Yes
Floor Space Ratio	1.2:1 (7548m <sup>2</sup> ) max.	1.2:1 (7547.7m <sup>2</sup> ) max.	Yes
Landscape Area	25% * (1572.5m <sup>2</sup> ) min.  *Reduction of 5% due to clause 6.14(4) retention of significant tree.	25% (1590m <sup>2</sup> ) min. *  *excludes area above stormwater easement which cannot be counted as deep soil landscaping	Yes
<b>Draft Sutherland Shire Development Control Plan 2015</b>			

Primary/Secondary Street Setback	7.5m	7.5m to the predominant bulk of the building (excluding building elements)	Acceptable – Use of ‘articulation zone’ control.
Private courtyards within front setback	3m min. from front boundary	3m min.	Yes
Side/Rear Boundary Setbacks (non-habitable rooms)	Up to 12m building height – 4.5m setback required	<u>East boundary:</u>  6m from ensuite (Ground floor & levels 1-3)  <u>North boundary</u>  n/a – no ‘non-habitable’ rooms along north boundary.	Yes
	12-25m building height – 6.5m setback required	<u>North &amp; east boundaries:</u>  9m (Level 4)	Yes
Side/Rear Boundary Setbacks (habitable rooms)	Up to 12m building height – 6m setback required	<u>East boundary:</u>  4.5m min. to ‘snorkel window’ otherwise 6m (ground floor & levels 1-3)  <u>North boundary:</u>  4.5m (ground floor)  6m (level 1-3)	No (25%) – Levels 1-3 east facing bedroom ‘curved’ window (4.5m should be 6m).  See ‘Assessment’ section of this report
	12-25m building height – 9m setback required	<u>Level 4</u>  9m	Yes
Basement	3m from side boundary	10.4m min.	Yes

construction that extends beyond the building footprint			
Private Open Space	<p>1 bed = 8m<sup>2</sup> with 2m min. depth</p> <p>2 bed = 10m<sup>2</sup> with 2m min. depth</p> <p>3+ bed = 12m<sup>2</sup> with 2.4m min. depth</p>	Complies	Yes
Communal Open Space	<p>25% of the site</p> <p>Min. dimension 3m</p>	25% min. at ground level	Yes
Solar Access	Min 70% get 2 hours 9am–3pm midwinter	76.1% achieved	Yes
	Neighbouring dwellings should receive 2 hours sunlight to north facing windows of habitable rooms and 10m <sup>2</sup> of useable private open space 9am-3pm mid winter	Solar access to adjoining properties is achieved	Yes
Adaptable and Liveable Housing	<p>Min. 20% adaptable (21 units)</p> <p>Min. 10% liveable (11 units)</p>	30% adaptable (32 units)	Yes
Secure Storage  Ch 14.9.14	<p>6m<sup>3</sup> per 1br apartment</p> <p>8m<sup>3</sup> per 2br apartment</p>	Adequate storage provided	Yes



	10m <sup>3</sup> per 3br apartment		
Car Parking Residential (minimum)	1 space/ 1 bed dwellings x 38 = 38 spaces  1.5 spaces/ 2 bed dwellings x 63 = 95 spaces  2 spaces/ 3 bed dwellings x 4 = 8 spaces.  1 visitor space per 4 units = 26 spaces	Residential spaces: 109 + 32 (accessible)  Visitor spaces: 27	Yes
	1 wash bay for the first 10 dwellings up to 30 dwellings then 1 bay/20 dwellings = 5	Car wash: 4 spaces	Acceptable
Bicycle Parking (minimum)	1 space per 10 car parking spaces = 17 spaces	No bicycle parking provided	No – conditioned to comply

## 9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

### 9.1. NSW Police (Sutherland Local Area Command)

The proposal was referred to NSW Police for review. No comments were received within the statutory timeframe.

### 9.2. Roads and Maritime Services (RMS)

The proposal was referred to the RMS who provided their concurrence to the development subject to minor modification to the driveway off President Avenue, and relevant conditions of consent.

At the later stage of assessment, Councils Traffic and Transport Manager indicated that the RMS may be seeking to acquire approximately 3m of the sites Acacia Road frontage. Whilst this is relevant to the proposal, the advice was given at the end stage of assessment, and after concurrence from the Land Use section of the RMS was provided. Councils Traffic and Transport manager has advised the RMS that should they wish to pursue the acquisition as a requirement of the determination of this application, they are required to submit a formal letter to Council and the JRPP advising of its intentions. The RMS was also advised to make immediate contact with the applicant to commence negotiations. The applicant has been advised of this issue.

### 9.3. Architectural Review Advisory Panel (ARAP)

The development was reviewed by the ARAP on 21 January 2016. The Panel indicated their general support for the scheme subject to the further resolution of the following matters:

- Further consideration of the character of the street facades, including provision for more substantial planting along Acacia Road and President Avenue, and the adoption of lighter coloured materials.
- A detailed review of the curved wall structures and their integration with effective space utilisation as well as the reduction of narrow non-effective external spaces between glass and curved walls.
- A review of the landscape proposal and related building adjustments.
- A review of the design approach associated with the car park entry sequence.

A copy is attached at **Appendix “C”**.

### 9.4. Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping, tree removal and retention and general site planning. No objections to the development proposal have been raised subject to the imposition of appropriate conditions of development consent including the requirement for a detailed landscape plan with some minor design changes, the retention of a significant tree (*Eucalyptus saligna*), replacement planting, and frontage works along Acacia Road and President Avenue.

### 9.5. Traffic Engineer

Council's Traffic Engineers have undertaken an assessment of the proposed development with regards to parking provision, traffic impact, pedestrian safety, waste services and site access. No objections have been raised with regards to external traffic and safety impacts and adequate on-site parking is provided in conjunction with the proposed development. Relevant frontage works have been included in the conditions of consent.

#### 9.6. Stormwater Engineer

Council's Stormwater Engineers have undertaken an assessment of the proposed development with regards to the relocation Councils stormwater easement and overland flow. Generally no objection has been raised in relation to the relocation of the easement subject to further detailed design to be reviewed by Council prior to the lodgement of any subdivision works application. No other issues have been raised with regards to the proposed stormwater management plan.

#### 9.7. Engineering (Assessment Teams)

Council's Engineer has undertaken an assessment of the application with respect to access arrangement and manoeuvrability, waste management, stormwater disposal, car parking design, site management and excavation. Generally, no objections to the development proposal have been raised, subject to minor amendments to the driveway, and suitable conditions of development consent.

#### 9.8. Council Assets & Properties

The application was referred to Council's Assets and Property Units as the proposed development involved the relocation of a Council easement (stormwater/drainage pipeline). Generally, no objection was raised in relation to the relocation of the easement subject to compensation for the release of the asset in accordance with Council policy. A condition requiring the coordination of the release and relocation of the easement has been included in the consent.

#### 9.9. Communities Unit

Council's Communities Unit has undertaken an assessment of the proposed development with respect to social impact, crime risk and prevention, adaptable housing and general accessibility. Generally, no objections to the development proposal have been raised, subject to suitable conditions of development consent.

#### 9.10. Environmental Health

Council's Area Environmental Health Officer has undertaken an assessment of the application with respect to noise and amenity impacts and ventilation and advised that no objection is raised to the development proposal, subject to the imposition of suitable conditions of development consent.

### **10.0 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 General Urban Design

SEPP 65, ADG, SSLEP 2015 and Draft SSDCP 2015 contain relevant matters of consideration relating to urban design and residential amenity. The development incorporates a notably more modern aesthetic than surrounding buildings however it respects the zoning and desired future character of the area. The application was considered by the Architectural Review Advisory Panel (ARAP) and amendments have been made in response to ARAP and Council recommendations. The proposal is generally of a density, height, bulk and scale anticipated in the zone.

It is recognised that the proposed development is likely to reduce solar access to the adjoining property to the east, in particular from 3pm during mid winter. However, the proposal complies with the DSSDCP2015 solar access requirements and some degree of overshadowing is expected from a site that is redeveloped to the permissible density. Should the adjoining site to the east be redeveloped in the future, it is anticipated that the new development will be able to achieve an acceptable level of solar access and amenity.

Matters relating to ecologically sustainable development, energy efficiency and sustainable building techniques have been considered and the proposal incorporates appropriate measures and construction techniques in conjunction with the development.

The Crime Prevention through Environmental Design (CPTED) principle aims have been considered with regards to potential safety and security issues associated with the design of the development. The proposed new works provide suitable opportunities for both active and passive surveillance. The development is considered appropriate subject to suitable conditions of consent incorporating additional CPTED treatment measures.

Adaptable housing and an accessible built environment are provided in accordance with Draft SSDCP 2015. The residential entries respond appropriately to the existing levels in the public domain. Adequate facilities and provisions (e.g. parking, sanitary facilities) are accommodated within the development to enable an accessible built environment (including parking).

## 10.2 Retention of significant tree

The calculation of landscaped area relies on the use of Clause 6.14(4) of SSLEP2015 for compliance. The clause allows for a 5% reduction in landscaped area when a significant tree is being retained on the site. In this case, a Sydney Blue Gum (*Eucalyptus saligna*) is proposed for retention at the rear, northern boundary. The Sydney Blue Gum is a protected species under Councils Tree Preservation Order and is considered by the applicants consultant arborist and councils landscape architect as being in good health and worthy of retention. The tree has been integrated into the proposal in the communal open space.

As the tree will contribute greatly to the character and amenity of the communal open space and development as a whole, the use of clause 6.14(4) is considered reasonable in this case.

### 10.3 Engineering Matters

The site contains a council stormwater drainage easement which is proposed to be relocated to 'wrap' around the northwest corner and western boundary and reconnect with the existing system within the President Avenue frontage. The relocation of the easement is critical to the redevelopment of the site. Council's Stormwater Engineers have reviewed the proposed relocation and generally raise no objection to the new location subject to further design detail which is to be reviewed and approved by Council prior to the lodgement of any subdivision application. Condition 23 has been imposed to this effect.

It is acknowledged that the development will undoubtedly result in an increase in local traffic however the site's close proximity to a suburban train station and local shopping precinct will mitigate this impact to an acceptable level. The proposal has also demonstrated that it can satisfactorily accommodate the expected increase in vehicles.

Council's development assessment engineer is unsatisfied that the proposed loading bay adjoining the driveway on President Avenue is sufficient to support a Heavy Rigid Vehicle (HRV) required for waste collection and loading trucks. The loading bay hard stand area is to be widened slightly to accommodate a HRV vehicle. To reduce the visual impact of the loading bay, Condition 2 includes requirements for additional landscaping along the affected section of frontage and between the interface with Units AG11 and AG12.

### 10.4 Building Separation and Setbacks

The proposal includes a technical non-compliance with the ADG building separation controls and the SSDCP2015 setback control on the eastern elevation. In accordance with the ADG and SSDCP2015, a minimum setback of 6m is required between habitable rooms with windows/balconies and the boundary. The non-compliance is the result of a protruding building element off the east elevation of units B110, B210 and B310 on levels 1, 2 and 3 respectively, with a minimum setback of 4.5m to the boundary.

The non-compliant portion contains a protruding section of bedroom wall with a single window facing north towards the rear boundary. There is a minimum separation distance of 15m from the window to the rear (north) boundary. Due to the orientation of the window it is unlikely that this area of non-compliance will result in unacceptable privacy impacts. Further, should the adjoining site to the east be redeveloped in the future, it is likely that the development will be oriented towards the street frontage and to the rear, effectively reducing the opportunity for privacy and overlooking issues. Deep soil landscaping and screen planting is to be provided along this elevation to further mitigate potential overlooking and privacy impacts.

The non-compliance is therefore considered acceptable as the protruding element provides articulation and interest to the façade of the building without creating an opportunity for overlooking.

## 10.5 Road Noise

The subject site is identified as a noise sensitive development as it is located within 200m of to the Princes Highway. The annual average daily traffic (AADT) volume is greater than 40,000 vehicles, and the provisions of Draft SSDCP 2015 and the Infrastructure SEPP 2007 apply.

The development application has been accompanied by a noise assessment, which indicates that the development is capable of being occupied without an unacceptable impact on residential amenity. Noise attenuation measures and design criteria are required to be adopted in accordance with the NSW Department of Planning's publication *Development near Rail Corridors and Busy Roads – Interim Guidelines* and the relevant Australian and International Standards should the application be supported.

## 10.6 Archeologically Sensitivity

Council records indicate that the subject site is rated "low" in terms of Archaeological Sensitivity. The site has previously been subdivided and developed for single dwelling housing with no apparent evidence of shell material or archaeological features within the site at present.

Nevertheless, a condition is recommended to be imposed on the development consent to ensure that appropriate steps be taken should archaeological discoveries be made during the course of works. The requirement for an Archaeological Study to be undertaken is considered to be unwarranted.

## **11.0 SECTION 94 CONTRIBUTIONS**

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

Open Space:	\$764,806.75
Community Facilities:	\$130,771.20

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 105 new residential apartments (in accordance with conditions of consent) with a concession of 10 existing allotments.

## **12.0 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 no declaration of affiliation has been made.

### 13.0 CONCLUSION

The proposed development is for a four storey residential flat building at 473 – 489 President Avenue and 138 Acacia Road, Kirrawee.

The subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

In response to public exhibition 5 submissions from 4 parties were received. The matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate.

The proposal includes a minor variation to the minimum separation distance recommended under the ADG. This variation has been discussed and is considered acceptable.

The proposed building, whilst much larger than its existing neighbours, is in line with the expected outcomes under SSLEP 2015. The design demonstrates that a building of a considerable size can be located on the site without significant adverse impacts on neighbours in terms of privacy and solar access. The development will undoubtedly increase local traffic but the site has an advantageous position close to a suburban train station which will mitigate this impact to an acceptable level.

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 and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA15/1393 may be supported for the reasons outlined in this report.

### 14.0 RECOMMENDATION

14.1 That Development Application No. DA15/1393 for a residential flat building containing 105 units at Lot 1, Lot 2, Lot 3 and Lot 4 DP 18292, Lot 2 DP 503095, Lot 2 DP 505154, Lot 2 DP 505157, Lot 2 DP 505628, Lot 1 DP 510708 and Lot 2 DP 510778 at 138 Acacia Road, 481, 489, 475, 479, 487, 485, 473, 477 and 483 President Avenue, Kirrawee be approved, subject to the draft conditions of consent detailed in **Appendix “A”** of the Report.