

COUNCIL ASSESSMENT REPORT

Panel Reference	JRPP2016SYE088
DA Number	DA16/1035
LGA	Sutherland Shire
Proposed Development	Demolition of 9 dwellings and construction of a residential flat building development containing 101 units in 4 buildings over basement car parking
Street Address	29 – 41, 41A The Grand Parade and 48 Vermont Street Sutherland Lot 1 DP 105110, Lot 1 DP 365160, Lot 2 DP 365160, Lot B DP 369027, Lot 1 DP 560388, Lot 24 DP 612132, Lot 234 DP 633072, S/P 86262, Lot 1 S/P 86262, Lot 2 S/P 86262
Applicant/Owner	Benson McCormack (Architects) Pty Ltd
Date of DA lodgement	12 August 2016
Number of Submissions	Eighteen (18)
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development over \$20 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55) • Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65). • Department of Planning and Environment - Apartment Design Guide (ADG) • Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015). • Sutherland Shire Section 94 Contribution Plans
List all documents submitted with this report for the Panel's consideration	<p>Draft Conditions of Consent</p> <p>Pre-application discussion (PAD)</p> <p>Table: Public Submissions</p> <p>Responses of External Authorities (NSW Police comments)</p> <p>Report from the Architectural Review Advisory Panel.</p> <p>Clause 4.6 requests (height and floor space)</p>
Report prepared by	Evan Phillips - Environmental Assessment Officer (Planner) Sutherland Shire Council
Report date	7 November 2016

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

REASON FOR THE REPORT

The application is referred to the JRPP as the development has a capital investment value of more than \$20 million and is nominated under Schedule 4A(3) of the Environmental Planning and Assessment Act 1979. The application submitted to Council nominates the value of the project as \$25,615,610.00.

PROPOSAL

The proposal is for the demolition of 9 dwellings and the construction of a 6 - 7 storey residential flat building containing 102 units over 3 levels of basement car parking. Whilst interconnected and unified by the basement, the development comprises 4 distinct building forms visible above ground. Vehicular access is proposed via Vermont Street (secondary frontage). The basement accommodates 161 car spaces. Communal open space areas are concentrated within the central and north eastern portions of the site.

THE SITE

The site is located on the eastern side of Vermont Street and northern side of the Grand Parade directly opposite the Sutherland Overpass. The site has a total area of 4726.6m² and slopes gently from the front to the rear (northern boundary). Sutherland Centre and railway station is approximately 400m from the subject site to the south. The site is located on a zone interface with low density residential land uses (including villas and townhouses) occupying the land to the north.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to the building height development standard satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked for part of the development and that the 20m maximum building height development standard be varied to 22.6m, in respect to this application.

That Development Application No. DA16/1035 for the Demolition of 9 dwellings and construction of a residential flat building development containing 101 units in 4 buildings over basement car parking at Lot 1 DP 105110, Lot 1 DP 365160, Lot 2 DP 365160, Lot B DP 369027, Lot 1 DP 560388, Lot 24 DP 612132, Lot 234 DP 633072, S/P 86262, Lot 1 S/P 86262, Lot 2 S/P 86262 29 - 41 The Grand Parade and 48 Vermont Street, Sutherland be approved, subject to conditions of development consent detailed in **Appendix "A"** of the Report.

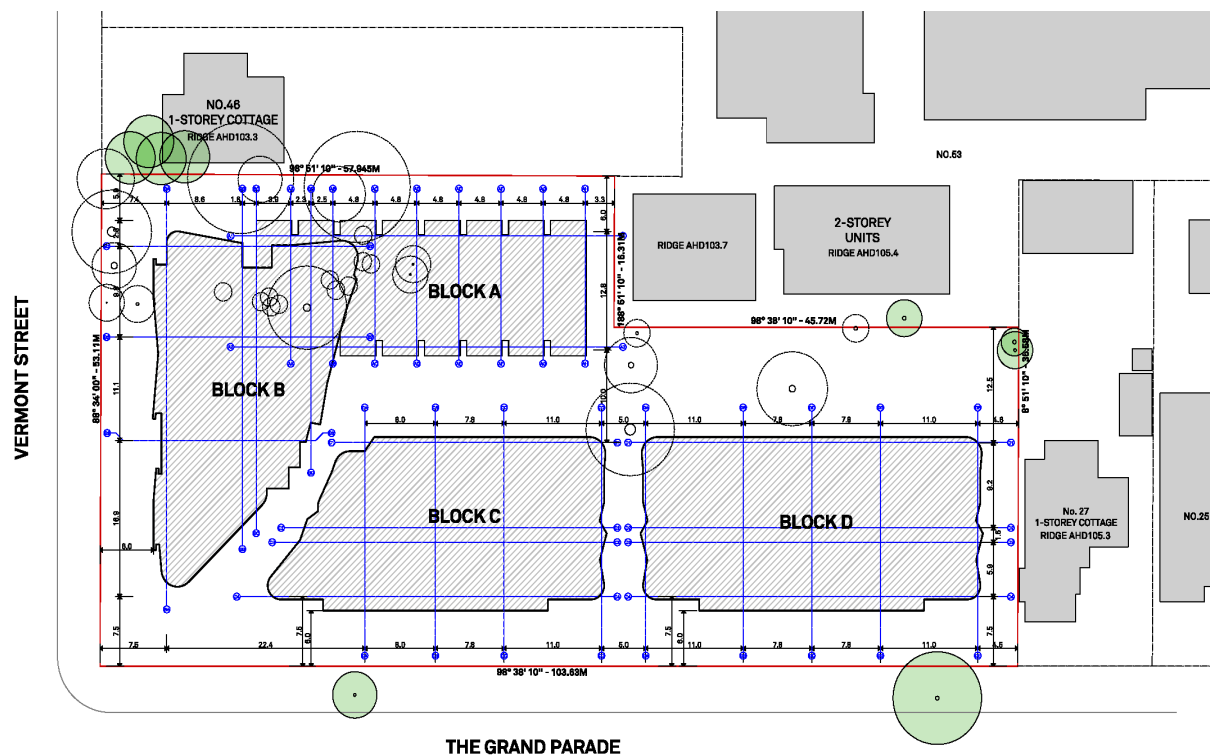
ASSESSMENT OFFICER'S COMMENTARY

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of 9 dwellings and the construction of a 6 - 7 storey residential flat building containing 102 units over 3 levels of basement car parking. The development proposes a mix of 29 x 1 bedroom, 72 x 2 bedroom and 1 x 3 bedroom units. Whilst interconnected and unified by the basement, the development comprises 4 distinct building forms visible above ground. Each building form contains its own entry portal orientated towards the street.

- Building A adjoins the northern boundary and comprises a 2 storey townhouse building typology.
- Building B is located along the western side / corner of the site adjoining Vermont Street and straddles the western part of Building A. The building is 6-7 storeys in height.
- Buildings C and D are located along the southern primary frontage (The Grand Parade) and are 6 storeys in height.

Vehicular access is proposed via Vermont Street (secondary frontage). The basement accommodates 161 car spaces (including 20 accessible and 25 visitors), waste, plant and store rooms. Communal open space is concentrated on the northern side of Buildings C and D and the proposal includes substantial peripheral landscape works and tree plantings.



Site Plan

SITE DESCRIPTION AND LOCALITY

The subject land is located at 29 – 41, 41A The Grand Parade and 48 Vermont Street Sutherland.

The site is located on the northern side of the Grand Parade, directly opposite the Sutherland Overpass and is an amalgamation of eight separate residential allotments, including one strata titled land parcel occupied by two dwellings. The site is irregular in shape providing 103.6m of frontage to The Grand Parade and 53.1m frontage to Vermont Street. The site has a total area of 4726.6m². The land slopes gently from the front to the rear (northern boundary) of the site and is currently occupied by single dwellings, detached ancillary structures and numerous established trees and shrubs. Vehicular access is obtained both via The Grand Parade and Vermont Street. Sutherland Centre and railway station is approximately 400m from the subject site to the south. The site is located on a zone interface with low density residential land uses (including villas and townhouses) occupying the land to the north. 3 - 4 storey residential flat buildings are located opposite the site to the west along Vermont Street.



Site Location Plan



Aerial Photograph

BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 19 April 2016 regarding the proposed development (PAD16/0038). As a result of this a formal letter of response was issued by Council dated 4 May 2016. A full copy of the advice provided to the Applicant is contained within **Appendix “B”** of this report.
- The current application was submitted on 12 August 2016.
- The application was placed on exhibition with the last date for public submissions being 15 September 2016.
- An Information Session was held on 8 September and 6 people attended.
- The application was considered by the Architectural Review Advisory Panel on 5 October 2016
- Council requested additional information on 14 October 2016.
- Amended plans and additional information were lodged 28 - 31 October 2016.

ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application, including written requests to vary the Building Height and Floor Space Ratio development standards under clause 4.6 of Sutherland Shire Local Environmental Plan 2015.

PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006) and administrative requirements of the Joint Regional Planning Panel.

Council notified 257 adjoining or affected owners of the proposal and an information session between Council Officers and interested residents was held during the exhibition period on 8 September 2016. The information session was attended by 6 parties.

Council received 16 written submissions at the end of the notification period. A summary of the main issues raised is provided below and a full list of who made the submissions is provided as “**Appendix C**”

A summary of the main issues raised in these submissions are as follows:

Issue 1: Urban Design and Site Suitability

Overdevelopment of the area. Building height, bulk and scale of development not in keeping with existing character of streetscape and adjoining built form. Inappropriate transition to lower density lands to the north and suitability of green space for resident use.

Issue 2: Non Compliances

SSLEP 2015, SSDCP2015 & RFDC (including building height, setbacks, separation).

Issue 3: Traffic, Parking, Waste and Pedestrian Safety

Adequacy of access location and parking provision (including visitor) within site and surrounding road network to accommodate increase in population and traffic / pedestrian movements. Waste management and bin collection from the street.

Issue 4: Residential Amenity

Overshadowing and overlooking of adjoining properties. Light spill and noise arising from the intensity of development and use of balcony / communal areas. Blocking of natural southerly air flows. Safety and security.

Issue 5: Construction

Impacts on surrounding development/lands from construction and excavation works.

Issue 6: Public participation and adequacy of applicant's submission

Adequacy of notification process and applicant's submission / documentation.

Comment: These matters are generally discussed in the “Assessment” components of this report and have been dealt with by design changes or conditions of development consent where appropriate.

STATUTORY CONSIDERATIONS

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

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

- *Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55)*
- *Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65).*
- *Department of Planning and Environment - Apartment Design Guide (ADG)*
- *Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015).*
- *Sutherland Shire Section 94 Contribution Plans*

COMPLIANCE

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

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

BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. A BASIX certificate accompanies the development application and the proposal achieves the minimum performance levels / targets associated with water, energy and thermal efficiency.

State Environmental Planning Policy (Infrastructure) 2007

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

The land is within proximity to Sutherland Overpass where the annual average daily traffic volume exceeds 40,000 vehicles. The impact of road noise on the residential development must be considered under the clause and provisions of SSDCP2015. The development application has been accompanied by a noise assessment addressing the acoustic criteria of the SEPP. Subject to conditions suitable noise attenuation measures are incorporated into the design of the buildings and an acceptable acoustic environment and reasonable amenity will be achieved for future occupants.

State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55)

SEPP 55 requires a consent authority to consider whether the land is contaminated and, if so, whether the land will be remediated before the land is used for the intended purpose. A site inspection and

search of Council records has revealed that the subject site is unlikely to be contaminated and is therefore fit for its intended use. Suitable conditions are recommended in relation to demolition and asbestos removal.

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 will be minimal likely adverse impacts on water quality. 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.

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

SEPP 65 and the accompanying Apartment Design Guide (ADG) seeks to improve the design quality of residential flat development through the application of a series of 9 design principles. Sutherland Shire Council engages its Architectural Review Advisory Panel (ARAP) to guide the refinement of development to ensure design quality is achieved. A brief assessment of the amended development proposal in response to ARAP and Council's concerns having regard to the design quality principles is set out below:

Design Quality Principles	Assessment
Principle 1: Context and neighbourhood character	The neighbourhood is characterised by single detached dwellings and 3-4 storey residential flat buildings. The proposal, whilst in contrast with the established character (in terms of height and density), is in keeping with the changing and desired future character established for the high density residential environment. The development is capable of responding to the interface with low density residential land uses to the north.
Principle 2: Built form and scale	The proposed built form and scale is generally in keeping with the future character envisaged under SSLEP2015 (note: height and density (except lift over-runs / plant) but is recommended to be amended to comply and to respond to the zone interface and transition in building height along Vermont Street – refer to assessment). The building has been designed appropriately in accordance with the ADG to enable reasonable residential amenity and visual appearance.
Principle 3: Density	The site is earmarked as a 'high density' urban area and benefits from bonus building density (from 1.5:1 to 1.8:1) as the applicant has successfully amalgamated a large parcel of land. The proposal is recommended to be amended to provide compliant density.
Principle 4: Sustainability	Ecologically Sustainable Development principles are incorporated into the development and the proposed development satisfies the minimum BASIX requirements.
Principle 5: Landscape	Landscaping along the sites peripheries, frontages and communal space areas will be provided. Subject to conditions, the landscape design is appropriate and provides for practical and usable spaces, as well as enhancing amenity and the relationship between adjoining properties.
Principle 6: Amenity	The proposal generally satisfies the design criteria of the ADG to enable reasonable residential amenity. This is discussed further below in this report.

Principle 7: Safety	Crime Prevention Through Environmental Design (CPTED) principles are considered in the design of the project. The common areas are well activated and residential areas (including parking / lobby areas) are secured. Additional conditions are recommended to enhance safety and security around the site.
Principle 8: Housing diversity and social interaction	The proposal provides a mix of 1, 2 and 3 bedroom unit types encouraging diversity and social mix. Adaptable and livable housing options are also required. The development includes facilities to encourage social interaction including communal open space areas.
Principle 9: Aesthetics	Whilst the development incorporates a notably more modern aesthetic than surrounding buildings, in general terms the building form, proportions and compositional strategies are of a good contemporary standard for buildings of this type.

Apartment Design Guide (ADG) – Detailed Guidelines

The applicable design guidelines are contained within the ADG, which respects the 9 design quality principles set out in SEPP 65. The ADG illustrates good practice and the ADG controls are also largely replicated in Council's DCP. The following table provides a compliance checklist with the 'Design Criteria' which indicates that the development performs generally well to afford reasonable amenity to future occupants. Departures from the guidelines are discussed in the assessment component of this report.

Apartment Design Guide (ADG) –Building Key Design Criteria			
Objective	Design Criteria	Proposal	Complies
3D-1 (1)(2) Communal Open Space (COS)	Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	>25% proposed 50% direct sunlight to COS for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	Yes Yes
3E-1(1) Deep Soil Zones	Sites > 1500m ² = Minimum dimension 6m 7% of site area	Minimum Dimension 6m >7%	Yes Yes
2F - 3F-1(1) Building Separation & Visual Privacy	<u>Internal Separation</u> <u>Up to 4 storeys(approx 12m)</u> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms	<u>Building A (2 Storeys)</u> North (zone interface) – 6.466m East (zone interface) – 3.33m South (to C) – min 8.05m balcony to balcony) / 12m wall to wall	No No No Acceptable - refer to assessment and design changes

	<p><u>Up to 25m (5-8 Storeys)</u> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms</p> <p><u>Boundary Setbacks</u></p> <p><u>Up to 4 storeys(approx 12m)</u> 6m habitable rooms/balconies 3m non-habitable rooms (+3m at zone interface)</p> <p><u>Up to 25m (5-8 Storeys)</u> 9m habitable rooms/balconies 4.5m non-habitable rooms (+3m at zone interface)</p>	<p><u>Building B (6-7 Storeys)</u> North (zone interface) 7.5m – 9m (up to 12m) 7.5m to 12m (above 12m)</p> <p>East – 29.5-78.5m</p> <p>South / East (Internal to C) 4.5m - 9.2m</p> <p><u>Building C (6 Storeys)</u> East (to D) – 4.5m - 5m</p> <p><u>Building D (6 Storeys)</u> North (zone interface) 11.7m – 12.45m</p> <p>East – 4m to 4.5m</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Acceptable - refer to assessment and design changes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Acceptable - refer to assessment</p>
3J-1(1) Car Parking	<p>Sites:</p> <ul style="list-style-type: none"> • Within 800m to railway in metropolitan area or • Within 400m of zone B3 or B4 in nominated regional centre <p>Apply RMS GtTGD rates</p>	<p>Sutherland Shire does not have any Metropolitan Regional (CBD) Centres or Metropolitan Sub-Regional Centres</p> <p>Parking is to comply with SSDCP 2015 rates</p>	<p>N/A – DCP rates apply</p>
4A-1(1)(3) Solar and Daylight Access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>	<p>76/102 = 74.5%</p> <p>7/102 = 6.9%</p>	<p>Yes</p> <p>Yes</p>
4B-3(1) (2) Natural ventilation	<p>At least 60% of apartments are naturally cross ventilated. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	<p>79/102 = 77.5%</p> <p>18m (3 bedroom)</p>	<p>Yes</p> <p>Yes</p>
4C-1(1) Ceiling heights	<p>Habitable rooms 2.7m</p>	<p>Habitable rooms min 2.7m</p>	<p>Yes</p>
4D-1(1)(2) Apartment Size & Layout	<p>1br bedroom – 50m² 2br Bedroom – 70m² 3br Bedroom – 90m²</p> <p>(+5m² for 2 bath) Habitable rooms to have window with area not less than 10% of floor area</p>	<p>Min 51.4m² Min 80.4m² Min 102.2m²</p> <p>Minimum glass area of 10%</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

4D-2 (1)(2) Room Depth	Habitable room depths are limited to maximum 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	maximum 2.5 x the ceiling height Generally 8m	Yes Yes – acceptable
4D-3(1)(2)(3)(4) Living Room Depth	Master bedrooms - min area of 10m ² other bedrooms 9m ² (excluding wardrobe space) Bedrooms to have min dimension of 3m. Living rooms or combined living/dining rooms have a min width of: <ul style="list-style-type: none"> • 3.6m for 1 bedroom • 4m for 2 and 3 bedroom 	Generally >10m ² Min 9m ² Min 3m Min 3.6m for 1 bedroom Min 4m for 2 and 3 bedroom	Yes Yes Yes Yes Yes
4E-1(1)(2) Private Open Spaces / Balconies	1br = 8m ² / depth 2m 2br = 10m ² / depth 2m 3br = 12m ² / depth 2.4m Ground Level apartments = 15m ² / depth 3m	Min 9.7m ² / depth 2m Min 10.9m ² / depth 2m Min 29.8m ² / depth 2.4m Generally 15m ² / depth 3m	Yes – acceptable
4F-1(1)(2) Common Circulation and Spaces	Maximum apartments of single circulation core = 8 Buildings 10 or more storeys – max apartments sharing a single lift = 40	Maximum 6 apartments N/A	Yes
4G-1(1) Storage	1br apartment = 6m ³ 2br apartment = 8m ³ 3br apartment = 10m ³ At least 50% of storage to be located within the apartments	Storage provided for all apartments primarily within individual units and secondary storage areas within basement.	Yes – acceptable

Local Controls – SSLEP 2015 and SSDCP 2015

The table below details the main standards / controls within SSLEP2015 & SSDCP2015 relevant to this application.

Sutherland Shire Local Environmental Plan 2015			
Clause	Standard	Proposed	Complies
4.3	Height of Buildings - 20m	Max 22.8m	No – refer to assessment
4.4	Floor Space Ratio Max - 1.8:1	1.802:1 (10m ² over)	No – refer to assessment
5.9	Preservation of trees or vegetation	The proposal results in the removal of existing site vegetation. A large tree is retained in the north western corner of the site. Appropriate distance is maintained to adjoining trees and substantial re-vegetation works are proposed.	Yes – Acceptable subject to Conditions
5.10	Heritage Conservation	Low rating of archaeological sensitivity. No apparent evidence of aboriginal artefacts / relics within site. The proposal does not warrant an Aboriginal Archaeological Study being undertaken.	Yes

6.2	Earthworks	Excavation is generally limited to the building footprint and is acceptable subject to suitable conditions to minimise potential impacts to adjoining lands (i.e. Geotechnical / dilapidation).	Yes
6.4	Stormwater Management	The applicant's design is reliant on maintaining and an existing private easement which does not appear to benefit the consolidated land parcels / all properties within the development proposal. Rainwater storage has been incorporated into the revised design for irrigation use within the property which is a more sustainable long-term strategy should be considered. The design is considered to be appropriate subject to suitable conditions including evidence of legal rights to utilise the easement.	Yes
6.14	Landscaped Area 30%	Min – 30% landscaped area	Yes
6.15	Energy Efficiency & Sustainable Development	The proposal incorporates appropriate measures and construction techniques in conjunction with the development.	Yes
6.16 – 6.18	Urban Design	Proposal demonstrates an acceptable quality urban design outcome. See discussion under SEPP 65 / ADG and assessment component. Subject to suitable conditions the relevant matters in relation to urban design been considered as a part of the assessment of the application and the proposal is considered to be acceptable.	Yes

Sutherland Shire Development Control Plan 2015			
Clause	Standard	Proposed	Complies
Chapter 5 – R4 Residential Flat Buildings			
1.2.1	Minimum frontage width 26m	103.6m - The Grand Parade 53.1m – Vermont Street	Yes Yes
1.2.5	1m landscaped setback to driveway to basement	Driveway approximately 21.5m from northern boundary	Yes
2.2.1	Street Setback - 7.5m (permitted to encroach 1.5m for 1/3 of façade)	Façade 7.5m (elements encroach to 6.0m) Entry Portico - Nil	Yes - acceptable No – refer to assessment
2.2.4	3m landscape strip along frontage where courtyards located in setback	Min 3m landscaped area forward of courtyards	Yes - Acceptable
3.2.1	Side & Rear Setbacks DCP is generally consistent with ADG	Refer to above ADG discussion	-
3.2.4	Basement setback – 3m	Min 3.185m	Yes
4.2.1 – 4.2.4	Landscape design and tree planting.	Landscape architect to consider suitability / condition accordingly.	Yes
5.2.4	Primary Balcony / patio DCP is consistent with ADG	Refer to above ADG discussion	-
6.2.2	70% units to receive 2 hours sunlight between 9am – 3pm mid winter	Min 74.5%	Yes
6.2.5	Sunlight to 10m ² of usable POS of adjoining dwellings must not be reduced less than 2 hours between 9am – 3pm mid winter	Southern adjoining dwelling impacted morning hours	Yes
8.2.1	20% adaptable dwellings	20% proposed	Yes

8.3.1	10% Livable dwellings	10% proposed	Yes
11.2.1	Car Parking Rates 1 space per 1 bed (29 = 29) 1.5 space per 2 bed (72 = 108) 2 space per 3 bed (1 = 2) 1 visitor space per 4 units (= 26) Total = 165	Total = 161	No – refer to assessment
11.2.6	Car wash bay 1 for 10 units 1 per 20 where > 30 units = 5	5	Yes
11.2.8	Minimum crossing / driveway width for combined (entry/exit) 5.5m	Combined crossing width 5.6m – 10.4m	Yes
12.2.8	On site MRV waste collection required units exceeding 50.	>50, on site provided	Yes - acceptable
Chapter 33 – Ancillary Development			
3.1.7	Maximum front fence height at any point 1.5m	1.5m palisade (open form) / 500mm – 3m setback	Yes – acceptable
Chapter 35 – Roads, Access, Traffic, Parking and Bicycles			
1.2.7	Motorcycle Parking 1 space per 25 car spaces.	7 provided	Yes
5.2.1	Bicycle Parking – 1 space per 10 car spaces (first 200), 1 space per 20 thereafter	18 provided	Yes

SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

NSW Police Force (Crime Risk Protocol)

Comment: The NSW Police advised that the proposed development may introduce new (potential) victims, crime opportunities and offenders to the site and its surrounds and it is possible, therefore that crime will increase in the future. After conducting the evaluation, the crime risk rating has been identified as 'Low' (based on a sliding scale of low, medium to high). NSW Police have recommended treatment options in terms of improving Crime Prevention Through Environmental Design factors (such as lighting, access control and way-finding).

A copy of this response is included as **Appendix "D"**

Sydney Water

Comment: In relation to water provision and wastewater, Sydney Water has confirmed that trunk water and wastewater systems have adequate capacity to service this development area. The development may be required to carry out additional works to facilitate their development and protect the wastewater main where located in close proximity to a Sydney Water asset. Detailed water and wastewater requirements will be provided at the Section 73 application phase prior to the issue of a Construction Certificate.

Architectural Review Advisory Panel (ARAP)

Comment: The application was considered by ARAP who concluded that the proposal is largely well-considered and in most parts provides good street resolution and scale, as well as communal spaces and apartments with good amenity. The Panel made the following recommendations:

- The additional FSR bonus should not be used as a justification for non-compliance with the applicable development controls.
- ADG building separation and privacy requirements along the northern boundary should be complied with, as there will be a pronounced scale and density transition along this edge.
- Minor height non-compliance on the roof is acceptable if it improves amenity and access to communal roof areas, does not impact on neighbours, and is not visible from the surrounding streets.
- The number of solely south-facing units should be reduced by introducing some north orientation as described.
- Communal open space for BBQs and larger gatherings would be better allocated to a roof area.
- Whilst the curvilinear architectural expression is acceptable, the Panel question the need for it given the strong overall planning and aesthetic rationale for the built form.

A copy of this report is included as **Appendix “E”**

Architect

Comment: A review of the proposal has been undertaken by Council's Architect. The design of this proposal is generally well considered starting with a thorough site analysis that has informed and guided the resultant logical and rational building layout and form. The orientation of the higher bulk along the southern boundary takes any overshadowing consequences away from existing and future residents and creates an effective noise barrier to the internal communal spaces from the adjacent high traffic road network. The configuration of the building in relation to unit sizes and communal areas is generally compliant with the Apartment Design Guide (ADG).

There are some ADG non-compliant setbacks. The justification for these variations appear well considered regarding impacts upon amenity but this can also affect the relationship of built form to neighbouring development. Whilst the scale of the proposal generally recognises the transition of the lower density to the north, there can still be a sense of dominate mass created to adjoining

neighbours. This is somewhat relieved by the articulation of the walls addressing these boundaries and the relatively short width of wall area. Overall, the proposed development incorporates a composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development.

Landscape Architect

Comment: Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping, tree removal and retention and general site planning. Several recommendations have been made to improve the functionality / amenity of communal open space areas, including the provision of a roof-top space on building B, and recommendations to improve the developments relationship to the public domain and adjoining properties (e.g. planted balcony edges). Generally, no objections to the development proposal have been raised subject to the imposition of appropriate conditions of development consent including the requirement for a detailed landscape plan, tree retention and replacement, along with frontage improvements.

Engineering (Traffic and Transport)

Comment: Council's Traffic Engineer has undertaken an assessment of the application with respect to parking provision, traffic impacts and waste management. The provision of parking is adequate for the development due to its close proximity to Sutherland Station. Based on the applicant's traffic report and modelling results, it is anticipated that the road network and intersections adjacent to the development site can accommodate additional traffic generated by the development with minor impact to the service levels of the existing network. The proposed on-site waste collection design is acceptable in design. To minimise the impact on traffic along Vermont St, it is recommended that refuse collection be undertaken outside commuter peak hours. The surrounding road network is considered adequate to accommodate the proposed land use without causing detrimental traffic generation, parking stress or increasing the general risk to the public to an unacceptable level.

Engineering (Assessment Team)

Comment: Council's Engineers have undertaken an assessment of the application with respect to stormwater disposal, car parking design / provision, access arrangement, manoeuvrability, site and waste management and excavation. The amended development scheme has resolved a number of concerns raised. The provision of parking and on-site waste collection is considered to be acceptable. Generally no objections to the development proposal have been raised subject to suitable conditions of development consent.

Environmental Health

Comment: Council's Environmental Health Officer has undertaken an assessment of the proposed development with respects to building design and residential amenity. No concerns have been raised subject to suitable conditions of development consent in relation to building design, ventilation, external lighting, waste storage and noise control (including from road).

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.

Zoning & Site Suitability

The proposed development is located within Zone R4 – High Density Residential and the objectives of this zone are as follows:

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

The general site suitability and scale of the development with respect to the desired future residential form, its relationship to adjoining lower density lands and the Sutherland Centre, and the anticipated environmental impact is by large, acceptable and consistent with the objectives of the zone and SSDCP2015. The provision of additional housing stock, particularly in close proximity to major public transport (Sutherland Train Station and bus interchange) is consistent with Sydney's broader planning agenda.

Height of Buildings

The proposed development fails to comply with the development standard for height. Clause 4.3 of SSLEP 2015 stipulates a maximum height of 20m for this site. Buildings B, C and D exceed the maximum height by between 2m – 2.8m (11 - 14% variation) when measured to the lift over runs. Both Buildings B and D also have portions of ceiling / roof form which exceed the maximum height. The applicant written request in accordance with the requirements of clause 4.6 of SSLEP2015 is attached as **Appendix "F"**.

The objectives of the height of buildings development standard set out in clause 4.3 (1) of SSLEP 2015 are as follows:

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

The height non compliance within Building D on The Grand Parade (except over run / plant) is largely due to the uniform Ground and Basement Levels proposed across the development. The ground floor level of Building D elevates approximately 2m above the level of the Communal Open Space (COS) failing to respond to the topography of the site. The applicant asserts that the building maintains an appropriate relationship to the Grand Parade streetscape (note: land falls to north / away from street). Council is of the view that appropriate streetscape presentation will be maintained with a reduction in building height of Building D by 200mm. The non compliance will be isolated to the lift overruns and roof top plant and the relationship of the development to the existing site levels, peripheral communal open spaces and adjoining properties will be improved. The finished internal floor level of the basement parking area can be graded accordingly to reflect this change.

The northern portion of Building B on Vermont Street exceeds the height standard. As discussed further in this report, a reduction in height, bulk and scale of Building B at the interface with the adjoining low density zoned land is recommended which in turn, removes the majority of the roof form which exceeds the maximum permitted height. The projection of built form beyond the maximum height control at the sites most sensitive edge is a point where building height should be reduced, not exceeded. The design recommendations are anticipated to reinforce and satisfy the objectives of Zone R4 and the development standard.

The resulting areas of height non compliance in Buildings B, C and D are limited to the lift overruns, roof top plant areas and skylights. Compliance with the height limit at these locations would remove access to the upper residential levels and roof top for maintenance in entirety which is not considered to be a reasonable response to the site in light of the permitted height and density under SSLEP2015. These building elements in Buildings C and D are appropriately integrated with the built form and add

vertical expression and architectural merit to the buildings elevation. The elements are located on the southern side of the roof plan and away from the sensitive zone interface on the northern side of the site. The lift overruns and roof top plant areas within Building B are centrally located within the roof plan and are considered to be acceptable. The development is not anticipated to adversely impact upon adjoining properties or locality in terms of loss of views, loss of privacy, overshadowing or visual intrusion. The proposal is generally consistent with the desired scale and character of the street and locality including desired future scale and character.

The applicant's submission demonstrates that compliance with the building height development standard is in part unreasonable or unnecessary in the circumstances of the case. It also demonstrates sufficient environmental planning grounds to justify varying this development standard. In terms of scale, the proposed development is in the public interest as the proposal complies with the objectives for both height and the R4 High Density Residential zone. The proposed variation does not raise any matters of State or regional environmental planning significance. In addition, there is no public benefit associated with arbitrarily reducing the height to the development standard in the circumstances of this case.

In conclusion the variation to the height development standard satisfies all relevant parts of clause 4.6 and therefore the variation can be supported to the extent recommended.

Floor Space Ratio (FSR)

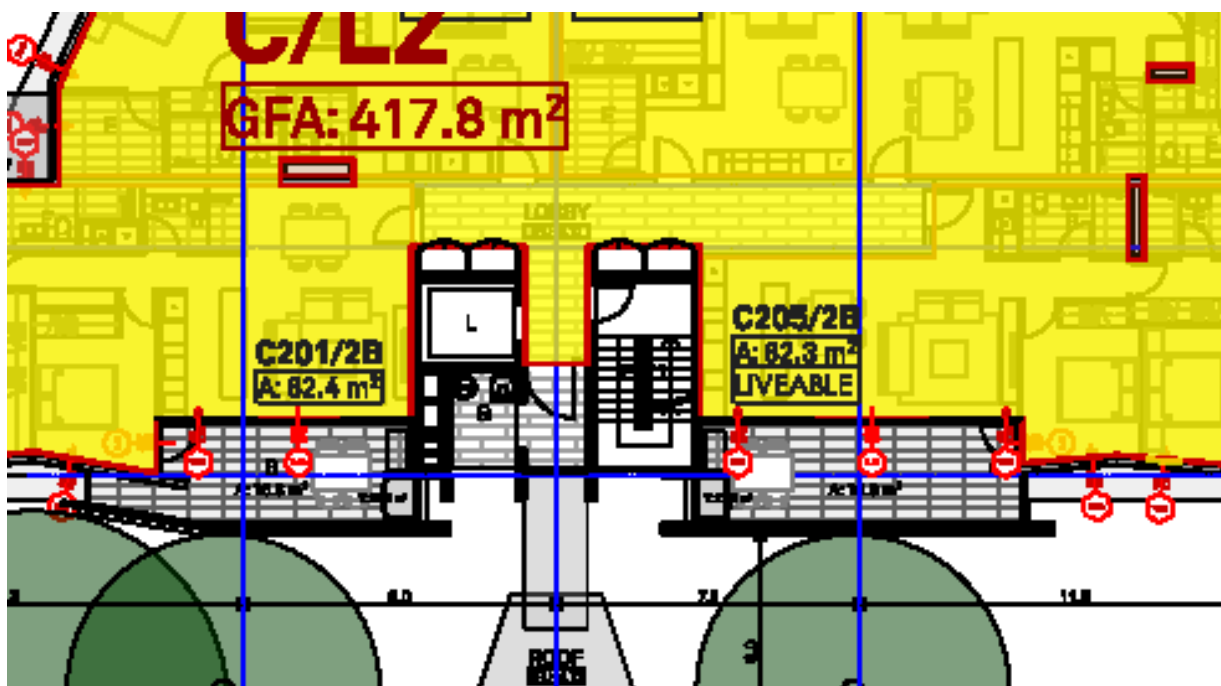
The proposed development fails to comply with the development standard for Floor Space Ratio (FSR). The site is located within "Area 12" on Council's Floor Space Ratio (FSR) Map. In accordance with the provisions of SSLEP2015, certain sites may receive an FSR bonus where a minimum amalgamated lot size greater than 2,500m² is achieved. The proposed development is permitted to exceed the maximum permitted FSR of 1.5:1 by up to 0.3:1. The maximum applicable FSR for the site is therefore 1.8:1.

The applicant indicates that the development complies with the development standard. Stairs on the upper level of the units within Building A have however been excluded from the calculation. Council counts stairs within apartments as they are not 'common', nor do they form of void (i.e. the area is occupied by stairs / vertical circulation on both levels). The applicant does not concur with this application of the development standard and asserts that the area of stairs should be classified as a void. The applicant has submitted a Clause 4.6 'for abundance of caution' addressing this deficiency and indicating that the development exceeds the development standard by 10m² (0.2% variation). The applicant written request in accordance with the requirements of clause 4.6 of SSLEP2015 is attached as **Appendix "G"**.

The objectives of the floor space ratio development standard set out in clause 4.4(1) of SSLEP 2015 are as follows:

- (a) *to ensure that development is in keeping with the characteristics of the site and the local area,*
- (b) *to ensure that the bulk and scale of new buildings is compatible with the context of the locality,*
- (c) *to control development density and intensity of land use, taking into account:*
 - (i) *the environmental constraints and values of the site, and*
 - (ii) *the amenity of adjoining land and the public domain, and*
 - (iii) *the availability of infrastructure to service the site, and*
- (iv) *the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and*
- (v) *the desirability of retaining the scenic, visual, and landscape qualities of the area.*

The applicant initially excluded the lobby areas within each Building from the calculation. In response to Council's concerns the applicant has amended the development scheme and provided a reduction in GFA. The revised floor plan has however externalised part of the lobby areas within Buildings C and D to form enlarged waste areas (approx 9.5m² each, or 95m² over Levels 2 – 6 of Buildings C and D).



The location of these waste rooms is anticipated to give rise to adverse impacts due to the prominent visual location of the site / development adjoining The Grand Parade and Sutherland Overpass as well as the close proximity to adjoining resident balconies. The connection of the roofed entry structures from the street also creates a security concern and climbable zone (to waste room and lobby areas) and increases the possibility of pest and vermin access. Further, daylight and visual outlook from the lobbies is removed resulting in a poor urban and amenity outcome for future residents. Council recommends that these areas be enclosed or provided with substantial screening which in turn will result in an increase in floor space approximately 95m² across the development.

Whether or not these areas are fully enclosed, they add to the apparent bulk of the building and within the external face of the buildings outer walls.

The development benefits from an FSR bonus for amalgamating land with an area greater than 2,500m². Council is not supportive of any variation to the FSR development standard, particularly in light of the bonus, and the nature of the land which abruptly transitions from high density to low density to the north. As discussed further in this report the most sensible point for a reduction in GFA to occur is at the northern portion of the Vermont Street Building B (upper level units), and eastern portion of Building A where the building exceeds the height and setback limits and where the development is closest to the low density residential zone. A transition to a lower scale is most appropriate at these locations and the design recommendations are anticipated to reinforce and satisfy the objectives of the development standard and zone R4 and result in a compliant FSR development scheme.

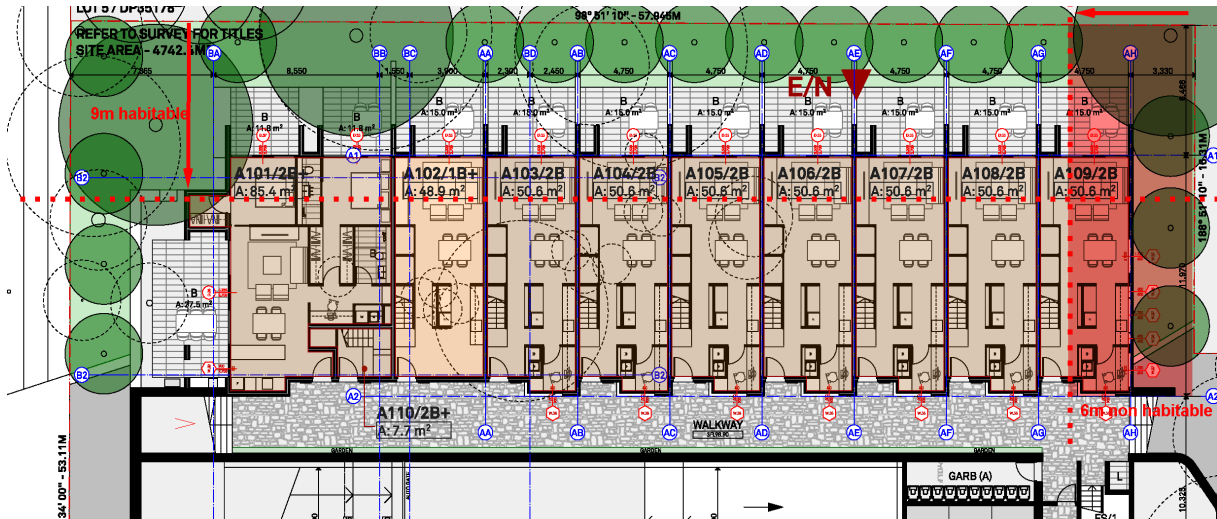
In conclusion the variation to the FSR development standard fails to satisfy all relevant parts of clause 4.6 and therefore the variation cannot be supported. The applicants written request in accordance with the requirements of clause 4.6 of SSLEP2015 inadequately demonstrates that compliance with the FSR development standard in is unreasonable or unnecessary in the circumstances of the case. It also fails to demonstrate sufficient environmental planning grounds to justify varying this development standard. There is a significant public benefit to maintain the development standard in the circumstances of this particular case. A condition requiring the building mass to be reduced is recommended as detailed in the discussion below.

Zone Interface and Building Setbacks / Separation

Building A

Amendments have been made to the proposal whereby a 6.466m setback is provided to Building A from the northern boundary. The eastern most unit within Building A (Unit A109) is setback 3.33m from the eastern boundary. The ADG requires a 9m habitable setback at the zone transition to the adjoining lower density area to the north, and a 6m non habitable setback to the east. Building A exhibits a 2 storey townhouse building typology along the northern boundary which continues to Vermont Street which is a well-considered response to the zone interface. Typically, this form of medium density development would be permitted on 4m setbacks under Council's DCP.

In response to Council's concerns an increased northern setback has been deployed and the northern orientated first floor balconies have been removed to minimise overlooking to the single dwelling site adjoining the development. The minor variation to the northern boundary is considered to be appropriate in this instance. It is considered appropriate however for a minimum 6m setback be provided to the eastern portion of Building A (i.e. removal of Unit A109) to achieve an appropriate relationship to the adjoining lands and reasonable levels of external and internal visual privacy (including minimising the visual intrusion of building bulk). Maintaining a compliant setback enables the internal dimension of the remainder of the units within Building A to be widened and an area for communal space at ground level.



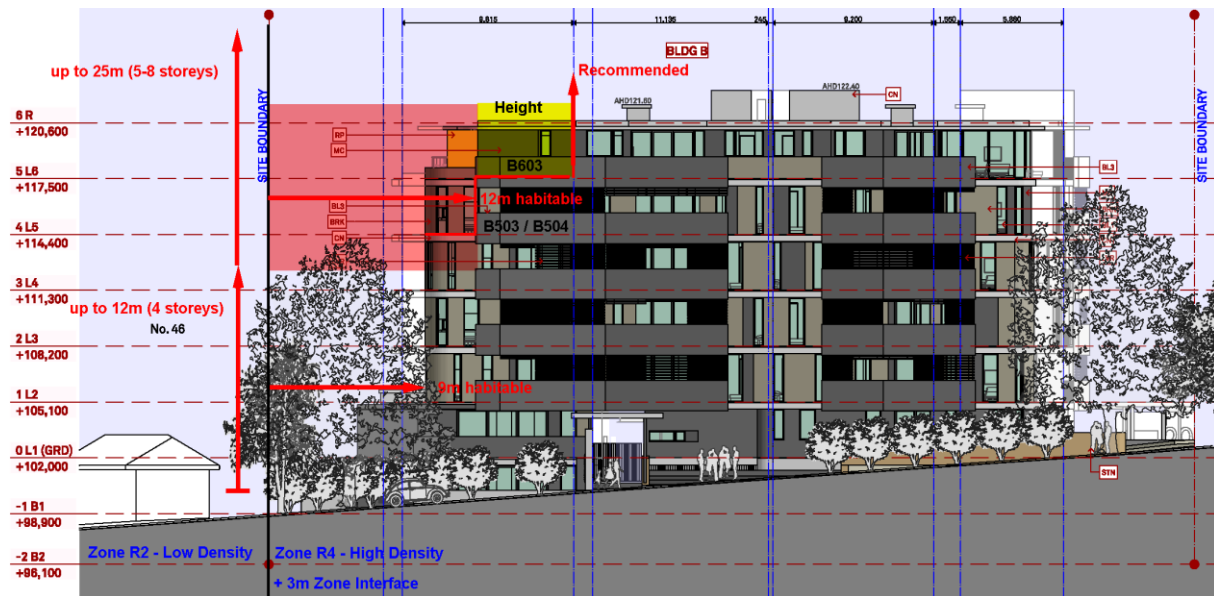
Building B

The northern portion of Building B (Unit B603) on Vermont Street exceeds the height standard. A minimum 7.5m setback to non-habitable elevations and a 12m setback for habitable elevations for development between 12m to 25m in height (5-8 storeys) is required at the northern zone interface. The proposal is largely consistent with the setback controls however, the built form makes an abrupt transition from Building A (2 storeys) to Building B (6-7 storeys) where there is an associated height non compliance. The eastern side of Vermont Street is characterised by low density 2 storey development. A greater transition to a lower scale at this edge 'over and above' the minimum design criteria established in the ADG is recommended to ensure the development responds to its zone interface and achieves reasonable levels of external and internal amenity and streetscape presentation. The increased setback and articulation in built form is proposed to be deployed at the upper Level 6 (Unit B603) rather than being provided at Level 5 below which is the most appropriate location where there are habitable elements in the building elevation (kitchen windows). Realising the full development potential particularly at a zone interface is difficult when considering the likely future scale and character of development on neighbouring land.

Variation to the lowest 2 storeys (Building A) is recommended (as previously discussed) and the remaining minor elements of non compliance are considered to be acceptable subject to suitable conditions of development consent including the provision of a planter edge where the upper level balcony encroaches. To overcome the above concerns (including a reduction in FSR) and to ensure the development adequately responds to the interface with the adjoining low density zone, the following design changes are recommended:

- Delete Level 5 Units B503 and B504 and the area to take the form of Unit B603 above (i.e. setback 12m from northern boundary).

- Delete Level 6 Unit B603. The resulting external space be provided as open terrace to units B602 and B604 to a maximum depth of 2.5m, with no roof form (other than standard eave) projecting over the terrace external space and a planter edge. Enlarge Unit B604 to the north to align with the northern alignment of unit B602.



Lot Amalgamation & Building D

The adjoining lands to the east are also located in Zone R4 - High Density Residential. There is no amalgamation strategy requiring the block bound by Vermont and Kurrajong Streets to be amalgamated into one large parcel. It is anticipated that the remaining 2 allotments to the east are sufficient in size and dimension to achieve a development potential as envisaged under SSLEP2015 and will not be isolated or unduly inhibited as a result of the proposed scheme. The proposed site planning and massing of separate buildings along The Grand Parade (rather than a long linear building) will enable future development of these eastern lots opportunity to integrate appropriately into the streetscape. A separate developer has approached Council with a Pre-Application Discussion for the remaining sites.

With the exception of a projecting blade wall within the required setback (4.0m setback), Building D is located 4.5m from the eastern side boundary. The south eastern units within Building D contain bedrooms which have windows orientated to the north and in part over the eastern side boundary. The line of sight from these windows is obscured by a blade wall which directs internal views to the rear of the site and rear portion of the eastern adjoining allotment. To strictly comply with the ADG a setback between 6m – 9m to the habitable elevation is required. Further, Council's DCP requires a minimum 6.5m setback to non habitable rooms where above 12m in height.

Amendments could be made to the proposal whereby the windows are removed and the bedrooms rely only on southern orientated windows for 'daylight' access. The design however skilfully obtains northern solar access to the bedrooms and orientates potential views away from the side boundary

and arguably presents a defensive 'non habitable' relationship. A minor variation to the 4.5m non-habitable setback is generally supported and reduced setback is not anticipated to unduly restrict future high density development adjoining the site.

Internal Separation & Amenity

The proposal includes several variations to the ADG with regards to building separation within the development site. The relationship between the buildings is however considered appropriate. The proposed site planning and massing of separate buildings rather than a long linear building within the site reduces the number of southern orientated units which receive no sunlight. The general orientation of openings and balconies, use of landscaping at the lower levels along with physical structural elements proposed (e.g. fixed louvers / blade walls) enables appropriate visual privacy to be maintained for future occupants. Whilst the design of Building A could be improved with the removal of the southern orientated balconies and replacement of the openings to the bedrooms to highlight windows, this design outcome is not considered to be warranted. Sufficient separation exists between buildings to maintain appropriate visual privacy and the design allows for general surveillance of the common areas within the development.

Site Entry Structures

The covered entry structures located at the property boundary are prominent structures within the streetscape. Typically these features should take the form of low level open structures where located within the frontage as the locality is not a full high density urban environment with the character of the streetscape characterised by open and vegetated frontages. Amendments have been made to the proposal whereby one side of each structure has been made open to the street. The retained walls flanking the entry structures containing letterboxes creates potential concealment areas and obstructs views across the frontage and is recommended to be reduced in height to 1.4m. The structures adequately identify the entries to the site to assist in 'way-finding' for residents and visitors.

Overshadowing

Concerns have been raised regarding the loss of solar access to units on the western side of Vermont Street. The applicant has submitted shadow diagrams depicting the extent of overshadowing during the core hours of solar access. The orientation of the allotment results in the majority of shadows from the development casting to The Grand Parade / Sutherland Overpass. The proposal complies with the provisions of SSDCP2015 and direct sunlight to north facing windows of habitable rooms and 10m² of useable private open space areas of adjacent dwellings are not reduced to less than 2 hours between 9.00am and 3.00pm on 21 June.

Privacy & Overlooking

Specific concerns have been raised regarding the potential overlooking and privacy impacts generated by the proposed development. A large majority of balconies and units are orientated northward and over the side / rear boundaries towards the lower density residential lands.

Consideration is given to reduced amenity where proposals are generally compliant with development standards / controls. It is difficult to realise development of a scale and density as envisaged within Council's recently gazetted LEP and avoid overlooking entirely. It is also anticipated that in high density urban environments, there will be some level of overlooking. There is an expectation that upon redevelopment the issue of privacy is given careful consideration, however in many circumstances impacts from compliant buildings is often unavoidable.

As previously noted and subject to design change conditions, appropriate setbacks and increased separation is provided to the affected sensitive property boundaries. The submitted landscape plan and perimeter deep soil zones are anticipated to enhance the relationship between properties. Suitable privacy mitigation measures including the placement of highlight windows, screening and planters are also proposed to enhance amenity between properties. Upper level balconies Units in Building A have been removed from the development scheme and the Communal Open Spaces adequately respond to the existing site levels.

Traffic Impact, Parking and Waste Management

Specific concerns have been raised regarding the potential traffic impacts and parking / pedestrian conflicts within Vermont Street, The Grand Parade and surrounding road network associated with the high density nature of the development. The original development proposal relied on the car parking rates specified in Part 3J of the ADG and RMS Guide to Traffic Generating Developments (GTTGD). The Sutherland Shire however does not have any Metropolitan Regional Centres or Metropolitan Sub-Regional Centres specified within the RMS Guidelines and the SSDCP2015 parking rates apply. Parking compliance is a critical matter in this instance given the constraints and parking strain observed within the surrounding streets and immediate locality, as well as the anticipated dependence on motor vehicle use / ownership within the development. The western side of Sutherland funnels vehicles from the western suburbs of the Sutherland Shire with these streets occupied by train commuters during the week days.

In response to Council's concerns, amendments have been made to the proposal whereby an additional basement level has been provided resulting in a total of 161 car spaces. The proposal fails to comply with the parking generation rates outlined in SSDCP2015 by 4 spaces (i.e. 165 car spaces required). Subject to the reduction in GFA as previously recommended (i.e. 2 units = 1x1 bed and 2 x 2 bed = 4 spaces) the development will achieve compliance with SSDCP2015 parking rates and the provision of parking within the development is considered to be acceptable.

Specific concerns have also been raised regarding the method of waste disposal and reliance on the placement of bins within the street for pick up. In accordance with Council's DCP, development with more than 50 dwellings must have a provision for on-site waste storage facilities and waste must be collected by private contractors. Amendments have been made to the proposal where the waste collection area within the Vermont Street frontage of the site has been re-designed to accommodate waste collection wholly within the site.

The surrounding road network is generally considered sufficient to accommodate the proposed land use and increase in residential population and anticipated vehicular movements. The site access on the secondary Vermont Street frontage is appropriate and the existing vehicles crossing made redundant on the Grand Parade increase on-street parking availability. A suitable restriction on street parking at the eastern end of The Grand Parade at the intersection of Jannali Avenue is recommended to reduce existing and potential future conflicts (including sight lines) associated with increased traffic movements (the developer will need to resolve this matter with the local traffic committee). No detrimental traffic generation, parking stress or increased risk to the public to any unacceptable level is anticipated and the proposed development is considered worthy of support.

Stormwater Management

To enable stormwater from the development to be discharged into the natural catchment (i.e. to Kurrajong Street) the applicant proposes utilise an existing drainage easement benefitting No. 29 The Grand Parade. This method of stormwater disposal has been reviewed by Council's Engineer and is considered to be acceptable, including the co-location of the surface OSD and the communal open space in terms of functional use during rain events. It is anticipated that a minimal impact is presented to adjoining properties and the locality associated with stormwater generation and any associated overland flows. As the existing drainage easement does not benefit the consolidated land parcels / all properties within the development proposal, a suitable condition of development consent is recommended requiring agreement to be obtained prior to the issue of a Construction Certificate.

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:	\$760,919.71
Community Facilities:	\$129,348.99
Sutherland Centre:	\$305,795.60

These contributions are based upon the likelihood that this development will require or increase the demand for local and district facilities within the area. It has been calculated on the basis of 99 new residential units with a concession of 8 existing allotments.

Note: Should approval of the development result in 102 units (as per the applicants submitted drawings) additional Section 94 Contribution charges for the additional 3 units will be required and the conditions of consent recommended in Appendix "A" will need to be updated accordingly.

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.

CONCLUSION

The proposed development is for the demolition of 9 dwellings and the construction of a residential flat building development containing 102 units in 4 buildings over basement car parking at No. 29 - 41 The Grand Parade and No. 48 Vermont Street Sutherland.

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. In response to public exhibition, Council received 16 written submissions. The matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate.

The high density development is located on a direct interface with low density zoning and land uses to the north. The protrusion of built form beyond the maximum height control and surplus GFA requires a reduction in the mass of the building particularly at the upper floors. The most obvious point for a transition to lower scale to occur is the upper levels of the northern part of the Vermont Street Building B, where the building exceeds the height limit and fronts the low density residential zone. A reduction in residential yield also results in a development which provides a compliant parking scheme. Subject to minor design refinement, the development adequately respects the character and zoning of the area as transitional land and a high density residential area undergoing renewal from its lower density state.

The development is considered worthy of support as it reflects the desired character of development within the Sutherland locality as envisaged under SSLEP2015. The development fits appropriately within the context of the existing streetscape and on balance; reasonable amenity is maintained on adjoining lots.

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. DA16/1035 may be supported for the reasons outlined in this report.