

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	2018SSH030
DA Number	MA18/0164
LGA	Sutherland Shire
Proposed Development:	S4.55(2) Modification to DA15/0947 - External and internal reconfiguration and reduction in number of units to 3 on level 8 and replacement of roof elements with 3 skylights
Street Address:	Lot 22, 23, 24, 25 and 26 DP 26174 (No. 6 to 14) Urunga Parade, Miranda
Applicant/Owner:	Ms J Bezzina
Date of DA lodgement	10 May 2018
Number of Submissions:	No Submissions
Recommendation:	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Originally approved development exceeds \$20 million CIV (modification under s.4.55(2)).
List of all relevant s4.15(1)(a) matters	- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) - Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) - Sutherland Shire Development Control Plan 2015 (SSDCP2015) - Apartment Design Guide (AGD).
List all documents submitted with this report for the Panel's consideration	- Plans of development - s4.55 planning statement
Report prepared by:	David Sheehan – Development Assessment Officer Sutherland Shire Council
Report date	August 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 summarized, 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?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (\$7.24)?

No

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?

Yes

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

In accordance with the provisions at Section 20(1) of *State Environmental Planning Policy (State and Regional Development) 2011*, Sydney South Planning Panel (SSPP) remains as the consent authority for any modification application made pursuant to Section 4.55(2) of *Environmental Planning and Assessment Act 1979* for a regionally significant development determined by the Joint Regional Planning Panel (JRPP) or SSPP.

PROPOSAL

The application seeks consent for a reduction in number of units on level 8, internal and external reconfiguration of this level and replacement of roof pop-out elements with 3 skylights. During the assessment of the current application, the applicant has requested that an existing numbering error in relation to apartment 87 (which was previously omitted) and 95 (which was previously duplicated) be corrected.

THE SITE

The land is a parallelogram in shape and is located off the southern side of Urunga Parade in Miranda. The site is comprised of five parcels with a combined area of 3,670m². It has a single primary frontage to Urunga Parade of 80.77m and a rear boundary of the same distance adjoining the Cronulla railway line. Its side boundary lengths are 47.87m. The site has a fall to the street of about 3 – 4m. The site is located at the eastern edge of the Miranda Centre and is within close proximity to Westfield shopping centre, major public transport nodes, community facilities and public services.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

- A. Pursuant to the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the requested modification to Development Consent No. 15/0947 dated 10 December 2015 for demolition of 5 dwellings and construction of residential flat building containing 98 apartments (as modified previously under MA18/0144, MA17/0241 and MA16/0129) at Lot 22, 23, 24, 25 and 26 DP 26174 (No. 6 to 14) Urunga Parade, Miranda be supported.
- B. Development Application No. 15/0947 for demolition of 5 dwellings and construction of residential flat building containing 103 units at Lot 22, 23, 24, 25 and 26 DP 26174, 6 to 14 Urunga Parade, Miranda be modified as follows:

Change the development description as follows:

"Demolition of 5 dwellings and construction of residential flat building containing ~~98~~ 97 apartments"

Modify Conditions 1, 2, 5, 6 and 7 as follows, delete struck out text and add bold text:

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

Plan number	Reference	Prepared by	Date
Project No. 1518 Sheet 01 Issue H	Cover page	Couvaras Architects	5 September 2016
Project No. 1812 Sheet 01 Issue K	Cover page	Couvaras Architects	Revised 20/6/18
Project No. 1518 Sheet 03 Issue E	Site Plan	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 03 Issue L	Site Plan	Couvaras Architects	Revised 22/06/18
Project No. 1812 Sheet 03 Issue K	Site Plan	Couvaras Architects	Revised 20/06/18
Project No. 1718, Sheet No. S96 2, Revision 3	Basement 2a & 3	Couvaras Architects	Revised 06/09/17
Project No. 1718, Sheet S96 3, Revision 3	Basement 1a & 2	Couvaras Architects	Revised 06/09/17
Project No. 1718, Sheet S96 4, Revision 3	Ground Floor	Couvaras Architects	Revised 06/09/17
Project No. 1518, Sheet No. 07, Revision I	Level 1	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 08, Revision I	Level 2	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 09, Revision I	Level 3	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 10, Revision I	Level 4	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 11, Revision I	Level 5	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 12, Revision I	Level 6	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 13, Revision I	Level 7	Couvaras Architects	Revised 23/06/17
Project No. 1812, Sheet No. 13, Revision I	Level 7	Couvaras Architects	Revised 23/06/17
Project No. 1518, Sheet No. 14, Revision I	Level 8	Couvaras Architects	Revised 23/06/17
Project No. 1812, Sheet No. 14, Revision N	Level 8	Couvaras Architects	Revised 16/08/18
Project No. 1518 Sheet 015 Issue G	Elevations	Couvaras Architects	13 April 2016
Project No. 1518 Sheet 15 Issue L	Elevations	Couvaras Architects	Revised 22/06/18
Project No. 1812 Sheet 15 Issue K	Elevations	Couvaras Architects	Revised 20/06/18
Project No. 1518 Sheet 16 Issue E	Elevations	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 16 Issue L	Elevations	Couvaras Architects	Revised 22/06/18
Project No. 1518 Sheet 17 Issue E	Sections	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 17 Issue L	Sections	Couvaras Architects	Revised 22/06/18
Project No. 1518 Sheet 18 Issue E	Sections	Couvaras Architects	Revised 29/10/15

Project No. 1518 Sheet 19 Issue E	Sections	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 20 Issue E	Construction Management Plan	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 21 Issue E	Adaptable Units Plan	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 22 Issue H	External Materials and Finishes	Couvaras Architects	5 September 2016
Project No. 1518 Sheet 26 Issue E	Detailed Façade Sections	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 28 Issue E	Street Section	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 29 Issue E	Waste Management Plan	Couvaras Architects	Revised 29/10/15
Project No. 1518 Sheet 30 Issue E	Storage	Couvaras Architects	Revised 29/10/15
Job No. 150791 Sheet D200 1	Hydraulic Design Site Stormwater Plan	Jones Nicholson Consulting Engineers	Prepared 17/08/15
Job No. 150791 Sheet D100 1	Hydraulic Design Basement Stormwater Drainage Plan	Jones Nicholson Consulting Engineers	Prepared 17/08/15
Job No. 150791 Sheet D070 1	Hydraulic Design Stormwater Drainage Details	Jones Nicholson Consulting Engineers	Prepared 17/08/15
15-3019 L01 Revision A	Existing Tree Plan	Zenith Landscape Designs	Revised 29/10/15
15-3019 L02 Revision A	Landscape Plan	Zenith Landscape Designs	Revised 29/10/15
15-3019 L03 Revision A	Landscape Plan 1ST Floor	Zenith Landscape Designs	Revised 29/10/15
15-3019 L04 Revision A	Landscape Plan 2ND Floor	Zenith Landscape Designs	Revised 29/10/15
15-3019 L05 Revision A	Landscape Plan 3RD Floor	Zenith Landscape Designs	Revised 29/10/15
15-3019 L06 Revision A	Landscape Plan 4TH Floor	Zenith Landscape Designs	Revised 29/10/15
15-3019 L07 Revision A	Landscape Plan 8TH Floor	Zenith Landscape Designs	Revised 29/10/15
N/A	Landscape Detail – Eastern side setback	N/A	Received by Council on 28/07/17

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) A planter box must be constructed inside and along the entire western edge of the north-western balcony of Unit 33 on Level 3 (i.e. no reduction to the side setback of the balcony is permitted). The planter box must have a minimum soil width of 500mm and the sliding door on the western elevation of the adjacent lounge room must be reduced in width to suit, if necessary to clear the planter box.
- ii) The proposed privacy screens along the eastern edge of the balconies of Units 69, 82, 93, ~~99~~ and **97** must terminate at the south-eastern corner of each bedroom so that they do not extend over the highlight window in the eastern wall of each bedroom. Furthermore, the privacy screens must be angled so that they only permit views in a south-easterly direction (i.e. 45 degrees). The balcony must not be trafficable on the eastern side of the bedroom wall (i.e. beyond the south-eastern corner of the bedroom).
- iii) The 4 entry awnings at the front of the site, shown on the approved Sheet No. 07, must have a minimum front setback of 4.8m so that they extend no further forward of the side walls to the private courtyards of the ground level apartments that face the street. The awnings may be cantilevered or have a simple supporting structure that extends no more than 500mm above the height of each awning.
- iv) The proposed On-Site Detention (OSD) Tank must be reduced in capacity to 30m³.
- v) A 15m³ rainwater tank must be installed below the proposed driveway in line with the OSD Tank.
- vi) Six (6) areas of turf within the front setback (as annotated on the approved landscape plan) must be deleted and replaced with mass planting, with a mix of low lying shrubs, grasses and ground covers. Two (2) seats within these areas must be relocated to the northern edge of the planted areas (i.e. adjacent to the front boundary), as annotated on the approved landscape plan.
- vii) The exposed side walls of the driveway / vehicle entry into the basement must be treated so that the appearance is consistent with the external finish of the building.
- viii) The rear communal open space area must incorporate coloured/textured surface treatment.
- ix) Understorey planting of the rear deep soil landscaped area must occur at a rate of 4 plants per square metre.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

5. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities (FIN2005)

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of ~~\$796,448.99~~ **\$767,692.83 (Note: as at 2015-2016**

Financial Year) must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of ~~103~~ **97** proposed Residential Flat Units, Apartments etc, with a concession for 5 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

6. Community Facilities, Shire Wide 2003 Plan (FIN2010)

A. Before Construction

A monetary contribution of ~~\$133,883.65~~ **\$129,074.00 (Note: as at 2015-2016 Financial Year)** must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of ~~103~~ **97** proposed Residential Flat Units, Apartments etc, with a concession for 5 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

7. S94 - Miranda Centre (FIN3015)

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Miranda Centre Open Space Embellishment Plan, a monetary contribution of ~~\$277,336.46~~ **\$267,363.49 (Note: as at 2015-2016 Financial Year)** must be paid to Sutherland Shire Council toward the cost of works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Miranda Centre Open Space Embellishment Plan on the basis ~~103~~ **97** proposed Residential Flat Units, Apartments etc, with a concession for 5 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

Insert new condition 1A as follows:

1A Clarification of Plans

Project No.1518 Sheets 03 and 15 are to prevail in relation to the approved height of the lift overruns only. Project No. 1812 Sheets 03 and 15 are to prevail to the extent of any other inconsistency between those plan sets.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

An application has been made under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to modify the terms of Development Consent No. 15/0947.

The proposed modification involves alterations to level 8, decreasing the approved number of units at that level from 4 to 3 and an overall reduction in the total number of units from 98 to 97. The application specifically proposes:

- Internal reconfiguration of units 96-99, reducing the number of units from 4 to 3 (units 95-97);
- Provision of pantry area to new units 95 and 97, replacing part of the proposed south facing balconies;
- Replace the south-facing balcony to previous unit 97 with a bedroom associated with new unit 96;
- Reconfigure and reallocate communal and private terrace areas at level 8; and
- 3 new skylights to the roof, replacing the pop-up roof elements previously approved.
- Change the reference number of approved Unit 95 at Level 7 to reflect missing unit number 87 at that level.

Appendix A – Most recent approved conditions of consent.

Appendix B – Proposed plans of development.

2.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 6 - 14 Urunga Parade, Miranda. The land is comprised of five parcels and is a parallelogram in shape with a combined area of 3,670m². It has a single primary frontage to Urunga Parade of 80.77m and a rear boundary of the same distance adjoining the Cronulla railway line. Its side boundary lengths are 47.87m.

The site has a fall to the street of about 3 – 4m. The site is located at the eastern edge of the Miranda Centre and is within close proximity to Westfield shopping centre, major public transport nodes, community facilities and public services.



Image A: Aerial View of the Site

The street scene in the immediate vicinity of the subject land is characterised by residential apartment development in varying stages of construction. Directly adjoining the site to the west is an older four storey residential apartment building containing 27 units. To the east are two dwellings with deferred commencement approval for demolition and replacement with a seven to eight storey residential apartment building. Opposite the site to the north-east is recently cleared and consolidated parcel of land which is currently under construction for a seven-eight storey residential apartment building.

The subject site is currently in an advanced state of construction.

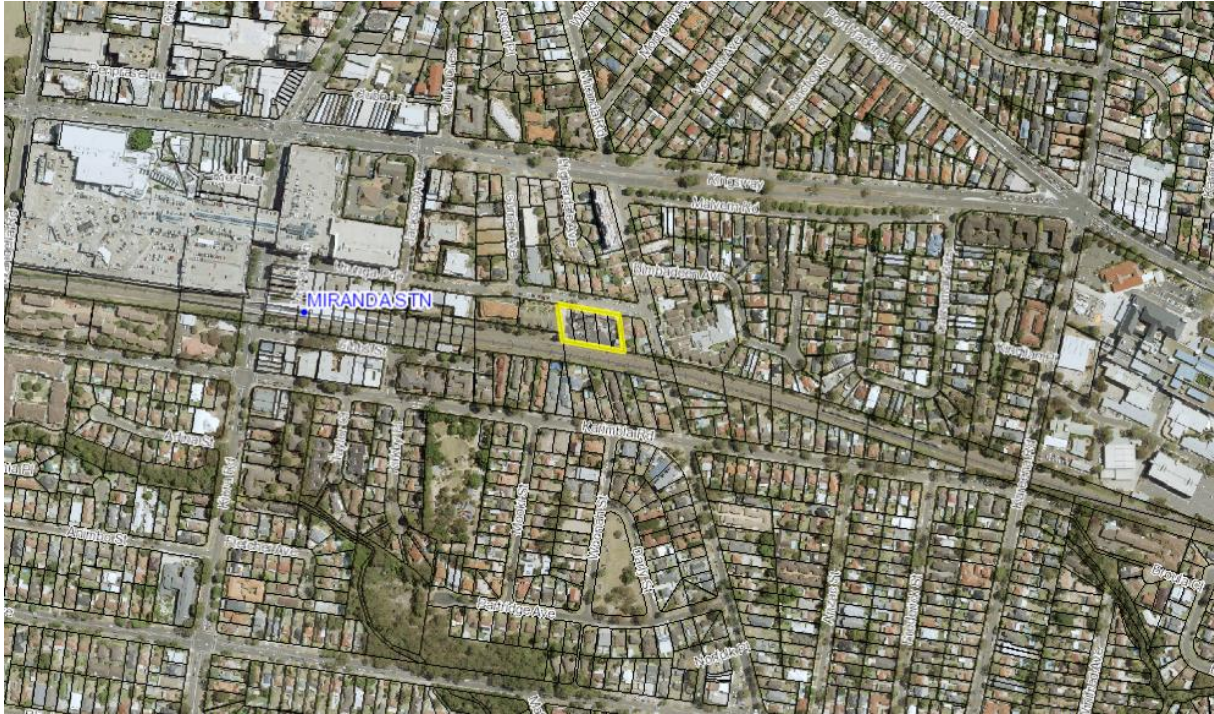


Image B: Aerial View of Locality

3.0 BACKGROUND

A history of the development proposal is as follows:

- Development Application no. DA15/0947 was submitted on 26 August 2015 and approved by JRPP on 10 December 2015 subject to suitable conditions of development consent.
- Modification application no. MA16/0129 was submitted on 26 April 2016 and approved under delegated authority on 25 October 2016. That application approved the reconfiguration of Levels 7 and 8 to amalgamate several 2-bedroom apartments into 3-bedroom apartments, and permitted the basement to be light coloured instead of white. Level 8 was modified from the approved 6 units to 4 units and Level 7 from 13 units to 10 units (103 units to 98 units).
- Modification application no. MA17/0214 was submitted on 25 May 2017 and approved under delegated authority on 18 October 2017. That application approved a change to the description of the approved development to reflect the reduction in apartments approved by the earlier modification, minor changes to basement floor levels, basement columns and car spaces, relocate the electrical room and pump rooms, increase foyers B, C and D on Level 1, amend condition 42 to reallocate 7 approved visitor spaces to residential spaces, and a minor increase in depth of south facing balconies.
- Modification application no. MA18/0144 was submitted on 30 April 2018 and approved under delegated authority on 13 August 2018. That application approved minor changes to the building envelope by way of additional height to lift overruns for each of the four lift cores by 400mm each.
- The current modification application was submitted on 10 May 2018.
- The application was placed on exhibition with the last date for public submissions being 31 May 2018. No submissions were received.

- Council officers contacted the Applicant on 20 June 2018 seeking clarification of floorspace and proposed changes indicated on elevations. In a subsequent discussion with the applicant amendments were sought to increase landscape screening elements at level 8.
- Amended plans and a revised planning statement were submitted on 26 June and 3 July 2018.
- Further amended plans and a revised BASIX Certificate was provided on 31 August 2018 in response to questions raised by Council to correct bedroom numbers and unit references and are the subject of the current assessment report.

4.0 NATURE OF MODIFICATION SOUGHT

This application proposes the modification of Development Consent No. 15/0947 pursuant to Section 4.55(2) of the EP&A Act. An assessment of the type of modification proposed has been carried out in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000 (EP&AR 2000) and a Section 4.55(2) is the appropriate type of modification application.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

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

6.0 PUBLIC PARTICIPATION

As the application involves a modification under Section 4.55(2) of the EP&A Act, the application was publicly exhibited in accordance with the Administrative Provisions of Sutherland Shire Development Control Plan 2015. A total of 114 persons were notified. No submissions were received.

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.

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

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- Sutherland Shire Development Control Plan 2015 (SSDCP2015)
- Apartment Design Guide (AGD).

8.0 COMPLIANCE

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 4.15 of the Act and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development including the Apartment Design Guide (AGD).

The proposed modification to apartment layout at Level 8 will continue to achieve compliance with key ADG apartment layout and amenity controls with the exception of quantum of communal open space which is discussed below.

Communal Open Space:

Reconfiguration of outdoor terraces at this level will result in reduction in communal open space (COS) from 360m² to 189m², and will provide a total area of 901m² when considered alongside ground level COS. This will cause a minor 12m² breach of the 25% required by Objective 3D-1(1), however will result in a more considered layout which will reduce the potential for conflict between private terraces and communal spaces. It is noted that areas which have been reallocated were little more than awkward circulation spaces with likely amenity implications for the permanent occupants of units at level 8. During the assessment of the current application amendments to plans have been provided at the request of Council depicting vegetated screening defining boundaries of the open spaces. The areas are sufficient to meet the design guidance and underlying objectives of the control.

Dwelling Mix

The proposal seeks to retain 3 x 3 bedroom units and delete a 2 bedroom unit. The apartment mix is provided in the table below:

	<i>Studio</i>	<i>1 Bed</i>	<i>2 Bed</i>	<i>3 Bed</i>	<i>TOTAL</i>
<i>Approved</i>	2	23	68	5	98
<i>Proposed</i>	2	23	67	5	97

As can be seen in the table above, there is currently an over-representation of 2 bedroom apartments. The loss of one 2 bedroom apartment will have a neutral or beneficial impact by way of enabling slightly larger sized 3 bedroom apartments.

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. Sydney Trains

The application was referred to Sydney Trains as the original development application was issued subject to concurrence in accordance with Clause 86 of the Infrastructure SEPP. Sydney Trains have advised they have no comment to make on the current modified application.

9.2. Council Architect

The application was discussed with Council's Architect who raised no objection to the proposed amendments.

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 Floor Space Ratio (FSR)

The proposal will result in an increase to the approved Floor Space Ratio from 2.029 (MA17/0214) to 2.038:1, which is an increase of less 0.44%. As this is a s.4.55 application, a statement under Clause 4.6 justifying the variation to the standard is unnecessary.

The increased FSR attributable to this application is 27m², of which 14m² is a result of enclosure of portions of south facing balconies at level 8 to create additional storage and living area. The remainder is a technical increase in FSR as the minimum car parking rate decreases due to the change in configuration of units. The proposal will result in one of the approved car parking spaces now technically being counted as GFA, despite being located within the basement.

The additional gross floor area (GFA) is situated at the rear of the building or situated within the existing basement envelope and will not be visible from Urunga Road or from adjacent properties to the east or west. Elevation diagrams are provided below at Figures 1 and 2 which indicate the external appearance of the building as viewed from the railway line and properties situated to the south.

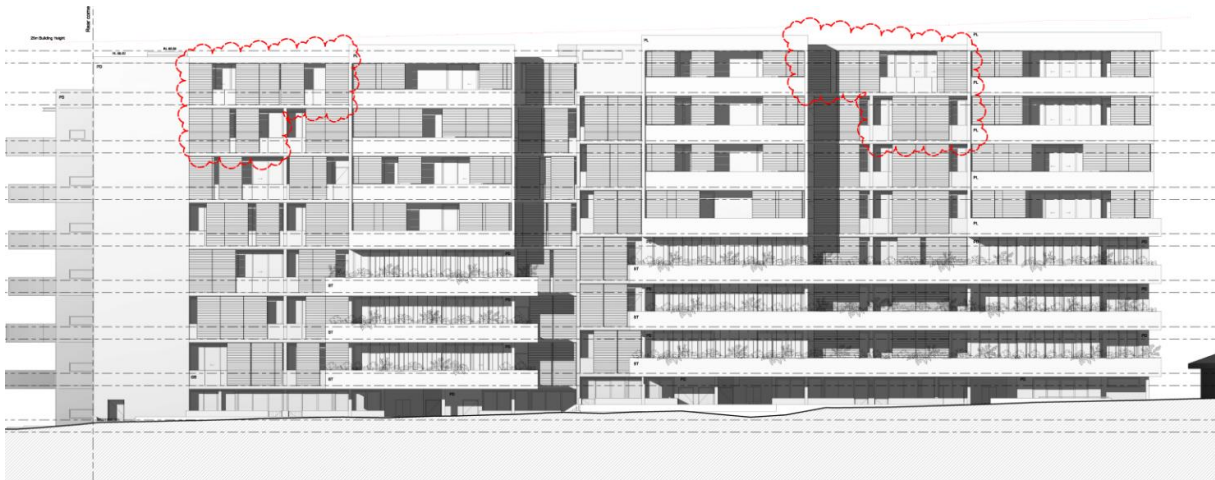


Figure 1 – Approved south elevation (MA16/0129)



Figure 2 - Proposed south elevation

The enclosure of balcony areas will not result in an appreciable change in the overall bulk or scale of the building, partly due to the position and size of proposed external walls relative to the overall composition of the building, and also having regard for the size of approved screening devices on balconies. The changes will not increase overall density of the site, reduce amenity of adjoining land or the public domain, nor cause any additional overshadowing impacts. The loss of balcony space is offset by the substantial north facing balconies which serve each apartment. The GFA increase is supported on the basis that it will not add to the tangible bulk of the building or have any adverse impacts on adjacent or nearby properties and will satisfy the underlying floor space and zone objectives, notwithstanding the relatively minor numerical inconsistency. The contravention of the standard does not raise any matter of significance for state or regional environmental planning and there is no public benefit of maintaining the development standard in the circumstances of this particular case.

10.2 Car Parking

The proposed deletion of a two bedroom unit will decrease the overall minimum car-parking requirements from 162 to 161. No changes are proposed to the basement or existing approved parking quantum which is reflected in the table below.

Type	Required (SSDCP 2015)	Approved	Proposed
Residential spaces	137	143	No change
Visitor spaces	25	25	No change
Car parking total	163	168	No change
Car wash bays	5	5	No change

Parking numbers specified within SSDCP 2015 are specified as minimum requirements. There is considered to be no material benefit in requiring the applicant to reduce parking, particularly given the stage of construction and the restricted nature of surrounding streets alongside the railway line. The total number of parking spaces is not considered excessive and has been accounted for in the

calculation of floor space. The proposal is will continue to satisfactorily meet the requirements and objectives at Chapter 36 of SSDCP 2015.

11.0 SECTION 94/7.11 CONTRIBUTIONS

The proposed development will reduce the overall quantum of units from 98 to 97 units. It is recommended that the condition imposed in relation to required contributions is revised (that is, reduced) to reflect the reduced overall quantum.

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 the case of this application a declaration has not been made.

13.0 CONCLUSION

The subject land is located within the R4 High Density Residential zone pursuant to the provisions of SSLEP 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

The proposed amendment includes a further minor breach of the FSR standard to enclose a portion of three south facing balconies and the retention of a car space within the basement. The increase of GFA is less than 0.5% compared to the GFA approved under MA17/0214. The GFA increase is supported on the basis that it will not add to the tangible bulk of the building or have any adverse impacts on adjacent or nearby properties.

In response to public exhibition no submissions were received.

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 Modification Application No. MA18/0164 may be supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (DS).