

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No:	2016SYE001
DA No:	DA15/1552
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of 5 existing dwellings and construction of a residential flat building containing 66 residential units
Street Address:	Lot 5 DP 7580, Lot 1 DP 7580, Lot 2 DP 7580, Lot 3 DP 7580, Lot 4 DP 7580 - 668 Kingsway, Miranda, 670 Kingsway, Miranda, 3 University Road, Miranda, 1 University Road, Miranda, 668A Kingsway, Miranda
Applicant/Owner:	Livorno Two Pty Limited
Number of Submissions:	1
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Section 94 Developer Contributions Plans: <ul style="list-style-type: none"> ○ Shire-Wide Open Space and Recreation Facilities 2005 ○ Section 94 Community Facilities Plan ○ Miranda Centre Open Space Embellishment Plan
List all documents submitted with this report for the panel's consideration:	<ul style="list-style-type: none"> • Draft Conditions of Development Consent • Architectural Review Advisory Panel (ARAP) comments • NSW Police comments
Recommendation:	Approval, subject to conditions
Report By:	Amanda Treharne – Development Assessment Officer Sutherland Shire Council

1. EXECUTIVE SUMMARY

1.1 Reason for Report

This application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$20,000,000 and as such is nominated under Schedule 4A(3) of the Environmental Planning and Assessment Act 1979. The application submitted to Council nominates the value of the project as \$27,027,000.

1.2 Proposal

The application is for the demolition of five existing dwellings and construction of a residential building containing 66 residential units, car parking for 107 vehicles and associated landscaping and communal open space at the above property.

1.3 The Site

The subject site is located on the southern side of Kingsway on the western corner of University Road. It comprises 5 separate parcels of land lots and is legally described as Lots 1 - 5 in DP7580 (Nos 676 - 670 Kingsway and 1 - 3 University Road, Miranda). It has a total area of 2,872m².

1.4 The Issues

The main issues identified are as follows:

- Privacy;
- Access to ground level open space;
- Provision of communal open space.

1.5 Conclusion

Following detailed assessment of the proposed development the current application is considered worthy of support, subject to conditions.

2.0 DESCRIPTION OF PROPOSAL

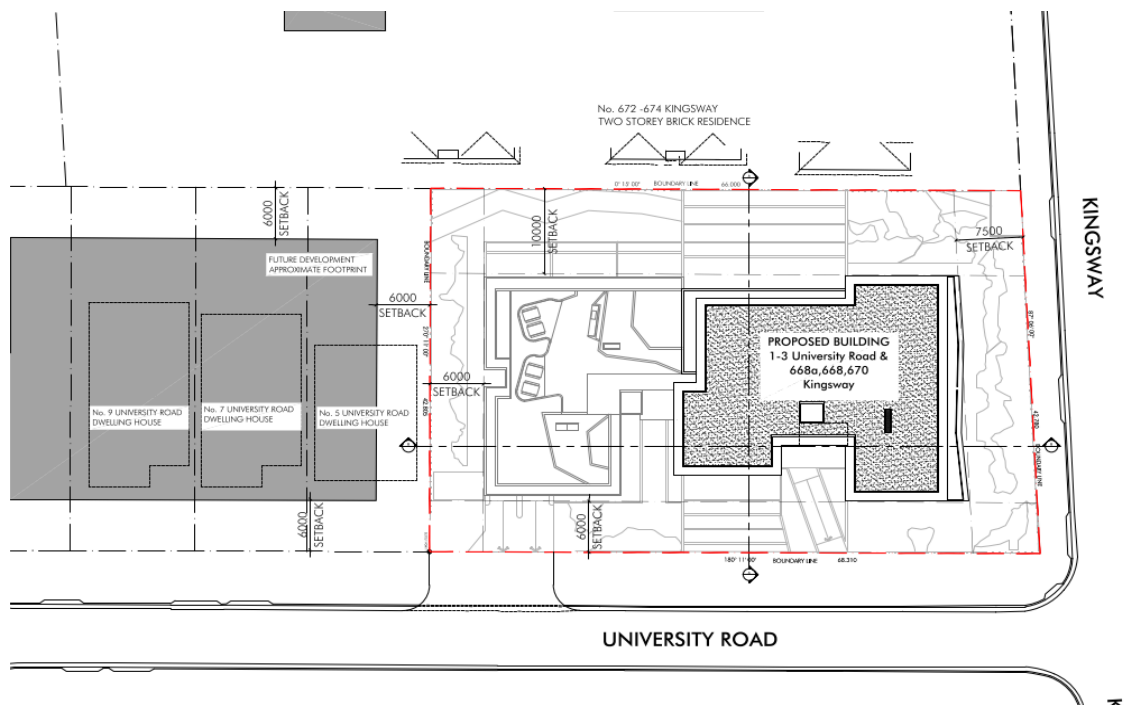
An application has been received for the demolition of five existing dwellings and construction of a residential building containing 66 residential units, car parking for 107 vehicles and associated landscaping and communal open space at the above property.

Details of the development are as follows:

- A part 4 storey, part 8 storey building;
- Vehicle access via University Road to three levels of basement parking comprising 107 car spaces;
- An apartment mix comprising 18 x 1 bedrooms, 47 x 2 bedrooms and 1 x 3 bedrooms;
- The removal of all trees and vegetation on the site (with the exception of an *Angophora costata*) which is located on the northern boundary);

- The provision of landscaped area around the periphery containing common open space for future residents along with a rooftop terrace on top of the fourth floor of the 4 storey building.

The proposed building is of a modern, contemporary design, similar to the vernacular of other proposed and approved buildings in the locality that collectively will establish a new character in this precinct. A copy of the site plan is attached below.



3.0 SITE DESCRIPTION AND LOCALITY

The site comprises 5 parcels of land identified as Lots 1 – 5 in DP7580 (Nos 676 - 670 Kingsway and 1 - 3 University Road, Miranda). Three of the lots front Kingsway with the remaining two lots facing University Road.

The amalgamation of lots results in a rectangular shaped site with a northern frontage of 42.78m, a southern boundary of 42.805m, an eastern boundary of 68.31m and a western boundary of 66m. It has a total site area of 2,872m².

The site has a fall of approximately 4m from the rear south-western corner to the front north-eastern corner (University Road / Kingsway).

Existing on the site are 5 dwelling houses and associated outbuildings, garages and swimming pools along with a number of mature trees.

The majority of development surrounding the subject site comprises low density residential dwellings on single allotments. A cluster of multi-unit dwellings comprising townhouses and villas (including

development owned by the NSW Department of Housing) exist to the east of the site fronting the Kingsway. Further west of the site on Kingsway is Miranda Public School which backs on to the dwellings on the western side of University Road.

This existing built environment is transitioning from low density dwellings to high density residential development as a result of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) which rezoned the area to R4 High Density Residential. The R4 zone enables up to 8 storey residential flat buildings on the subject site. Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015) contains the planning controls applicable to development of the subject site and the immediate area, with a specific precinct plan known as the 'Pinnacle Street Precinct'.



Aerial Photo of Subject Site

In the context of the whole Precinct, a number of adjoining and adjacent sites have been the subject of pre-DA meetings, pending determination or have been approved shown below..

- A meeting was held with the Applicant and their consultants on 8 March 2016. The applicant presented a revised draft proposal which attempted to address Council and ARAP concerns. The draft revisions were unsatisfactory, failing to resolve the single core issue and subsequent circulation concerns; solar access or ventilation; garbage storage; common open space or FSR.
- The JRPP was briefed on the application on 6 April 2016, whereby it was advised that amended plans addressing Council's concerns were likely to be submitted;
- The application was considered by Council's Submissions Review Panel on 19 April 2016.
- Amended plans and reports were submitted on 9 May 2016.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

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

6.0 PUBLIC PARTICIPATION

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

20 adjoining or affected owners were notified of the proposal and 1 submission was received as a result. The issue raised in the submission is as follows:

6.1 Issue 1 – Loss of Privacy

The objector lives in the dwelling immediately to the south of the subject site, in University Road. Concern is raised with respect to overlooking from the proposed development. The objector is seeking that there be no windows in the southern elevation of the building.

Comment: Privacy has been discussed in Section 10.6 of the report.

Submission Review Panel (SRP)

The submission received by Council during public exhibition was considered by Council's SRP on 19 April 2016. The SRP concluded that the matter raised in the submission could be dealt with via conditions of consent.

Revised Plans

The applicant lodged revised architectural plans on 9 May 2016. The amendments made to the original proposal were largely with respect to the internal layout of the building and its performance in terms of the ADG requirements.

It was deemed unnecessary to renotify the amended proposal on the basis that the amendments resulted in a development that was largely similar in terms of built form and identical in terms of the provision of open space, unit yield, vehicle access and car parking, the roof terrace provision. No change occurs to the southern elevation or the proposed roof terrace.

7.0 STATUTORY CONSIDERATIONS

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

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

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- Apartment Design Guide (ADG)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)
- Section 94 Developer Contributions Plans:
 - Shire-Wide Open Space and Recreation Facilities 2005
 - Section 94 Community Facilities Plan
 - Miranda Centre Open Space Embellishment Plan

8.0 STATEMENT OF COMPLIANCE

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

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

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

Design Quality Principles	Assessment
Principle 1: Context and neighbourhood character	The site is located within the Miranda Pinnacle Street Precinct on the periphery of the Miranda Centre which has been up-zoned from low density residential to the R4 Zone. The subject site is located towards the eastern side of the precinct and is largely consistent with the desired amalgamation pattern (Site 7) with the exception of an additional lot to the south. The varied amalgamation pattern results in a slightly varied Site 9 but with the same number of lots to be amalgamated. The anticipated built form on the subject site and that of the site to the south will continue to occur largely as set out in the DSSDCP 2015 for the Precinct.
Principle 2: Built Form and Scale	The revised proposal results in an improved built form and relationship to the site than the original proposal. The part 4 storey, part 8 storey building more appropriately transitions, with the elevations articulated to define the core elements and provide a visual separation between the 4 and 8 storey components. The proposal will be consistent with the likely built form envisaged within the Pinnacle Street Precinct and is a positive response to the site.
Principle 3: Density	The proposed density is compliant with the maximum development standard under SSLEP 2015. It is generally acceptably distributed across the site.
Principle 4: Sustainability	The development incorporates BASIX requirements and sustainability measures into its overall design. Implementation of conditions will ensure dwellings will receive adequate solar access and cross ventilation so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 5: Landscape	The proposed development complies with the deep soil landscaped area development standard in SSLEP 2015. Significant tree planting is proposed. The functionality of the ground level landscaping as common open space is questionable given the limited access from within the building. It is recommended that some of the area becomes private open space for the ground level apartments, which increases the amenity of these units.
Principle 6: Amenity	The proposal has the potential to adequately satisfy the provisions of the ADG with respect to residential amenity, including appropriate building and floor plan layout, solar access, natural ventilation and visual/acoustic privacy, subject to implementation of conditions.
Principle 7: Safety	The revised scheme better addresses University Road in terms of the two main access points to the building. Some of the proposed communal open space areas are conditioned to be private spaces allocated to the ground level units. This will improve safety and surveillance of the landscaped areas around the site. The proposed development incorporates Crime Prevention Through Environmental Design (CPTED) Principles in the design. Additional conditions of consent have been imposed.
Principle 8: Housing Diversity and Social Interaction	The proposal provides a mix of apartment types (1, 2 & 3 bedrooms), encouraging diversity in the future occupation of the development in terms of social mix. Adaptable and liveable housing options are also proposed. The development includes facilities to encourage social interaction including the ground level landscaped space and the large roof terrace.
Principle 9: Aesthetics	An appropriate composition of building elements, textures, materials and colours within the development has been generally achieved.

8.2 Apartment Design Guide (ADG)

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

Apartment Design Guide (ADG) – Key Controls			
Guide	Required	Proposed	Complies
Building separation	<p><i>Up to 12m:</i> 6m non habitable 12m habitable</p> <p><i>12 – 25m:</i> 9m non habitable 18m habitable</p>	<p>N/A 6m maintained from southern boundary & 10m from western boundary</p> <p>N/A 27m (level 5 – 7) from southern boundary and 10m from western boundary</p>	<p>N/A Yes*</p> <p>N/A Yes*</p> <p>*Based on sharing of separation requirements</p>
Natural ventilation	60% of apartments to be naturally cross ventilated. Max. Depth 18m	38/66 (57%) – can be conditioned to comply	No – see below
Solar access	<p>Living rooms and private open space, 2 hours direct sunlight in mid winter to 70% of units.</p> <p>Maximum 15% of units receive no sunlight to habitable rooms</p>	<p>51/66 (77.3%)</p> <p>No units receive no solar access</p>	<p>Yes</p> <p>Yes</p>
Single aspect apartment depth	8m	8 – 8.7m	No – see below
Apartment size	<p>Studio: 35m²</p> <p>1br: 50m²</p> <p>2br: 70m²</p> <p>3br: 90m²</p>	<p>N/A</p> <p>1br: 50 - 60m²</p> <p>2br: 80 - 85m²</p> <p>3br: 113m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Ceiling heights	2.7m	2.8m	Yes
Private open space:	<i>Primary balconies:</i>	N/A	
– Studio	4m ² no min depth		
– 1 br apartment	8m ² , min. 2m depth	1br: 12m ² and 2m deep	Yes
– 2 br apartment	10m ² , min. 2m depth	2br: *9m ² - 20m ² and 2m deep	Yes
– 3 br apartment	12m ² , min 2.4m depth	3br: 45m ² and 2.5m deep	Yes
– Ground level apartments (or on a podium)	15m ² with min 3m depth	16 – 50m ² and 3m deep	Yes
Communal open space – size	25% of site area (718m ²)	24.3% (698m ² includes roof terrace and ground level area)	No – see below
Communal space - solar access	50% of principal area of communal open space area to receive 2hrs of direct sunlight in mid	Roof terrace will receive more than 2 hours solar access in mid winter. Ground level communal space will	Yes

	winter	receive 2 hours	
Residential storage	6m ³ per 1br apartment 8m ³ per 2br apartment 10m ³ per 3br apartment (494m ³ required) At least 50% of storage to be located within the apartments	Basement provision of storage is 521m ³ . Majority of units contain storage and conditions included to ensure units not shown comply.	Yes

8.3 Local Controls – SSLEP 2015 and DSSDCP 2015

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

Standard/Control	Required	Proposed	Complies? (% variation)
Sutherland Shire Local Environmental Plan 2015			
Building Height	25m	24.5m	Yes
FSR	2:1 (5,744m ²)	1.99:1 (5,737.56m ²)	Yes
Landscaped Area	30% (861.6m ²)	31.3% (899.2m ²)	Yes
Sutherland Shire Development Control Plan 2015			
Adaptable apartments	20% (13 apartments)	12	No– additional unit can be conditioned
Liveable Apartments	10% (7 apartments)	Not shown on plans – can be conditioned	No
Streetscape and Building Form	Built form articulated to avoid large expanses of broken wall	Built form is well articulated – see architect comments below	Yes
Street setbacks	7.5m from Kingsway (with 1.5m articulation zone) 6m in University Rd	7.5m (Kingsway) 6m (University Road)	Yes Yes
Side / rear setbacks	9m (side) 6m (rear)	10m 6m	Yes Yes
Landscaped side setback to basement driveway	1m	Shown on landscape plans. Condition to ensure compliance.	Yes
Basement setbacks	<i>Street:</i> May extend into front articulation zone (up to 6m) <i>Side and rear:</i> 3m where it extends beyond the building footprint	6m 6m	Yes
Car parking	1 x 1 bed x 18 units (18 spaces) 1.5 x 2 bed x 47 units (70.5 spaces) 1 x 3 bed x 1 units (2 spaces) 1 space per 4 units for visitor parking x 66 units (16.5 spaces)	90 spaces (includes 13 disabled access spaces) – no allocation shown on plans so will be conditioned 17 provided	Yes

Standard/Control	Required	Proposed	Complies? (% variation)
	Total required 107 spaces	107 provided	
Car wash bays	1 bay for first 10 dwellings, then 1 per 30 dwellings (2 required)	Shared with visitor spaces - acceptable	Yes

8.4 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there are minimal likely adverse impacts on existing coastal processes anticipated. Council is of the view that with the implementation of the recommended conditions of consent the proposal would be consistent with the aims and objectives of GMREP2.

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

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

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

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

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

The subject site fronts Kingsway which is classified as an arterial road. The impact of road noise and vibration on the residential development must be considered under Clause 102. The development application has been accompanied by an Acoustic Report prepared by Renzo Tonin & Associates which addresses the acoustic criteria of the SEPP. The Report has been reviewed by Council officers and suitable noise attenuation measures can be incorporated into the design of the building to ensure appropriate noise levels for the residential units most affected. This will be achieved by way of conditions of consent. Overall, an acceptable acoustic environment and reasonable amenity will be achieved for future occupants.

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 Force (Miranda Local Area Command)

The DA was referred to the Miranda Local Area Command Crime Prevention Officer in accordance with Council's adopted policy for residential flat buildings over 50 units. The NSW Police provided a response on 14 January 2016, which raises no objection to the proposal but recommends a number of CPTED principles be considered. These include:

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

Conditions that were recommended by the Officer have been included within the recommended consent conditions. A copy of the full NSW Police comments is held at **Appendix C**.

9.2. Architectural Review Advisory Panel

The application was considered by Council's ARAP on 28 January 2016, during which concerns regarding the development proposal were outlined. The conclusions reached by ARAP were as follows:

"The proposal is very schematic – perhaps rushed - with poor decisions affecting its siting and layout. The building is too large to rely on a single core and suffers as a result – especially in terms of bulk and proportion, internal amenity, streetscape and expression.

The built form and height to the north, stepping symmetrically back without any acknowledgement or variation to University Road, appear a lost opportunity to create a more positive built form and engagement with both streets. In so doing, a greater surface area to volume envelope with two cores should be explored to provide a much more airy and light-filled building.

The floor levels, building form and landscape design should be reviewed so that functional open space is better integrated into the development.

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

A copy of the ARAP report has been attached as **Appendix B**.

The applicant submitted amended plans on 9 May 2016 addressing the majority of the ARAP concerns. This is detailed further in the 'Assessment' section of the report below.

9.3. Engineering

Council's development engineer has undertaken an assessment of the application and advised that subject to suitable conditions of development consent no objection is raised to the proposal.

9.4. Architect

Council's architect has undertaken an assessment of the amended application with respect to the principles of SEPP 65 and comments by ARAP with respect to the original proposal. Council's architect finds the proposal generally acceptable stating that:

'Significant developments have been made by developing the building around two separate vertical circulation cores. The proposal relates to the street in a more acceptable manner and generally provides a better level of amenity for its future residents.'

Notwithstanding this Council's architect has raised concern with the southern elevation lacking articulation and has suggested the use of pop-out windows to assist with this and with potential privacy impacts. The proposed cross ventilation strategy for the building also requires further refinement to minimise the use of skylights and ensure an improved yield of units complies. These matters are addressed further in the Assessment section of the report below.

9.5. Landscape Architect

Council's landscape architect has undertaken an assessment of the application. Concerns are raised with respect to both the ground level provision of communal open space and the proposed roof terrace. The lack of connectivity for future residents to the communal open space or landscaped perimeter is a poor design outcome. Whilst there are level changes on the site, this could be readily overcome with the clear delineation of communal and private open space areas and a degree of connection to the main lobby area on the ground floor of the building.

The roof terrace is a mix of spaces (private and common) with the proposed planting limiting the usefulness of the area. The roof terrace can be readily conditioned to ensure a more effective layout and for the provision of facilities to enhance useability of the space. Council's landscape architect has recommended conditions to the landscape plan to require changes to both the ground level common open space and the roof terrace (refer **Appendix A**). Plans showing the extent of the modifications proposed are included as **Appendix D**.

9.6 Environmental Health

Council's Environmental Health officer has undertaken an assessment of the application and reviewed the Acoustic Report prepared by Renzo Tonin & Associates. The proposal is acceptable subject to conditions. These are included in **Appendix A**.

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 Height

A maximum building height of 25m applies to the site pursuant to Clause 4.3 and the Height of Buildings Map of SSLEP 2015. The proposal has a maximum height of 24.5m.

10.2 Amalgamation Requirements

Section 7.5 of the Pinnacle Street Precinct (DSSDCP 2015) sets out the desired amalgamation pattern for the precinct. The subject site is identified within the Precinct Plan as Site 7 (see below).

The applicant has acquired Site 7 along with 1 additional lot to the south (known as No. 3 University Road). No. 3 University Road was intended to be amalgamated with Nos 5 - 9 University Road to form Site 9. No. 11 University Road was not able to be acquired by the applicant for DA15/1037 (Site 11) and remains as a single lot. It is therefore able to be amalgamated with Nos 5 - 9 University Road (as a parcel of 4 lots) to form a revised Site 9. No future development opportunities are impacted upon by the varied lot pattern achieved with Site 7 for this DA as shown below with the varied pattern in red.



Pinnacle Street Precinct Desired Amalgamation Plan DSSDCP 2015

10.3 Building Design and Streetscape

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

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

The vision for the Pinnacle Street Precinct set out in DSSDCP 2015 is to provide high quality residential development within a landscaped setting and which make a positive contribution to the streetscape environment.

The initial proposal put forward by the applicant was criticised by ARAP in terms of its form and aesthetic. The proposal appeared to be defined by compliance with the required setbacks rather than relating to the corner location of the site and the changing levels. Insufficient detail appeared to have been given to the external finishes and materials and how this translated to the elevations.

The revised proposal is a considerable improvement. A largely ADG compliant floor plan with two cores now dictates a more articulated eastern elevation, dividing the building into three well articulated components. The building relates better to the site, with ground level apartments more closely aligned with natural ground level and entry points to the building more readily visible and accessible.

The applicant has failed to address a key concern of ARAP however, in terms of how the building relates to the open space around it. ARAP stated that the initial design was *'hard to access, lacking in spatial character and appears largely defensive.'* ARAP concluded by stating that the *'floor levels, building form and landscape design should be reviewed so that functional open space is better integrated into the development.'*

Whilst the applicant has better addressed the level change across the site and significantly improved the building design, there is no improved relationship of the building with the surrounding landscaped area. As a result there is still no connectivity between the inside of the building and the outside (unless from the private ground level units and terrace areas) or circulation within the landscaped space itself.

The applicant considered it sufficient to provide a large roof terrace as an alternative to useable ground level communal open space. The roof terrace is of a reasonable size and will provide good amenity for future residents (subject to conditions) but is not considered to be an adequate response to the site and the objectives, requirements of the ADG or DSSDCP 2015 requirements. As a consequence conditions are included in the recommendation which require the applicant to modify the ground level plan and landscape plan to address the lack of communal open space and connectivity issue. The recommended changes are also shown on the plan attached in **Appendix D**.

The southern elevation of the proposed building lacks articulation. Council's architect has suggested the inclusion of pop-out windows for the bedrooms, angled to the east or west. This will ensure the privacy concerns of the neighbour are met and will provide some modulation to the otherwise flat façade. A condition in this regard is contained in **Appendix A**.

The northern elevation is articulated through the inclusion of balconies and the use of vertical elements which flank the individual planters on the balconies. This assists to break down the cubed form of the building. Significant tree planting is also proposed along the Kingsway frontage of the site, which will ensure the proposal makes a positive streetscape contribution.

DSSDCP 2015 encourages ground floor units facing the street to be provided with street access where possible. This further encourages street activation. The proposal includes ground floor apartments facing both University Road and Kingsway as well as to the west. Offering garden units through the extension of the private open space into the front setback or to side boundaries increases housing choice, encourages activity around the building and reduces maintenance costs for the overall development. The applicant had intended for these ground level apartments to have the required private terrace areas, with the remaining area perimeter landscaped. Council's landscape architect

has recommended however, that the private terrace areas be extended to incorporate the perimeter landscaped area, creating more useable private open space for these units.

The proposed waste collection area located in the southern setback of the building on University Road is not a desirable streetscape element. The gradient of the driveway and the extent of excavation required for the basement levels prohibit this being collected within the basement. The landscape plan includes a dense screen of plants along the southern boundary of the site adjacent the loading bay, and on the northern side of the driveway entry. This will assist to screen the hardstand driveway areas and to minimise the streetscape impact of this area.

The provision of an accessible built environment is both a design and a legislative requirement and is central to all new developments within the Sutherland Shire to provide all people with the opportunity for equitable and barrier free movement. The proposed development incorporates level entrances, lift access to all levels, including the roof top terrace, and the provision of adaptable units. As stated above, the proposed lack of connectivity to the ground level landscaped areas and communal open space is not a good design outcome. Access for people with a disability to this space would be prohibitive with the current design. Design changes to enable ground level access to the communal open space will facilitate disabled access from the main foyer area to the outdoor space. The design changes are addressed in the conditions contained in Appendix A. (Refer Condition 18).

Overall, the proposed built form is a reasonable response to the site and appropriate in the context facing the Kingsway. Its streetscape presentation is acceptable, subject to minor conditions which provide for improved treatment of the southern elevation and amendments to the landscape scheme.

10.4 Communal Open Space

The ARAP comments regarding the initial development proposal were critical of the communal open space which appeared to be ‘left-over’ after the building footprint had been determined. There was no easily identifiable primary open space area and the area provided had insufficient access or provision for circulation and use.

The revised proposal is only marginally improved. The architectural plans delineate an area of communal open space on the western side of the site, but this is not clearly reflected in the landscape plan. The landscape plan shows the inclusion of dense planting around the southern and western perimeters. The ground floor plans still make no provision for access to the communal open space, unless it is via private courtyard areas, via the front door and across the frontage of the site, or via the rear door to the south near the garbage storage area.

This is considered an unsatisfactory design solution. The preferred solution would be to modify Unit G04 to enable direct access from the main lobby area through to the communal open space area. This would enable the creation of a more pleasant lobby space, with increased natural light and ventilation, as well as improved circulation on the site. It is further considered that the area on the plans shown as

communal open space should be extended to the north of the site adjacent to Unit G03. The area should incorporate seating and other amenities to ensure it is a useful and useable space.

In addition to the proposed ground level communal open space the applicant has proposed a roof terrace on Level 5. The area provided will enjoy good solar access and is provided with toilet facilities and BBQ facilities. The landscape plans show the inclusion of a private terrace component for Unit 505. This is not reflected in the architectural plans and is not supported in this instance. Unit 505 will have a private balcony area of 20m² which is sufficient for a 2 bedroom unit. The roof terrace area is intended to off-set the deficiency in ground level communal open space and therefore should be used as such. Design of the roof terrace planter and deck areas is somewhat convoluted and could be simplified. Conditions of consent are recommended in this regard and included in **Appendix A**.

10.5 Ventilation and Amenity

The ADG requires the provision of 60% of units within the proposed development to be naturally cross-ventilated. The amended plans yield 38 out of 66 units which are cross-ventilated (57%). Two units (Nos 407 and 410) have been provided with operable skylights into the common roof terrace area. This compromises the functioning of the roof terrace and the skylights are therefore conditioned to be removed (Condition No. 18).

It is considered that additional windows can be provided in the master bedrooms and en-suites of Units 110, 211, 311 and 410. This will provide improved natural ventilation to these units, resulting in 57% of units being cross-ventilated and a further 6% of units being naturally ventilated. Conditions in this regard are included in **Appendix A**. (Refer Condition No. 2).

A further control contained within the ADG is the requirement for a maximum room depth of 8m from the closest window. A number of the units in the development do not meet this requirement, being between 500mm - 700mm deeper. The worst performing apartments are Units 110, 211, 311 and 410. The conditions recommended to assist with ventilation will assist with increased light into these apartments. In this regard no further design changes are considered necessary.

10.6 Privacy

Concern was raised by an adjoining property owner within the Precinct relating to privacy impacts on the adjoining dwelling and backyard. The proposed development is a fully compliant scheme in terms of siting (ADG separation requirements and DSSDCP 2015 setbacks), building bulk and scale. There are 7 residential units which have side windows in the closest southern elevation to the neighbour. This results in a total of 20 windows, with a further 4 providing light and ventilation to the internal circulation corridor for each level. The windows provide light and ventilation to bedrooms, bathrooms, kitchens, living and dining rooms. None of the windows are proposed to be highlight windows or louvered in any way to assist with ameliorating privacy. Council's architect has commented regarding the lack of articulation of the southern elevation, suggesting pop out windows to create visual interest but without compromising privacy for the adjoining neighbour. A condition (No. 2) has been included in

the consent requiring a combination of pop-out windows; highlight windows, and screening devices to ensure privacy protection. This is contained in **Appendix A**.

In addition to the above, the proposed Level 4 roof terrace also has the potential to result in an unacceptable loss of privacy for the adjoining neighbour. This roof terrace is the only centrally accessible communal open space available for the development. The proposed landscape plan indicates a raised planter box with a significant level of planting on the southern and western side of the roof terrace. This will prevent future residents standing at the edge of the terrace and looking down into the neighbours property however it does not stop views of the neighbours site. This could be addressed by way of a privacy screen set on top of the planter as shown on the revised landscape plan. This is consistent with the SRP who resolved to require a privacy screen on the southern side of the terrace. A condition to this effect (No. 18) has been included in the recommendation in **Appendix A**.

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:	\$499,288.94
Community Facilities:	\$ 84,706.80
Miranda Centre:	\$175,161.12

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 66 new residential units with a concession of 5 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 has been made.

13.0 CONCLUSION

The proposed development is for demolition of five existing dwellings and construction of a residential flat building comprising 66 residential units, car parking for 107 vehicles and associated landscaping at 668 – 670 Kingsway and 1 - 3 University Road, Miranda.

The subject land is located within Zone R4 pursuant to the provisions of 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.

In response to public exhibition 1 submission was received. The matter raised in the submission has been dealt with by conditions of consent where appropriate.

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. DA15/1552 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 That Development Application No. DA15/1552 for demolition of 5 existing dwellings and the construction of a residential flat building containing 66 residential units at Lots 1 - 5 DP 7580, 668 - 670 Kingsway and 1 - 3 University Road, Miranda, be approved, subject to the draft conditions of consent detailed in **Appendix "A"** of the Report.