



Memo

BANKSTOWN CITY COUNCIL

TO: Sydney West Joint Regional Planning Panel

FROM: Monica Samuel (Senior Development Assessment Officer)

SITE: Lot 4, 5 and 6 in DP 19650, Nos. 1, 3 and 5 The Crescent, YAGOONA

PROPOSAL: Demolition of existing structures and construction of a residential flat building containing thirty-six (36) residential units over six (6) levels with basement car parking and associated site works under State Environmental Planning Policy (Affordable Rental Housing) 2009

S96(2): Modification to the basement, internal vehicular access ramps, redesign of the residential units to the southern end of each floor and minor modifications to the internal unit designs

FILE NO: DA-1236/2010/1

DATE: 28 January 2015

On 14 December 2010, Development Application No DA-1236/2010 was lodged with Bankstown City Council. The development application proposed the following:

- The demolition of all existing site structures on Nos 1, 3 and 5 The Crescent, Yagoona;
- The construction of a six (6) storey residential flat building containing a total of thirty (36) dwellings in which 5 x 1 bedroom dwellings and 31 x 2 bedroom dwellings are to be provided;
- Basement car park levels containing a total of thirty six (36) car parking spaces, bicycle parking and storage areas; and
- Associated site works including site landscaping, driveway access, etc.

The development application was lodged with Council under the provisions of the then Division 1 'In-fill affordable housing' of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The development application was lodged with Council when 'Part 3 – Regional Development' of the State Environmental Planning Policy (Major Development) 2005 was in force.



Memo BANKSTOWN CITY COUNCIL

Clause 13B(1)(a) of the SEPP provided that for "*development that has a capital investment value of more than \$10 million*" the consent authority function is to be exercised by the Joint Regional Planning Panel. Furthermore Clause 13B(1)(b) of the SEPP states that development for "*affordable housing*" that has a capital investment value of more than \$5 million, the consent authority function is to be similarly exercised by the Joint Regional Planning Panel.

As the development had a capital investment value of \$10.65 million and that the development included 'affordable housing', Development Application No 1236/2010 was reported to the Sydney West Joint Regional Planning Panel.

The Sydney West Joint Regional Planning Panel, at their meeting of 8 March 2012, resolved to approve Development Application No. DA-1236/2010, on a deferred commencement basis. The deferred commencement matter related to the applicant confirming which of the units would be used as affordable rental housing.

Upon the applicant satisfying the deferred commencement matter, an operative consent was issued on 19 September 2013.

Bankstown City Council is now in receipt of an application, submitted under the provisions of Section 96(2) of the *Environmental Planning and Assessment Act, 1979*.

The Section 96 application seeks to amend Determination Notice No. DA-1236/2010, and involves the following modifications:

- Modifications to the basement design, including a redesign of the internal access ramps;
- Addition of six (6) car parking spaces within the basement;
- Redesign of basement columns and piling systems;
- Removal of the southern-most fire staircase;
- Redesign of the residential units to the southern end of each floor, including minor internal changes (resulting from the removal of the fire stairs).

Subsequent legislative amendments have occurred such that the threshold under which applications were previously referred to the Joint Regional Planning Panel has increased from over \$10 million to over \$20 million however the \$5 million threshold remains for development including 'affordable housing'. As such the subject Section 96(2) application is referred to the Sydney West Joint Regional Planning Panel for determination.



Memo

BANKSTOWN CITY COUNCIL

The Section 96(2) application has been assessed pursuant to the matters for consideration contained in Section 79C(1) of the Environmental Planning and Assessment Act 1979 where, amongst other things, an assessment of the application has been undertaken against the provisions contained within:

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- Deemed State Environmental Planning Policy No. 2 Georges River Catchment;
- Bankstown Local Environmental Plan 2001;
- Draft Bankstown Local Environmental Plan 2014; and
- Bankstown Development Control Plan 2005

An assessment of the modification development against these regulatory controls identifies a breach to the floor space ratio development standard. The merits of the departure are provided in the report following.

THE SITE

The subject site is known as Nos 1, 3 and 5 The Crescent, Yagoona comprising Lots 4, 5 and 6 in Deposited Plan 19650.

The combined site provides for an irregular shaped allotment with a site area of 2356.3 m², a 31.94 metre frontage to The Crescent and a 58.62 metre frontage to a public walkway and the adjacent Bankstown – Yagoona railway line along its eastern boundary.

The site is currently zoned 2(b) – Residential B under the Bankstown Local Environmental Plan 2001.

Site conditions have not altered since the original development application was considered.

SECTION 96(2) ASSESSMENT

The proposed modifications have been assessed pursuant to Section 96(2) of the *Environmental Planning and Assessment Act, 1979*.

- (a) *the development as modified is substantially the same development as the development for which the consent was originally granted*



Memo

BANKSTOWN CITY COUNCIL

Comment: The applicant submits that the modified proposal is substantially the same development as originally approved for the following reasons:

- *The Section 96(2) modification aims to make minor changes to the internal layout and basement area of the approved building. It seeks to remove one fire stair from the building and redesign the internal unit corridor area and basement ramp as a result. Modifications are also proposed to the underground piling design along the eastern side of the building.*
- *The modification will result in substantially the same development that was originally approved.*
- *The modification will have no additional unacceptable environmental impact on the site and its surrounds.*
- *The main area of concern in relation to this modification is to ensure that the additional floor space does not result in an unacceptable increase in impact or loss of amenity. After a thorough examination of potential impacts arising from the increase in FSR, it is contended that there will be no unacceptable new impacts arising.*

It is agreed that the modified proposal is substantially the same as that which was originally approved under DA-1236/2010. It essentially represents a modified building layout with no new source of environmental impact as a result of the proposed changes. The development remains the construction of a residential flat building containing thirty six (36) residential units over six (6) levels with basement car parking.

(b) *the application has been notified in accordance with the regulations or a development control plan*

The application has been notified in accordance with the notification requirements of the Environmental Planning and Assessment Regulation 2000 particularly those within Part B of the Bankstown Development Control Plan 2005.

(c) *Council has consulted with the relevant Minister, public authority or approval body*

Consultation with the minister, public authority or approval body is not required for this application.

(d) *any submissions made concerning the proposed modification*

No submissions have been received.

Memo

BANKSTOWN CITY COUNCIL

SECTION 79C(1) ASSESSMENT

The proposed modifications have been assessed pursuant to Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (Affordable Rental Housing) 2009

Eighteen (18) of the thirty six (36) units will be used or allocated as affordable housing. As such in excess of 20% of the gross floor area of the development would be used as affordable housing as required by clause 13(1) of the SEPP. Clause 13(2) allows for, in this case, the floor space ratio of the development to a maximum of 1.5:1 should the percentage of the gross floor area of the development that is used for affordable housing be at least 50% (which the applicant has provided).

The proposed modifications seeks to increase the floor space ratio of the development to 1.65:1, which represents a departure from the maximum 1.5:1 FSR prescribed by the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The originally approved development included an open corridor area on each level of the building. The open area corridors were not included as gross floor area. The current proposal seeks to enclose these corridors resulting in all corridors on all levels of the building contributing to the total gross floor area. Additional gross floor area will occur as a result of replacing the fire stairs with additional residential floor area. This, combined with the general redistribution of floor space across the building and minor internal changes to the residential units to the southern end of each floor, means the addition of 395.69m² of gross floor area to the development. As a result, the floor space ratio of the development would increase from 1.49:1 to 1.65:1. In support of the proposed floor space ratio non-compliance, the applicant submitted the following:

- *In this case the impacts of the approved building have been well examined previously and the Council has already determined that this exact building form is acceptable in terms of impact and outcome. With no change in site constraints, it is appropriate to examine the potential impacts of any changes to the design.*



Memo

BANKSTOWN CITY COUNCIL

- *Indeed all that is proposed in this modification is that an open corridor area and fire stair now be counted as floor space when it previously wasn't. The resulting removal of the staircase has required a minor redesign of each floor and created minor efficiencies internally as to this floor area is reconfigured. There is no change to the building at all in terms of bulk, scale or appearance.*

It is agreed that the modified proposal, despite having a greater numerical FSR, would maintain a built form that is favourably comparable and acceptable to that currently approved in terms of height, bulk and scale. This is primarily due to the fact that the additional gross floor area is accommodated by the enclosure of the approved open corridor areas and the removal of fire stairs. The applicant's justification for the proposed FSR non-compliance is therefore deemed worthy of support.

State Environmental Planning Policy (Infrastructure) 2007

Given the nature and extent of the modification referral under the Infrastructure SEPP was not required.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

The extent of the changes are relatively minor and provide for no discernable impact on the quality of the resultant built form with the external changes confined to enclosing the open corridors. The development (as modified) remains consistent with design principles as contained within the SEPP and the 'rules of thumb' as provided in the Residential Flat Design Code.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

An assessment of the amended proposal indicates that the development remains consistent with the general aims and objectives of the plan and there is no inconsistency with the planning principles set out in clause 8.

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

The modification application will not require an amendment to the wording provided to Condition 60 (relating to BASIX certificates).

Bankstown Local Environmental Plan 2001

The following clauses of the *Bankstown Local Environmental Plan 2001* were taken into consideration:



Memo

BANKSTOWN CITY COUNCIL

Clause 2	Objectives of this plan
Clause 11	Development that is allowed or prohibited within a zone
Clause 19	Ecologically sustainable development
Clause 20	Trees
Clause 24	Airports
Clause 32	Access for people with disabilities
Clause 44	Objectives of the Residential Zones
Clause 45	General restrictions on development
Clause 47	Isolation of allotments
Schedule 9	Special requirements for particular sites

An assessment of the application revealed that the proposed modifications fail to identify any departure to the above clauses of the *Bankstown Local Environmental Plan 2001*.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

The following draft environmental planning instrument applies to the development.

Draft Bankstown Local Environmental Plan 2014

The draft Bankstown Local Environmental Plan 2014 (BLEP 2014) has been publicly exhibited and applies to the subject site, hence the draft instrument is a matter for consideration under Section 79C(1)(a)(ii) of the EP&A Act 1979.

While the draft instrument proposes the introduction of some additional provisions, in the most part, the draft BLEP 2014 provides for an administrative conversion of BLEP 2001 to the standard instrument LEP template. The modified development is not deemed to be inconsistent with the provisions contained within the exhibited draft instrument.

Development control plans [section 79C(1)(a)(iii)]

The development has been assessed against the following parts of the Bankstown Development Control Plan 2005 (BDCP 2005):

- Part D5 – Key Development Sites in Business Zones
- Part D2 – Residential Zones

Part D5 – Key Development Sites in Business Zones

Although the site is zoned 2(b) Residential B, the site is identified as a Key Development Site under Part D5 of the BDCP 2005.



Memo

BANKSTOWN CITY COUNCIL

Section 7 of Part D5 of the BDCP 2005 provides for objectives and standards relating to development within the Yagoona Town Centre (Hume Highway Corridor). The site is located within Precinct E of the Yagoona Town Centre with the following controls / standards applying:

STANDARD	PROPOSED	BDCP 2005 Part D5		LEP 2001 COMPLIANCE
		REQUIRED / PERMITTED	COMPLIANCE	
Height Limit	Six (6) storey residential flat building	A maximum of six (6) storeys (no lofts) provided the site is at least 30 metres wide at the front building line	Yes	N/A
Minimum setback to The Crescent	Minimum front setback of 6 metres	6 metres	Yes	N/A
Minimum setback to the side and rear boundaries	Setbacks to the adjoining properties, particularly to the north and west of the site, are appropriate	Comply with the Residential Flat Design Code	Yes	N/A
Built form characteristics	The ground, first and second storeys observe a minimum 6 metre setback while the third, fourth and fifth storeys observe a minimum 10 metre setback	3 storey height limit applies to any part of a development within a 10 metre setback to The Crescent to provide a height and built form transition to neighbouring houses	Yes	N/A

As the above table indicates the modified development remains consistent with the controls / standards relevant in Part D5 of the BDCP 2005.

Part D2 – Residential Zones

The proposed development remains fully compliant with the requirements in Section 9 of Part D2 – Residential Zones of the Bankstown Development Control Plan 2005.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements relevant to this development application.

The regulations [section 79C(1)(a)(iv)]

The proposed modifications are consistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates.



Memo

BANKSTOWN CITY COUNCIL

A Coastal Zone Management Plan does not apply to the land.

The likely impacts of the development [section 79C(1)(b)]

The proposed modifications would not result in any additional environmental, social or economic impacts on the locality. Rather, it is noted that the development as proposed to be modified, is likely to result in an improved amenity and efficiency in unit design.

Suitability of the site [section 79C(1)(c)]

The development remains permissible with consent in the 2(b) zone. Despite the non-conforming floor space ratio, the proposed modifications maintain the same general built form and do not result in any increase in potential impacts on the locality. The site therefore remains suitable for the development (as amended).

Submissions [section 79C(1)(a)(d)]

No submissions have been received.

The public interest [section 79C(1)(a)(e)]

The proposed modifications would not contravene the public interest.

Conclusion

The proposed modifications have been assessed in accordance with the provisions of Section 96(2) and Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. The proposal demonstrates an appropriate level of compliance and maintains a comparable built form to that approved under the original DA.

The proposed floor space ratio non-compliance has been satisfactorily justified and is deemed warranted in the context of the development. The modified proposal is considered to represent an appropriate development outcome for an in-fill site within the Yagoona Town Centre.

Recommendation

That Modification Application No DA-1236/2010/1 be approved and that Conditions 2 and 63 of Determination Notice No. DA-1236/2010 are amended to read (*amendments in italics*):

- 2) Development shall take place in accordance with Development Application No. DA-1236/2010, submitted by Mackenzie Architects, accompanied by Drawing No's. SK001B, SK01B and SK02B (all three drawings being Revision B and



Memo

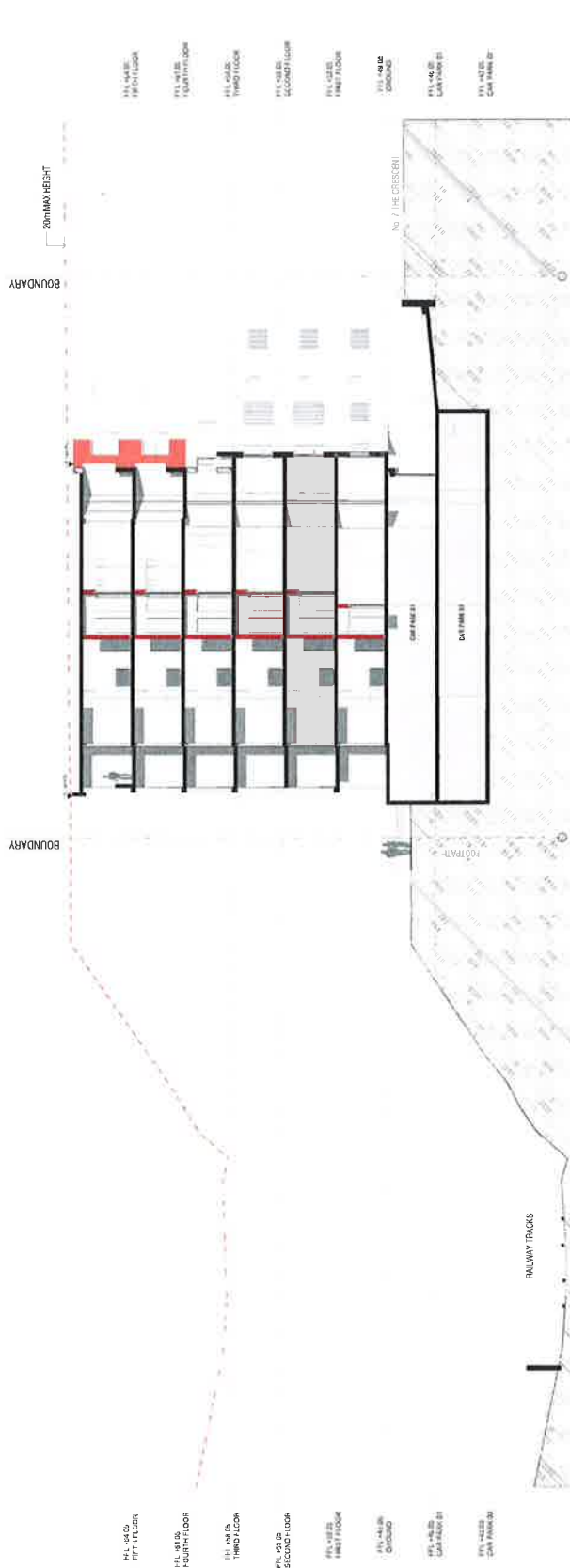
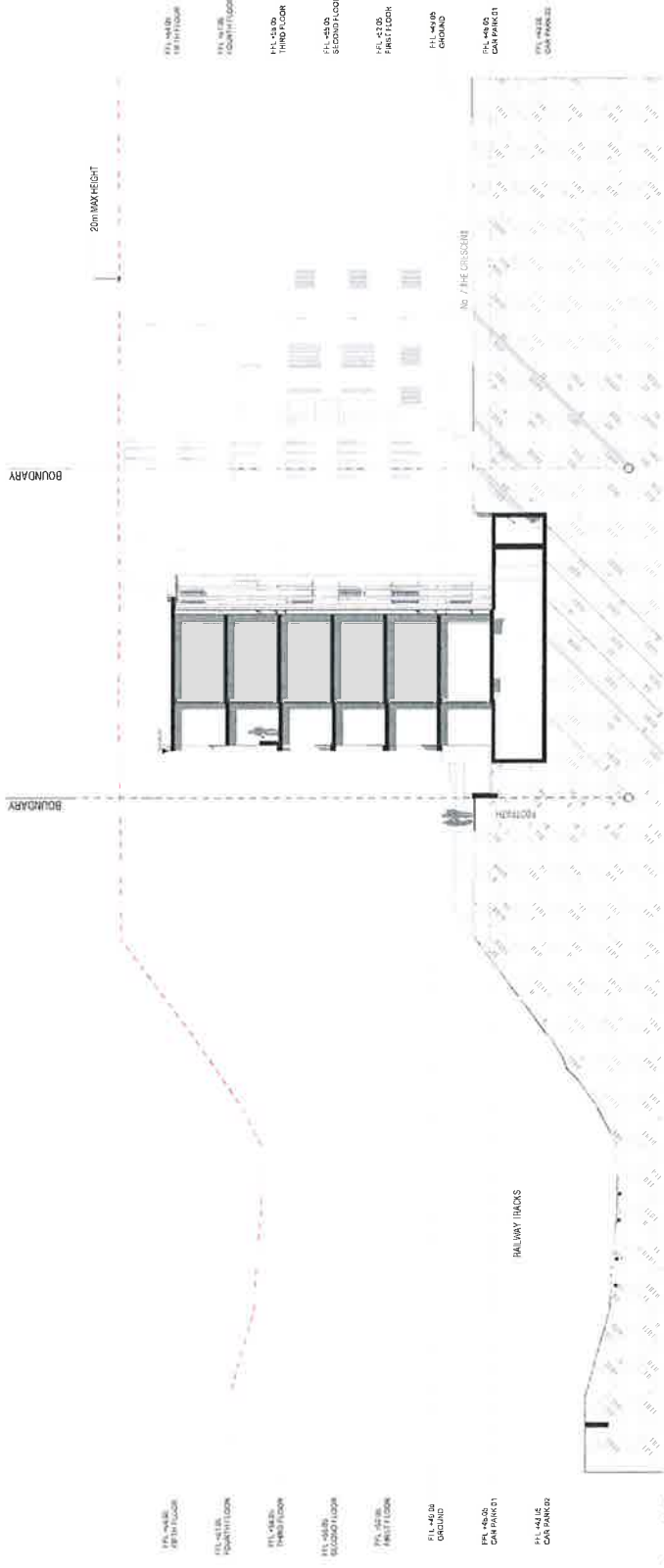
BANKSTOWN CITY COUNCIL

dated 15 November 2011) and Drawing No's SK03A, SK04A, SK05A, SK06A, SK07A, SK08A, SK100A, SK101A and SK200A (all nine drawings being Revision A and dated 26 May 2011) all as prepared by Mackenzie Architects, and affixed with Council's approval stamp and *Section 96(2) Modification Application No. DA-1236/2010, submitted by Mackenzie Architects, accompanied by Project No 10/06 Drawing No's. A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-107, A-108, A-200, A-201, A-300, dated 22 July 2014, Issue: A, prepared by Mackenzie Architects and affixed with Council's approval stamp dated 27 January 2015, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.*

- a) Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 26 and 31 are to be used for the purpose of affordable housing pursuant to the provisions contained in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- 63) 42 off street car spaces are to be provided in accordance with the submitted plans. Two of the car parking spaces are to be provided with people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

- 1-BRICKWORK, BORAL, STONEY BLUE
- 2-RENDER + PAINT, 01
- 3-RENDER + PAINT, 02
- 4-RENDER + PAINT, 03
- 5-CLADDING 01
- 6-CLADDING 02
- 7-2 ALUM. FRAMED, WINDOWS AND GLAZED DOORS
- 8-TOUGHENED GLASS BALUSTRADES
- 9-9 ALUM. FRAMED GLAZED LOUVERS
- 10-VERTICAL SLATS TIMBER FENCE
- 11-SLIDING ALUM. SCREENS
- 12-FIXED ALUM. PRIVACY SCREEN





PROJECT
1-5 THE CRESCENT, YAGOONA, NSW

DATE
11/10/22

PROJECT NO
A-300

ISSUE
A

PROJECT NAME
1-5 THE CRESCENT, YAGOONA, NSW

SCALE
1:100

DRAWN BY
[Name]

CHECKED BY
[Name]

PROJECT NO
A-300

ISSUE
A

PROJECT NAME
1-5 THE CRESCENT, YAGOONA, NSW

SCALE
1:100

DRAWN BY
[Name]

CHECKED BY
[Name]

PROJECT NO
A-300

ISSUE
A

PROJECT NAME
1-5 THE CRESCENT, YAGOONA, NSW

SCALE
1:100

DRAWN BY
[Name]

CHECKED BY
[Name]

PROJECT NO
A-300

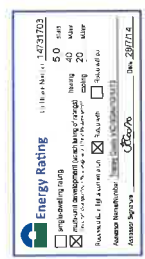
ISSUE
A

PROJECT NAME
1-5 THE CRESCENT, YAGOONA, NSW

SCALE
1:100

DRAWN BY
[Name]

CHECKED BY
[Name]





1 CAR PARK 02 1 100

PROJECT
MULFRESIDENTIAL DEVELOPMENT
1-5 THE CRESCENT, YAGOONA, NSW

STATUS	
SIGNATURE	
ISSUE DATE	
DRAWN BY	
CHECKED BY	



PROJECT NORTH

DRAWING
PLANS - FLOOR PLAN -02
PROJECT NO
10/06
DRAWING NO
A - 101
REVISION
A
Contractor license no. 000000000000000000. All rights reserved.



THE CRESCENT

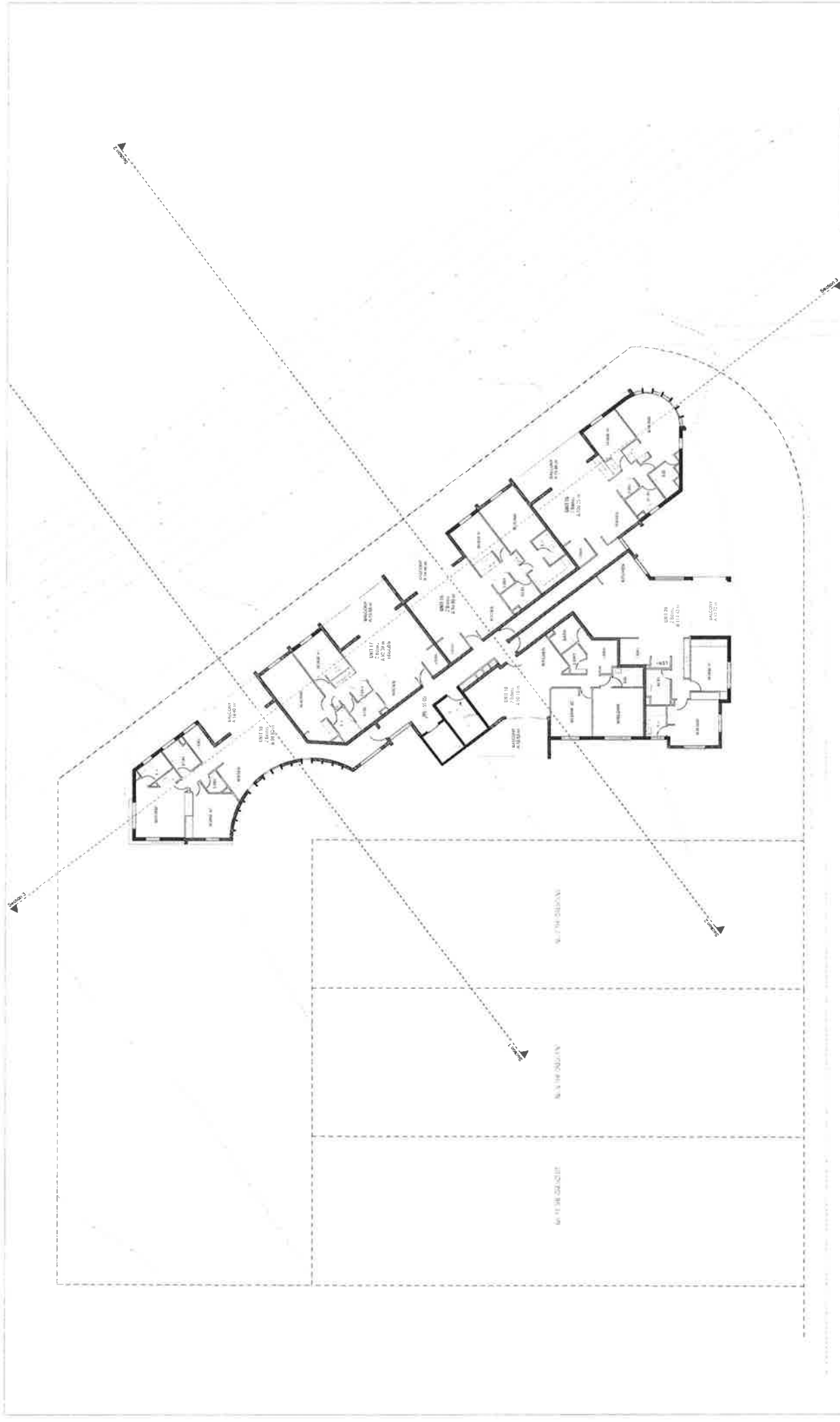
DRAWING
PLANS - FLOOR PLAN 00
PROJECT NO
10/06
ISSUE
A-103

STATUS	ISSUE DATE	2 / 04/2014	PRINT DATE	2/20/2014
SIC 0000 00			SCALE	
	DRAWN BY	20	* 500 P/A	
	CHECKED BY	JFH	* 100 P/A	

[illegible]



433 The Problem
Castledrop NSW 2066
Phone (02) 9937 9266
Fax (02) 9937 9977
www.misinformationl.com.au
info@misinformationl.com.au



Energy Rating

Star Rating: 1.5

Energy Use: 1.5

Greenhouse Gas: 1.5

Water Use: 1.5

Score: 1.5

PROJECT

BULLFINCH SIDEWIND DEVELOPMENT

1-5 THE CRESCENT, YAGOONA, NSW

DATE

AS 10/06/23

AMENDMENTS

NO	REVISION
1	10/06/23

STATUTE

NAME: [Name]

SCALE: [Scale]

PROJECT NO: [Project No]

DRAWING NO: [Drawing No]

ISSUE: [Issue]

DRAWING

PLANS - FLOOR PLAN 02

10/06

A - 105

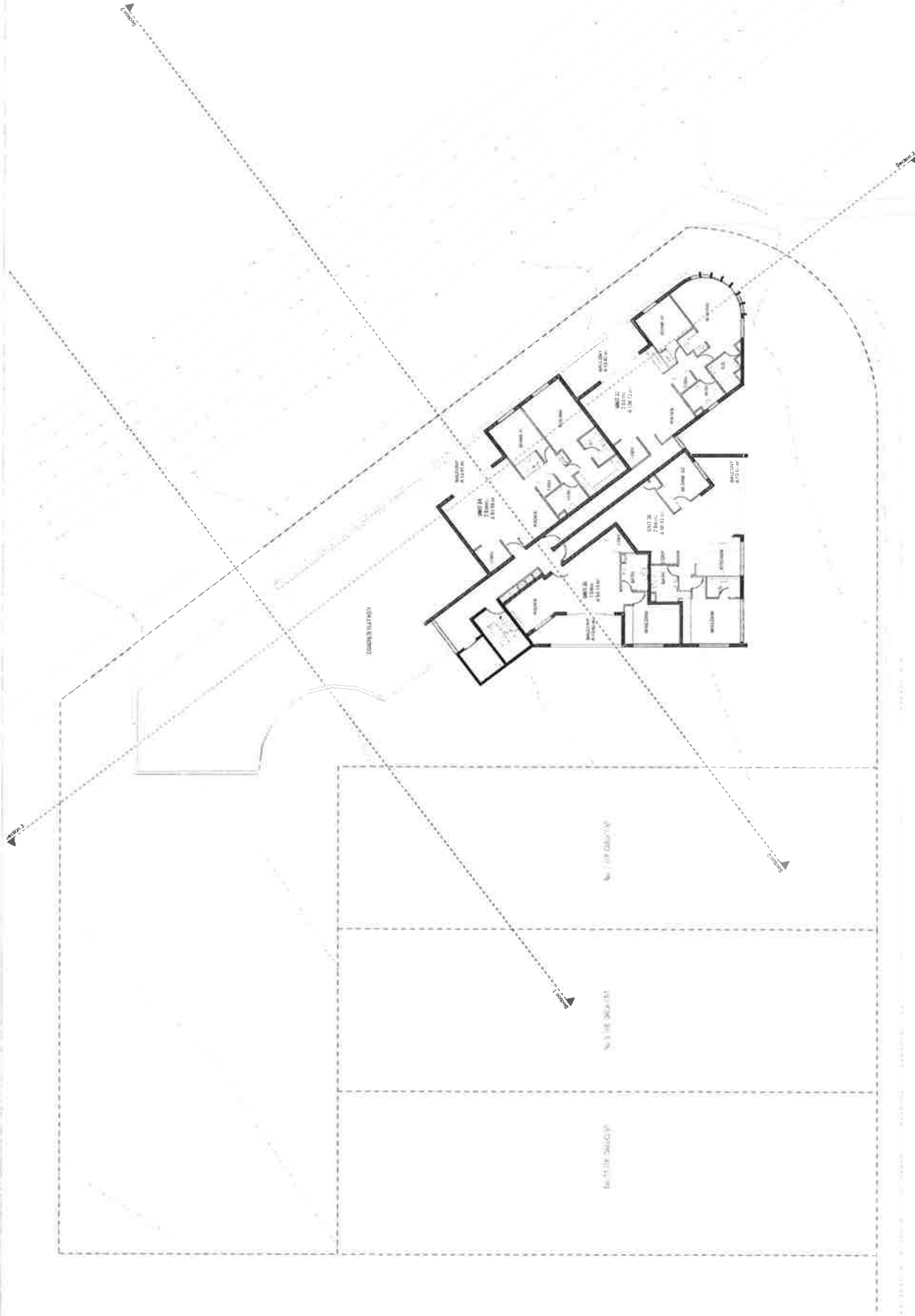
Copyright Mackenzie Architects International All rights reserved

SECOND FLOOR 1:100

MACKENZIE ARCHITECTS

40 The Pines
100 The Pines
Phone: (02) 9562 1898
www.mackenziearchitects.com.au
info@mackenziearchitects.com.au

Notified as Architects No 5223
Architects No 107 2011
Copyright



Energy Rating 7.5 stars (based on 10/10/10)

10/10/10 is a voluntary energy rating system for commercial buildings. It is based on the National Energy Rating Scheme (NERS) and the Green Star rating system. The rating is based on the building's energy consumption, greenhouse gas emissions, and water consumption. The rating is given to buildings that have achieved a minimum of 7.5 stars.

10/10/10 is a voluntary energy rating system for commercial buildings. It is based on the National Energy Rating Scheme (NERS) and the Green Star rating system. The rating is based on the building's energy consumption, greenhouse gas emissions, and water consumption. The rating is given to buildings that have achieved a minimum of 7.5 stars.

PROJECT
BUILT THE SUSTAINABLE DEVELOPMENT
1-5 THE CRESCENT, YAGOONA, NSW

DATE
15.12.2010

WAKEMAN ARCHITECTS
15.12.2010

LEGEND
15.12.2010

15.12.2010

STATUS
15.12.2010

SCALE
1:100

PROJECT NO.
10/06

DRAWING NO.
A - 108

ISSUE
A

PROJECT NO.
10/06

DRAWING NO.
A - 108

ISSUE
A

Proposed Modification to Consent
Section 96(2)
DA-1236/2010

1-5 The Crescent, Yagoona

July 2014

Contents

1. Introduction

- 1.1. Preamble
- 1.2. Strategic Context
- 1.3. Site Description
- 1.4. Description of Proposed Modifications
- 1.5. Summary of Calculations

2. Planning Issues

- 2.1. Legislative Provisions
- 2.2. Provisions of Relevant Environmental Planning Instruments
- 2.3. Provisions of Relevant Development Control Plans
- 2.4. Provisions of the Regulations

3. Impact Assessment

- 3.1. Assessment of Likely Impact
- 3.2. Suitability of the Site

4. Final Remarks

- 4.1. Variations to Conditions of Approval
- 4.2. Required Statements

LIST OF APPENDICES		
No	Title	Prepared By
1	Revised Architectural Plans	Mackenzie Architects International
3	BASIX	
4	Landscape Plans	Conzept Landscape Architects
5	Storm water Plans	Australian Consulting Engineers

1. Introduction

1.1 Preamble

A Deferred Commencement Consent was granted on 4 April 2012 for DA-1236/2010 specifically for the *“Demolition of the existing structures and construction of a Residential Flat Building containing thirty-six (36) residential units over six (6) levels with basement car parking and associated site works under State Environmental Planning Policy (Affordable Rental Housing) 2009.”* This consent would operate for five (5) years from the date of issue of the Operational Consent which occurred on 19 September 2013.

This application seeks to amend the original consent by making the following changes:

1. Make minor changes to the basement design including the redesign of the internal vehicular access ramps. These changes are required to accommodate the minor building redesign of fire stairs and basement columns;
2. Addition of six (6) addition car spaces into the basement;
3. Redesign the basement columns and piling systems;
4. Redesign the residential levels around the southern end of each floor to enable the removal of the southern-most fire stair. This means that the two southern-most units in the building at each level now enjoy an internal corridor entry.
5. Make minor modifications to internal unit designs, such as en-suite designs, walk-in wardrobe locations, laundry designs etc. These changes allow for the addition of a small study area in each unit.

It is important to note that the initial approved application had open corridor areas which were understood to have not been included in the overall floor space ratio calculations. The proposed modifications now enclose these areas meaning all corridors on all levels now constitute floor area. This is the primary reason for the increase in overall floor space. No changes to the location of external walls or increase in building bulk or footprint are proposed.

Pursuant to Section 96(3), this report also considers relevant matters listed in Section 79C(1) that are relevant to this application.

In reviewing the approved plans and examining the proposed changes I am comfortable that the proposed development remains substantially the same as the approved development and that the changes can be assessed pursuant to Section 96(2) of the Environmental Planning & Assessment Act 1979.

All impacts are addressed in this application. This report must be read in conjunction with the attached Section 96 plans prepared by Mackenzie Architects International dated July 2014.

1. Introduction

1.2 Strategic Context

As part of any approvals process the design of any development will evolve as it moves closer to resolution and construction. Sometimes this evolution can result in the need to amend the original consent.

As part of the changes to the basement area a review has commenced into the overall basement layout and the final design for piling along the eastern boundary. The need for an appropriate engineered solution is understood however this site and the basement is located well above the level of the railway line and it is considered that alternate solutions exist to achieve Rail Corp objectives for stability. A consultation process has been carried out with Rail Corp prior to lodging this application to modify the consent.

Another key outcome is to remove the need for a second fire stair. This is legally achievable however it does involve a change to the entry layout of two units at each level (Units 9, 14, 15, 20, 21, 26, 27, 32, 33 and 36) which now have hallway entry points. It also involves closing up the corridor at the western end. While this does nothing to change the bulk or appearance of the building, it does technically create additional floor space. The previously approved corridor was open at the southern end and therefore appeared to have not been included in total floor area calculations. The corridors and stairs over six (6) levels make up the floor space increase.

1.3 Site Description

The site is legally described as Lots 4, 5 and 6 in DP 19650 and known as 1-5 The Crescent, Yagoona. It is located on the north-east corner of The Crescent with the railway line to the east of the site.

The site is south of the Hume Highway commercial strip and is just 280m from the Yagoona Railway Station. The site has an irregular shape with a combined site area of 2,356.3m². The long eastern frontage is 58.62m to the railway line. The total frontage to The Crescent is 31.94m. A large portion of undeveloped land exists to the north which is effectively an axe-handle and serves as common open space area.

No significant changes to the site conditions have occurred since the last application for development was approved.

The site remains zoned 2(b) and subject to Bankstown Local Environmental Plan 2001.

1. Introduction

1.4 Description of the proposed modifications

In general terms, this application seeks to amend the original consent by making the following changes.

1. Redesign the basement columns and piling systems along the eastern boundary (the previous Geotechnical report remains relevant in this matter);
2. Make minor design changes to the basement design to accommodate the internal redesign and improve vehicular access;
3. Redesign the residential levels around the southern end of each floor to remove the need for two fire stairs. This means that the two southern-most units in the building at each level now enjoy an internal corridor entry. Specifically the entries to Units 9, 14, 15, 20, 21, 26, 27, 32, 33 and 36 have been modified to each include a private hallway out to the common corridor;
4. Make minor modifications to internal unit designs (such as en-suite designs, walk-in robe locations, laundry design and etcetera).
5. The provision of a new study area in each unit.

Detailed specifics of the changes are included below, with comments generally listed floor by floor and north to south:

Basement 02	
Proposed Modification:	Reason for change:
Reduction of basement area (north-western corner). Specifically the reduction in basement size allows for a deep soil area to replace paving and BBQ area.	Reduce excavation by following building footprint, increase deep soil area and reduction of structural costs.
Northern fire exit relocated to southern boundary	To be in accordance with BCA regulations.
Driveway relocated, new vehicular access from basement above.	Reduction in excavation; traffic efficiency.
Access ramp re-designed; widen to be two-ways and direction changed.	Traffic and space efficiency.
Basement extended to the south to follow the floor of the above basement level.	To allow for appropriate vehicular turning circles for access and egress, relocation of car bays lost on the basement reduction on the northern side.

1. Introduction

Basement 01	
Proposed Modification:	Reason for change:
Vehicular access to car park relocated to this floor.	To facilitate vehicular access by reducing the driveway gradient at the entry thereby reducing excavation.
Addition of caretaker WC.	BCA requirement.
Ramp to basement level 02 re-designed.	As a consequence of proposed changes to driveway.
Garbage and storage room relocated.	More efficient use of the space available.
Basement extended 2686mm to southern boundary (2m setback from boundary).	Required for parking bays lost due to changes to driveway/ramps.
Amendments to layout of internal units.	To improve internal amenities and reduce construction costs.
Lobby area reduced.	A consequence of the deletion of southern fire stairs.
Lift relocated.	A consequence of the deletion of southern fire stairs.
Fire exit relocated.	A consequence of the deletion of southern fire stairs.
Ground – Fifth Floor (General changes)	
Proposed Modification:	Reason for change:
Amendments to Internal units Layout (see details below); Lobby area reduced; Lift relocated; Northern fire exit relocated; Southern fire stairs deleted.	A consequence of basement changes and fire exit deletion.
Ground – Fifth Floor (Unit changes)	
Units 01, 06, 12, 18, 24 and 30:	<ul style="list-style-type: none"> • Entry door moved closer to lift/ fire exit to satisfy max. 6m distance to fire escape (BCA). • Bedroom 2 and bathroom location switched. • Window to en-suite relocated from northern Façade to North-eastern façade. • Re-design of en-suite and bathrooms to standardized dimensions. • Amendments to kitchen layouts. • Laundry relocation.
Units 02, 05, 11, 17, 23 and 29:	<ul style="list-style-type: none"> • Re-design of en-suite and bathrooms to standardized dimensions. • Amendments to kitchen layouts.

1. Introduction

Units 04, 10,16, 22, 28 and 34:	<ul style="list-style-type: none"> • Re-design of en-suite and bathrooms to standardized dimensions. • Amendments to kitchen layouts.
Unit 03:	<ul style="list-style-type: none"> • Laundry relocated. • Re-design of en-suite and bathrooms to standardized dimensions. • Amendments to kitchen layouts.
Units 09, 15, 21, 27 and 33:	<ul style="list-style-type: none"> • Units redesigned to remove need for two fire stairs. • Entry door moved closer to lift/ fire exit to satisfy max. 6m distance to fire escape (BCA). • Laundry relocated. • Re-design of en-suite and bathrooms to standardized dimensions. • Amendments to kitchen layouts. • Unit's area increased due to extension of access passage.
Unit 08:	<ul style="list-style-type: none"> • Relocation of Kitchen to removed fire stairs location. • Bathroom moved to internal location. • Re-design of en-suite and bathrooms to standardized dimensions. • Bedroom 2 size increased.
Units 14 and 20:	<ul style="list-style-type: none"> • Units redesigned to remove need for two fire stairs. • Entry door moved closer to lift/ fire exit to satisfy max.6m distance to fire escape (BCA). • Relocation of Kitchen to removed fire stairs location. • Bathroom moved to internal location. • Re-design of en-suite and bathrooms to standardized dimensions. • Bedroom 2 size increased.
Units 07, 13 and 19:	<ul style="list-style-type: none"> • Kitchen, bathroom and laundry relocation. • Re-design of en-suite and bathroom to standardized dimensions. • Addition of Walk-in-robe to master bedroom. • Bedroom 2 area increased.

1. Introduction

Unit 26	<ul style="list-style-type: none"> • Unit redesigned to 'remove need for two fire stairs'. • Entry door moved closer to lift/ fire exit to satisfy max. 6m distance to fire escape (BCA). • Relocation of Kitchen to removed fire stairs location. • Addition of W.C. • Laundry relocated.
Unit 25	<ul style="list-style-type: none"> • Re-design of kitchen, en-suite and bathroom to standardized dimensions. • Laundry relocated.
Units 31 and 35:	<ul style="list-style-type: none"> • Area reduction to allow room for access corridor to units 32 & 36. • Relocation of kitchen.
Units 32 & 36:	<ul style="list-style-type: none"> • Unit redesigned to remove need for two fire stairs • Entry door moved closer to lift/ fire exit to satisfy max. 6m distance to fire escape (BCA). • Addition of new bedroom. • Addition of new En-suite. • Re-design of kitchen, en-suite and bathroom to standardized dimensions.
Units 1, 6, 12, 18, 24, 30:	<ul style="list-style-type: none"> • New external windows associated with the proposed new study area (all windows are in the eastern elevation overlooking the rail corridor).
Roof:	<ul style="list-style-type: none"> • 5° Colorbond roof replaced by concrete flat roof.

The following table summarises the minor changes in unit areas that have resulted from the minor increase to the width of the corridors and to the floor areas of the southern-most units.

1. Introduction

1.5 Summary of Calculations

Modifications to unit areas					
Unit No	Approved	Proposed	Unit No	Approved	Proposed
1	90.72	99.38	19	90.70	90.16
2	90.91	92.49	20	96.88	114.43
3	93.79	94.52	21	93.44	108.26
4	92.24	93.15	22	93.80	94.99
5	90.91	92.38	23	91.51	92.38
6	90.72	98.82	24	90.39	99.38
7	90.50	96.37	25	80.63	84.08
8	96.88	105.42	26	62.35	76.62
9	92.40	108.73	27	93.44	108.58
10	93.80	94.99	28	93.80	94.99
11	91.51	92.38	29	91.51	92.49
12	90.39	98.69	30	89.40	99.51
13	90.70	90.16	31	63.03	54.52
14	96.88	114.43	32	63.03	54.52
15	93.44	108.25	33	93.44	108.73
16	93.80	94.99	34	93.79	94.99
17	91.51	92.39	35	63.03	54.44
18	90.39	98.82	36	60.66	86.93

The table below summaries the numeric extent of the proposed changes.

	Original approval	Proposed modification
Floor Area:	3495.5m ²	3,891.19 (395.69m ² increase)
Floor space ratio:	1.49:1	1.65:1
Landscaped area:	824.77m ²	No change but increase in deep soil landscaped area.
Total parking spaces:	36	42 (increase of 6 spaces)
No. of units	36	36 (no change)

2. Planning issues

2.1 Legislative Provisions:

Section 96(2) of the Environmental Planning & Assessment Act 1979 states:

- (2) *Other modifications. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),*

Clause 115 of the Environmental Planning and Assessment Regulation 2000 establishes several requirements relevant to this application (not all clauses included below):

- (1) *An application for modification of a development consent under section 96 (1), (1A) or (2) or 96AA (1) of the Act must contain the following information:*
- (d) *a description of the proposed modification to the development consent,*
- (e) *a statement that indicates either:*
- (i) *that the modification is merely intended to correct a minor error, misdescription or miscalculation, or*
- (ii) *that the modification is intended to have some other effect, as specified in the statement,*
- (f) *a description of the expected impacts of the modification,*
- (g) *an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,*

The above matters are detailed clearly within this report. The proposed modification seeks to remove a fire stair, amend the basement design, amend the entry designs of the southern-most units and make minor internal amendments to internal layouts of unit. This has the result of increasing the floor space on the site, because the corridors on six levels and southern fire stair well are now being included in the overall floor area. While the increase in floor area is reasonably substantial, no change is proposed to the building envelope or location of any external walls. These proposed changes are considered to be minor design changes throughout the building which essentially increase the overall efficiency of the design. The merit and impact of this building has already been assessed and involves no change to the external facade of the building or no increase in height and bulk.

Changes like these proposed are a natural process as the site moves closer to construction. The fire stair removal and basement design reflect the need for building efficiency. **The increase in floor**

2. Planning issues

space is simply a result of how it is calculated rather than any increase in building bulk or footprint.

For this reason it is considered that there will be no significant increase in the **impacts** arising from the proposal. It is also considered that this application is substantially the same development as that which was approved. It is acknowledged however that there are changes to the basement design and the ultimate floor area will now be calculated to be above the LEP maximum. It is therefore appropriate to consider this modification under Section 96(2).

2.2 Provisions of Relevant Environmental Planning Instruments - s79C(1)(a)(i)

Relevant to this proposed modification are the provisions of the following pieces of planning legislation:

1. State Environmental Planning Policy (SEPP) (Infrastructure) 2007
2. State Environmental Planning Policy (SEPP) No. 65
3. State Environmental Planning Policy (Affordable Rental Housing) 2009
4. Bankstown Local Environmental Plan 2001.

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

Clause 87 of this SEPP remains activated given the land is adjacent to a rail corridor. There are no changes to the external design of the building and no significant changes to unit designs and therefore the acoustic report submitted with the Development Application remains relevant and applicable.

The proposed modification will need to make changes to the basement design which will require structural engineering drawings prior to construction. This redesign is being undertaken in consultation with Rail Corp.

2.2.2 State Environmental Planning Policy (SEPP) No. 65

The approved DA was assessed under SEPP 65 previously and no changes have been made to setbacks, building separation or building design. No changes are proposed to SEPP 65 light and ventilation requirements and the architectural plans submitted with the application illustrate this compliance. The Design Verification Statement therefore remains relevant.

2.2.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

2. Planning issues

The approved DA allocated 50% (18 dwellings) of units to an approved rental housing provider and thereby achieved a bonus floor space ratio of 0.5:1. The final FSR approved was 1.49:1. While there is an increase in the proposed FSR, no changes are proposed to the number of units dedicated as affordable rental housing.

2.2.4 Bankstown Local Environmental Plan 2001

The subject site is within Zone 2(b) pursuant to Bankstown Local Environmental Plan (BLEP) 2001 (Amendment 35).

The proposed development is obviously permissible under the zone. There have been no major changes to site conditions and policy application since the application was previously considered however there is a minor increase in FSR which is a development standard within the LEP.

Floor Space Ratio:

Clause 30 and the LEP maps control the allowable FSR on the site which is 1:1. Due to this approval under the SEPP (Affordable Rental Housing) 2009 a bonus FSR of 0.5:1 was possible meaning the maximum allowable FSR was 1.5:1. The approval was for 1.49:1 on this basis.

This proposed modification seeks approval for a FSR of 1.65:1 which will result in a breach in the maximum allowable FSR. For a development application this would require an objection pursuant to State Environmental Planning Policy (SEPP) No.1 – Development Standards.

However, it is well established by the NSW Land and Environment Court however that a SEPP 1 application is not required for a modification to consent and has not been lodged in this instance. In *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) the Court of Appeal held that s.96 is “a free-standing provision” such that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard”. Rather than a SEPP 1 objection being required, Section 96(3) simply requires the consent authority to take the provisions of any relevant environmental planning instrument into consideration (in other words, Section 79C assessment).

Furthermore, in the decision of *Gann v Sutherland Shire Council* [2008] Justice Lloyd gave a very brief decision confirming these principles and reminding the relevant council that SEPP 1 is not even available or relevant in a modification application because clause 6 of SEPP No. 1 states that it only applies where a ‘development application’ is made.

The proposed changes are minor changes which are generally internal or related to the basement car park and will not cause any additional impact which has not already been considered.

2. Planning issues

Importantly, it is also considered that the relevant objectives outlined Clause 30(1) of the BLEP 2001 are not diminished or compromised by this modification:

(1) The objectives of the floor space ratios adopted by this plan are as follows:

- (a) to generally regulate the scale and bulk of development consistently with the capacity and character of the area of the development site,*
- (b) to ensure non-residential development in residential zones is of a similar scale to that of permitted residential development,*
- (c) to regulate the intensity of development in business zones consistently with the role and function of the particular business centre, the capacity of the road network to accommodate business-related traffic, and the availability of public transport,*
- (d) to provide an incentive for redevelopment of key sites in the Bankstown CBD,*
- (e) to ensure that business and retail development in industrial zones is of a scale comparable to mainstream industrial zone activity and does not attract development more appropriately located in business zones.*

It is contended there is no increase in intensity of development that would impact the character of the area negatively.

Floor space ratio has been a popular planning tool for many years in controlling the overall 'intensity' of development. It is however becoming more recognised as somewhat of a 'blunt tool' which has limited use at the detailed design stage of a building. For instance, the readily achievable floor space will vary from site to site depending on topography, shape, width, location and size of other nearby buildings, community perceptions as well as the context and overall vision for the area. Some sites are suited to higher FSR than others. Other sites can seemingly accommodate a larger building with minimal impact on other properties.

It is rare to ever hear anyone comment on a building by saying: "that building has an FSR that is too high". Conversely it is quite common to hear people say a building is: "too tall" or "too close to the street" or "plain ugly".

So to satisfactorily examine whether the floor space ratio is too high it is really appropriate to look at the impacts of that building. It is therefore contended that a detailed examination of 'impacts' is the appropriate foundation for justification of any breach of FSR controls.

In this case the impacts of the approved building have been well examined previously and the Council has already determined that this exact building form is acceptable in terms of impact and outcome. With no change in site constraints, it is appropriate to examine the potential impacts of any changes to the design.

2. Planning issues

Indeed all that is proposed in this modification is that an open corridor area and fire stair now be counted as floor space when it previously wasn't. The resulting removal of the staircase has required a minor redesign of each floor and created minor efficiencies internally as this floor area is reconfigured. There is no change to the building at all in terms of bulk, scale or appearance. The table below examines any impact arising from the increase in FSR on the site:

Table: Potential impacts arising from FSR increase.	
Potential Impact:	Comment:
Privacy	There are no changes to any building setbacks. A window has been added to Units 1, 6, 12, 18, 24 and 30 to accommodate a small study. This faces the railway corridor and will not affect privacy to any other nearby building. There is no change to building height. There will be no change in privacy issues from those already assessed by Council.
Overshadowing	There are no changes to any building setbacks or increase in building height. No additional overshadowing will result in addition to that already assessed by Council.
Streetscape, public domain and visual appearance	With no changes proposed to the external facade there is no new impact on the public domain or to the appearance of the building. There is no change at all to building footprint.
Views	There is no change at all to building footprint or to the height of the building. No new impacts will result in terms of views to and from the site.
Internal amenity	Very minor changes have been made to internal amenity which will have no impact outside the building. The southern-most units now have a private hallway to the front door which is incidental to impact.
Loss of landscaped area	With no change at all to building footprint there is no loss of landscaped area or loss of trees. The redesign of the basement there has been an increase in deep soil planting area to the rear landscaped area.
Access and legibility	Minor changes have been proposed to the basement parking access arrangement however this is unrelated to FSR and only serves to increase functionality within the building.
Traffic and Parking	The increase in FSR has no impact on these issues as there is no increase in unit numbers. Six (6) more car spaces are now proposed which allows for additional visitor parking spaces. This will have no obvious additional impact on street traffic as there is no increase in unit numbers.
General amenity to adjoining properties	The internal modifications have not made changes to the facade other than the very minor relocation of some windows and the addition of the one extra window on each level of the eastern facade. This will have no impact on the amenity of any adjoining lands.

2. Planning issues

Water efficiency	The increase in FSR will have no impact on this matter.
Safety and security	The increase in FSR will have no impact on this matter.
Soils and Water	The increase in FSR will have no impact on this matter.
Flora and Fauna	The increase in FSR will have no impact on this matter; noting the increase in deep soil planting.
Air and microclimate	The increase in FSR will have no impact on this matter.
Noise and vibration	The increase in FSR will have no impact on this matter.
Waste	The increase in FSR will have no impact on this matter.
Energy	The increase in FSR will have no impact on this matter.
Economic impact	The increase in FSR will have no impact on this matter, as there is no <i>significant</i> change to unit mix and no increase in unit numbers.

The primary indicators of whether a building mass is too large in its context are (1) overshadowing, (2) privacy, (3) streetscape and (4) loss of views. In addition to these primary impacts, this report has examined the full range of potential impacts that may result from any proposal for development. There are genuinely no new adverse impacts arising from this increase in FSR and no changes to the building height and footprint. It is therefore concluded that the increase in FSR is therefore justified on the basis there is no reason to deny it. One could mount an argument around precedent. However this argument is usually made in respect to increasing yield or saleable floor space. In this case the increase has resulted from the fact that a previously approved corridor and stairwell which was excluded from floor space, is now counted as floor space for the purposes of determining the FSR.

It is therefore considered that the proposed floor space is acceptable in this instance and that the variation to the LEP standard is able to be supported by Council on the basis that its increase results in no impact or change to the building form.

Given the strict numeric LEP standard does not apply to a Modification to Consent, it would be unreasonable to impose the FSR strictly when there is no change to the impact of the overall building. In terms of internal amenity, the proposed units are considered to be appropriate within the overall context of Yagoona.

Height:

Schedule 9 of BLEP provides for height controls for specific sites. This particular site has a height provision of 20m. No proposed changes to height are being sought.

2. Planning issues

Trees:

Clause 20 of BLEP deals with tree retention. There has been no change to what was previously approved in respect to tree retention.

Access for people with disabilities

Clause 32 of BLEP deals with access. There has been no change to what was previously approved in respect to access and all dwellings and the allocation of adaptable units.

Objectives of the residential zones

Clause 44 of BLEP outlines the objectives for residential zones. These have already been considered in the original approval and it is considered that none of these objectives will be compromised as a result of the proposed modification.

(2) The objectives of Zone 2 (b) are:

- (a) to encourage a variety of housing types in Bankstown City, including residential flat buildings, and*
- (b) to promote landscaping as a major element in the residential environment, and*
- (c) to provide for housing which is compatible with surrounding buildings in terms of bulk, height and scale, and*
- (d) to allow for some non-residential uses that provide services to residents which would not adversely affect the living environment of the area, and*
- (e) to ensure that buildings include adaptable and accessible housing, and*
- (f) to encourage residential development which has regard to local amenity and public and private views, and*
- (g) to encourage energy efficiency and resource conservation measures in the design, construction and occupation of residential buildings, and other buildings permitted in this zone, and*
- (h) to ensure adequate public and private open space is available to residents, and*
- (i) to require satisfactory drainage, and*
- (j) to require landscaping of development sites.*

Core residential development standards

Clause 46 of BLEP outlines core controls for residential zones. These have already been considered in the original approval and no change is proposed to overall compliance with any of these controls as result of the proposed modification.

2. Planning issues

2.3 Provisions of Relevant Development Control Plans - s79C (1)(a)(iii):

Bankstown DCP 2005 applies to the site. Only the DCP provisions which are relevant to the modification are outlined below. Specifically Section 10 of Part D3 relates to this site.

Yagoona Town Centre:

Part D5, Section 7 of the DCP deals with the Hume Highway Corridor – Yagoona Town Centre (Precinct E). No changes are proposed to the approved building that affects these controls.

General Issues:

- No changes have been made to setbacks.
- No changes have been made to building height.
- Minor changes only have been made to access gradients and there has been an increase in parking of six (6) spaces.
- No changes have been made to landscaped area or communal open space, however the amount of deep soil area has increased.

2.4 Provisions of the Regulations - s79C (1)(a)(iv):

There are no provisions in the Regulations which are impacted as a result of this proposed modification.

3. Impact assessment

3.1 Assessment of Likely Impact - s79C (1)(b):

Guidelines for assessing Section 96 modifications state that council must:

- Consider the impacts of the original development as if they were occurring at the time the modification application is determined.
- Compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development.

Section 2.2.4 examined impacts associated purely with the increase in FSR in order to justify this variation. This section however looks at the broader range of modifications being proposed.

Since the original approval, there have been no changes to the natural environment around the site that warrant consideration as part of this modification.

3.1.1 Access, traffic and parking:

No change is proposed to the means of access to the site other than to reduce the gradient. Six (6) additional parking spaces are included but these will have negligible impact on traffic flows. Minor changes have been proposed to internal basement configuration and column location. Most of these are underground and are considered acceptable in the overall resolution of the design.

3.1.2 Public domain:

There are no changes proposed to the development which have an impact on the public domain or the streetscape.

3.1.3 Heritage:

There are no additional impacts or changes in this area.

3.1.4 Utilities; Other land resources; Water; Soils etc

There are no additional impacts or changes in this area.

3.2 Suitability of the Site - s79C (1)(c):

The suitability of the site has already been assessed. There have been no changes which will compromise the suitability of the site for the development being proposed.

It is also considered that the site can accommodate the proposed internal design changes which increase the floor area without any unacceptable impact on adjoining sites. This is a testament to

3. Impact assessment

the suitability of the site and the fact that there are no changes to the external design of the building.

The site also adjoins a railway corridor which requires piers along that boundary. The final design of basement piers is being reviewed with the structural engineer along with Railcorp Engineering staff.

4. Final Remarks

4.1 Variations to Conditions of Approval.

Several conditions of consent will need to be altered to accommodate this modification.

Condition No. 2:

The following condition will need to be amended to reference the new plans and new dates:

“Development shall take place in accordance with Development Application No.DA-1236/2010, submitted by Mackenzie Architects, accompanied by Drawing No’s. SK001B, SK01B and SK02B (all three drawings being revision B and dated 15 November 2011) and Drawing No’s SK03A, SK04A, SK05A, SK06A, SK07A, SK08A, SK100A, SK101A and SK200A (all nine drawings being Revision A and dated 26 May 2011) all as prepared by Mackenzie Architects, and affixed with Council’s approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.”

Condition No. 82:

The following condition may need to be amended to account for any revised engineering drawings related to underground piling if this emerges through the assessment process:

“All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Investigation Report prepared by Auswide Geotechnical dated 11/02/2011, shoring Details S1 and S2 prepared by ANA Civil and Structural dated 24/03/2011 subject to the following modification:

- The excavation wall facing the rail corridor to be supported by properly designed contiguous piles, extending to at least 2m in depth below track level*
- No rock anchors/ bolts are to be installed into RailCorp’s property (which includes the adjoining pedestrian walkway leased to Council.”*

4.2 Required Statements

In accordance with Clause 115(1)(g) of the Regulation, the following statements are provided:

This Section 96(2) modification aims to make minor changes to the internal layout and basement area of the approved building. It seeks to remove one fire stair from the building and redesign the internal unit corridor area and basement ramp as a result. Modifications are also proposed to the underground piling design along the eastern side of the building.

4. Final Remarks

This modification will result in substantially the same development that was originally approved.

This modification will have no additional unacceptable environmental impact on the site and its surrounds.

The main area of concern in relation to this modification is to ensure that the additional floor space does not result in an unacceptable increase in impact or loss of amenity. After a thorough examination of potential impacts arising from the increase in FSR, it is contended that there will be no unacceptable new impacts arising.

Given this, it is considered that Council should have no impediment to approving this modification.



Tim Stewart
Town Planner

