



SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-69
DA Number	MA20/0412
LGA	Sutherland Shire
Proposed Development:	S4.56 modification to DA18/0323 – involving changes to the internal layout of basement levels 1, 2 and 3
Street Address:	S/P 545, Lots 1 to 3 S/P 9336, Lots 1 to 4 S/P 48254, Lots 4 to 6 S/P 67206 – 5 to 9 Ozone Street, Cronulla
Applicant/Owner:	Ozone Cronulla Pty Ltd
Date of DA lodgement	17 February 2021
Number of Submissions:	1
Recommendation:	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	This application is referred to the SSPP as this application is an application made under Section 4.56 of the Environmental Planning and Assessment Act 1979 and is a modification to an application previously heard by the SSPP and approved by the Land and Environment Court. As this application is made under Section 4.56, it is required to be determined by SSPP.
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none"> relevant environmental planning instruments proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority relevant development control plan relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 coastal zone management plan relevant regulations e.g. Regs 92, 93, 94, 94A, 288
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Appendices: <ul style="list-style-type: none"> A - Apartment Design Guide (ADG) –Building Key Design Criteria B - SSDCP 2015 Compliance Table C - Architectural Drawings
Report prepared by:	Bagnall M, Sutherland Shire Council
Report date	22 April 2021

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 (S7.24)?

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

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

REPORT SUMMARY

REASON FOR THE REPORT

This application is referred to the Sydney South Planning Panel (SSPP) as this application is an application made under Section 4.56 of the Environmental Planning and Assessment Act 1979 and is a modification to an application previously heard by the SSPP and approved by the Land and Environment Court. As this application is made under Section 4.56, it is required to be determined by SSPP.

The original proposal (DA18/0323) was approved by the Land and Environment Court on 2 April 2019.

APPROVED PROPOSAL

The approved development is for demolition of all existing structures and the construction of a nine storey residential apartment building containing 38 apartments. The development includes a mix of 1, 2 and 3 bedroom apartments. Three levels of basement car parking accessed from a new driveway at the south western corner off Cecil Monro Avenue, including 70 residential spaces, 2 visitor/car wash spaces and 2 trade/service vehicle spaces.

PROPOSED MODIFICATION

The modification to DA18/0323 involves changes to the internal layout of basement levels 1, 2 and 3 to accommodate 71 car parking spaces, 2 visitor/car wash spaces, 2 trade/service spaces, storage and services.

THE SITE AND LOCALITY

The site is irregular in shape with a total area of 1,592m². It has a primary eastern frontage to Ozone Street of 53.42m, a northern frontage to Ocean Grove Avenue of 30.22m and a southern frontage to Cecil Monro Avenue of 24.37m. Its western boundary adjoining 14 & 18 Gerrale Street has a length of 56.38m, excluding a 3.06m return of a “dog leg” part way along the boundary. The site has a slight fall of just over 1m from its north-western corner (RL16.5) to its south-eastern corner (RL15.46).

The site was occupied by 3 apartment buildings, each being 3 storeys in height with car parking on the ground floor. These buildings have been demolished and excavation for the basement has commenced. There are 10 on-street parking spaces in Ozone Street directly adjacent to the site along with 3 street trees in tree “blisters”.

Adjoining site to the west are 14 Gerrale Street and 18 Gerrale Street. The former is occupied by a 4-storey mixed use building containing ground floor commercial and apartments over. The latter is occupied by a 2 – 3 storey apartment building that has been subject to a DA (DA18/0349) that was approved by the Land and Environment Court, proposing demolition of the building and construction of a mixed use development with a height of 9 storeys.

The site is located at the eastern edge of Cronulla Centre. Cronulla railway station is a 6 minute walk from the site. The site was “up zoned” under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) from a maximum height of 6 storeys (i.e. about 18m) and floor space ratio (FSR) of 2:1 to a maximum height of 30m and FSR of 3:1.

An aerial photo showing the location of the site and surrounds is shown below:



ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

- That pursuant to the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979, the requested modification to Development Consent No. DA18/0323 dated 2 April 2019 for demolition of existing structures and construction of a residential apartment building containing 38 apartments and 3 basement parking levels (Modified - 23 November 2020) at Lots 1 to 3 S/P 9336, S/P 545, Lots 1 to 4 S/P 48254, Lots 4 to 6 S/P 67206, 5 to 9 Ozone Street, Cronulla, be supported.
- That Development Application No. 18/0323 for demolition of existing structures and construction of a residential apartment building containing 38 apartments and 3 basement parking levels (Modified - 23 November 2020) at Lots 1 to 3 S/P 9336, S/P 545, Lots 1 to 4 S/P 48254, Lots 4 to 6 S/P 67206, 5 to 9 Ozone Street, Cronulla be modified as follows:

- **Amend Condition 1 – Approved Plans and Documents**

The development must be undertaken substantially in accordance with the BASIX certificate, details and specifications set out on the following approved plans:

Plan Number	Reference	Prepared by	Date
S4.56_DA000 Revision E	Cover Sheet	PBD Architects	27 March 2020
S4.56_DA100 Revision D F	Basement 3 Plan	PBD Architects	16 April 2020 19 November 2020
S4.56_DA101 Revision D F	Basement 2 Plan	PBD Architects	16 April 2020 19 November 2020
S4.56_DA102 Revision D F	Basement 1 Plan	PBD Architects	16 April 2020 19 November 2020
S4.56_DA103 Revision E	Ground Floor Plan	PBD Architects	16 April 2020
S4.56_DA104 Revision E	Level 1 Plan	PBD Architects	16 April 2020
S4.56_DA105 Revision E	Level 2 Plan	PBD Architects	16 April 2020
S4.56_DA106 Revision E	Level 3 Plan	PBD Architects	16 April 2020
S4.56_DA107 Revision E	Level 4 Plan	PBD Architects	16 April 2020
S4.56_DA108 Revision E	Level 5 Plan	PBD Architects	16 April 2020
S4.56_DA109 Revision E	Level 6 Plan	PBD Architects	16 April 2020
S4.56_DA110 Revision E	Level 7 Plan	PBD Architects	16 April 2020
S4.56_DA111 Revision F	Level 8 Plan	PBD Architects	16 April 2020
S4.56_DA112 Revision D	Roof Terrace Plan	PBD Architects	16 April 2020
S4.56_DA113 Revision C	Roof Plan	PBD Architects	18 March 2020
S4.56_DA200 Revision B	East Elevation Ozone Street	PBD Architects	18 March 2020
S4.56_DA202 Revision C	West Elevation	PBD Architects	27 March 2020
S4.56_DA203 Revision B	North Elevation Ocean Grove Road	PBD Architects	18 March 2020
S4.56_DA201 Revision B	South Elevation Cecil Monroe Ave	PBD Architects	18 March 2020
S4.56_DA300 Revision A	Section A	PBD Architects	11 September 2019
S4.56_DA301 Revision A	Section B	PBD Architects	11 September 2019
S4.56_DA400 Revision C	Material Finishes	PBD Architects	18 March 2020
S4.56_502 Revision A	Storage Diagram	PBD Architects	11 September 2019
DA05.03 Revision H	Driveway Ramp Section	Vic Lake Architect	6 November 2018
DA05.04 Revision H	Section Detail Façade	Vic Lake Architect	7 November 2018
S4.56_DA600 Revision A	Adaptable Unit	PBD Architects	11 September 2019

S4.56_DA601 Revision A	Adaptable Unit	PBD Architects	11 September 2019
S4.56_DA602 Revision A	Adaptable Unit	PBD Architects	11 September 2019
S4.56_DA603 Revision B	Livable Unit	PBD Architects	18 March 2020
DA06.07 Revision H	Communal Open Storage	Vic Lake Architect	6 November 2018
DA06.30 Revision H	Construction Management Plan – Stage One	Vic Lake Architect	20 March 2018
DA06.31 Revision A	Construction Management Plan – Stage Two	Vic Lake Architect	20 March 2018
DA06.32 Revision A	Construction Management Plan – Stage Three	Vic Lake Architect	20 March 2018
DA06.48 Revision H	Planting Pocket	Vic Lake Architect	7 November 2018
17A09_DA_C000 Revision 01	Cover Sheet, Drawing Schedule, Notes & Locality Sketch	Henry & Hymes	31 July 2018
17A09_DA_C100 Revision 01	Stormwater Management Plan	Henry & Hymes	31 July 2018
17A09_DA_200 Revision 01	OSD Tank Sections and Details	Henry & Hymes	31 July 2018
17-0679L L01 Revision Q	Paving and Planting Schedule	Habit8	31 January 2019
17-0679L L01	Landscape Plan – Ground Level (South Western)	Habit8	31 January 2019
17-0679L L02 Revision Q	Landscape Plan – Ground Level (North Western)	Habit8	31 January 2019
17-0679L L03 Revision Q	Landscape Plan – Ground Level (South Eastern)	Habit8	31 January 2019
17-0679L L04 Revision Q	Landscape Plan – Ground Level (North Eastern)	Habit8	31 January 2019
17-0679L L05 Revision Q	Landscape Planting Plan Ground Level – (South Western)	Habit8	31 January 2019
17-0679L 06 Revision Q	Landscape Planting Plan – Ground Level (North Western)	Habit8	31 January 2019
17-0679L L07 Revision Q	Landscape Planting Plan – Ground Floor (South Eastern)	Habit8	31 January 2019
17-0679L L08 Revision Q	Landscape Planting Plan – Ground Floor (North Eastern)	Habit8	31 January 2019
17-0679L L09 Revision Q	Landscape Planting – Roof Terrace (Southern)	Habit8	31 January 2019
17-0679L L10 Revision Q	Landscape Plan – Roof Terrace (Northern)	Habit8	31 January 2019
(Modified – 13-May-2020.)			

- **Amend Condition 46 – Car Parking Allocation**

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking and trades or service vehicle spaces and/or car wash bays must be designated as common property on any strata plan.

i) Parking must be allocated on the following basis:

- Residential dwellings: ~~70~~ **71** spaces
- Residential visitors/**Car wash bay spaces: 4 2** space
- Trades or service vehicle spaces: 2 spaces

~~• Car wash bay: 1 space~~

- **Motorcycle: 3 spaces**

- **Bicycle: 8 spaces**

(Modified – ~~13 May 2020.~~)

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings contained within the development as detailed above and not for any other purpose.

- **Amend Condition 53**

Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) Aluminium privacy screens (as shown as PS on the Material Finishes plan S4.56_DA400, issue C, dated 18 March 2020) are to be installed wrapping around the north western corner of each unit on levels 1 to 7.
- ii) The ground floor level (base of the building) is to be finished in sandstone cladding.
- iii) The front fence is to be finished in sandstone cladding and constructed no greater than 400mm in height when measured from natural ground level.

iv) An updated 'Apartment Storage Plan' showing adequate storage for the units is provided within the basement in accordance with 4G of the Apartment Design Guide.

(Added – ~~13 May 2020.~~)

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSED MODIFICATION

An application has been made under the provisions of Section 4.56 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to modify the terms of Development Consent No.DA18/0323.

Council by Development Consent No. DA18/0323 issued on 2 April 2019 granted approval for demolition of existing structures and construction of a residential flat building containing 38 apartments and 3 basement parking levels (Modified - 23 November 2020) on the subject property.

The specific modification sought to the approved development involves modifying the internal layout of basement levels 1, 2 and 3 to accommodate 71 car parking spaces, 2 visitor/car wash bay spaces, 2 trade/service spaces, storage and services. Specifically, the following is proposed on each basement level:

Basement 3

- 36 car parking spaces and services areas.
- Reduce lobby area to accommodate storage.
- 8 garages for units G05, 101, 104, 201, 204, 301, 305 and 505.

Basement 2

- 21 car parking spaces, 2 car wash bay/visitor spaces and service areas.
- Reduce lobby area to accommodate storage.
- 4 garages for units G04, 304, 401, 403, 405, 501, 504, 601 and 602.

Basement 1

- 14 car parking spaces, 3 motorcycle spaces, service area, care taker office, bulky waste area and storage areas.
- Garages to units 502, 603, 701, 702, 801 and 802.
- Reduce lobby area to accommodate storage.
- Basement walls to extend around the corner along the southern and eastern boundaries of the site.

2.0 APPROVED DEVELOPMENT

The most recent approval granted ([under MA20/0232](#)) on the site allows for the demolition of all existing structures and the construction of a nine storey residential flat building containing 38 apartments. The development includes a mix of 1, 2 and 3 bedroom apartments. Three levels of basement car parking accessed from a new driveway at the south western corner of the site off Cecil Monroe Avenue including 70 residential spaces, 2 visitor/car wash spaces and 2 trade/service vehicle spaces.

The detailed development assessment report in relation to this development under Section 4.15 of the EP&A Act is attached to Development Application file No 18/0323. At present the development is under construction.

3.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 28 November 2017.
- The original application was considered by SSPP on 21 November 2018 and the panel agreed to defer the determination for the following reasons:
 1. *The adverse impacts of the development, in particular view loss, have been addressed as per the relevant considerations in the LEP.*
 2. *The amended design addresses the comments of Council's Design Review Forum (DRF) at their meeting on 25 October 2018. This submission is to be reconsidered by the DRF and their comments along with an updated Design verification statement be provided to the Panel.*

An amended report, including the applicant's submissions be prepared by Council is to be submitted to the Panel for their reconsideration of the application.

- An appeal was lodged with the Land and Environment Court and the development application was approved on 2 April 2019.
- MA19/0303 was submitted increasing the number of units from 32 to 38 (resulting in some changes to conditions of consent) and was determined by way of approval by the SSPP on 13 May 2020.
- MA20/0232 was submitted to modify condition 19 relating to the Registration of Plan of Consolidation and Road Dedication and was determined by way of approval by the SSPP on 2 April 2019.
- DA20/0606 was submitted to amalgamate units 702 and 703 to create one unit and was determined under delegation on 14 December 2020.
- DA20/0614 was submitted for alterations and amalgamation of units 403/404 and 502/503 and was determined under delegation on 14 December 2020.
- MA21/0080 was submitted on 9 March 2021 to modify the ground floor private open space areas, minor internal changes, window modifications, change to booster location, increase in height and floor space ratio, change to façade cladding and amendments to landscaping.
- The current modification application was submitted on 17 February 2021.
- The application was placed on exhibition, with the last date for public submissions being 1 April 2021.

4.0 NATURE OF MODIFICATION SOUGHT

This application proposes the modification of Development Consent No. DA18/0323 pursuant to Section 4.56 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 4.56 is the appropriate type of modification application.

5.0 PUBLIC PARTICIPATION

As the application involves modification under Section 4.56 of the EP&A Act, the application has been notified in accordance with the Sutherland Shire Development Control Plan 2015 (DSSDCP 2015).

Three hundred and forty eight adjoining or affected owners were notified of the proposal and 1 submission was received raising a number of issues including *clarification of whether the changes comply with SSLEP2015 with regards to height and floor space ratio, clarification whether the proposed changes comply with SSDCP2015 with respect to boundary setbacks and building separation as per SEPP65 and why the proposed changes are necessary*. The assessment officer spoke with the objector on 26 April 2021 and the objector provided an email (received 26 April 2021) confirming the submission received was in response to MA21/0080, not this application.

6.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone *B3 Commercial Core* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a *residential flat building*, is a permissible land use within the zone with development consent from Council.

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

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development).
- State Environmental Planning Policy (Coastal Management) 2018.
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Apartment Design Guide

Section 7.11 / 7.12 Development Contribution Plan 2016

- Section 7.11 Development Contribution Plan 2016 – Cronulla Centre Precinct.

7.0 COMPLIANCE TABLE

7.1 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management consistent with the Coastal Management Act 2016. The CM SEPP applies to land within the coastal zone across NSW. All foreshore land within the Sutherland Shire is identified as being within the coastal zone, in some instances the coastal zone extends beyond waterfront properties. In addition, much of the Sutherland Shire foreshore is identified as being within the coastal environment area and the coastal use area.

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Council is satisfied that the proposed residential flat building is unlikely to cause increased risk of coastal hazards on that land or other land. It is noted at this stage Council does not have any certified coastal management programs which require consideration.

The subject site is within the coastal zone and is also identified on the CM SEPP map as coastal use area. The site is about 90m from the foreshore located to the east.

Development on land within the coastal use area (clause 14)

The site is identified as being land within the “coastal use area” on the CM SEPP map. This requires the consent authority to consider certain factors and be satisfied of certain requirements before development consent is granted.

Specifically, the consent authority must consider whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability; overshadowing, wind funnelling and the loss of views from public places to foreshores; the visual amenity and scenic qualities of the coast, including coastal headlands; Aboriginal cultural heritage, practices and places, and cultural and built environment heritage.

These factors have been considered in the assessment of this application, including the bulk, scale and size of the proposed development and its impact on the surrounding coastal and built environment. The proposal is acceptable with regard to most of the above considerations including access to the foreshore and overshadowing and will have negligible impact on views from public places to the foreshore. The building has generally compliant setbacks from all streets and will respect the existing character and visual qualities of the public domain. The proposal will not adversely impact the visual amenity of this coastal locality and is consistent with relevant considerations of the CM SEPP.

7.2 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies State and Regionally Significant development in NSW. Schedule 7 of the SEPP identifies this application as regionally significant development as it has a capital investment of more than \$30 million. As such, the application is referred to the South Sydney Planning Panel for determination.

7.3 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 search of Council's records including the contaminated land register revealed that the adjoining site to the west (14 Gerrale Street) is listed as potentially contaminated due to the former use of that site as a service station between approximately 1955 and 1996. Council's Environmental Scientist reviewed the initial contaminated land documentation submitted with the DA and requested a supplementary "review" from the applicant's environmental consultants.

Based on the review of all information submitted and a review of Council's historical files regarding adjoining previous land uses, Council's Environmental Scientist concluded that the site is suitable for the proposed residential use. Suitable conditions of consent were applied as a "precautionary" approach, to address the unlikely scenario that unexpected soil contamination is detected during waste classification works or as identified by the unexpected finds protocol during construction.

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

State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX) aims to establish a scheme to encourage sustainable residential development across New South Wales. BASIX certificates accompany the development application addressing the requirements for the proposed building. An amended BASIX Certificate has been submitted with the amended proposal. The approved development generally achieves the minimum performance levels / targets associated with water, energy and thermal efficiency. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – Design Quality Principles.

7.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (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. The proposal is subject to assessment under the provision of the SEPP.

7.6 Apartment Design Guide (ADG)

The applicable design guidelines for the proposed development are contained within the ADG, which is based on the 9 design quality principles set out in SEPP 65. The ADG illustrates good practice and these guidelines are largely replicated in Council's DCP. A table with a compliance checklist of the against the ADG design criteria is contained **Appendix "A"** to this report.

7.7 Sutherland Shire Local Environmental Plan 2015

An assessment for compliance against Sutherland Shire Local Environmental Plan 2015 has not been carried out, as this application is not proposing to modify the approved height and floor space ratio of the development. A compliance table with a summary of the applicable development standards approved with the development is contained below:

Standard / control	Required	Proposed	Complies? % variation
Sutherland Shire Local Environmental Plan 2015			
Building Height (Clause 4.3)	30m	30m	Yes
Floor Space Ratio (Clause 4.4)	3:1 (4,776m ²)	3.0:1 (4,771.7m ²)	Yes

7.8 Sutherland Shire Development Control Plan 2015

The proposal has been assessed for compliance with SSDCP2015. A compliance table with a summary of the applicable development controls is contained in **Appendix "B"**.

8.0 SPECIALIST COMMENTS

The application was referred to Council's Development Engineer and no concerns were raised with regards to the proposed amendments.

9.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the matters for consideration under Section 4.15 of the EP&A Act. The following matters are considered important to this application:

9.1 Proposed Modification

The specific modification sought to the approved development involves modifying the internal layout of basement levels 1, 2 and 3 to accommodate 71 car parking spaces, 2 visitor/car wash spaces, 2 trade/service spaces, storage and services. These changes provide adequate car parking for the approved number of units and will have no adverse impacts in terms of access and manoeuvring on each basement level. The basement walls are also proposed to extend around the southern and eastern boundaries of the site. The internal changes to the basement levels will have no impact on the building form above ground level and therefore the bulk and scale is the same as approved.

No objection is raised to modifying the internal layout of the basement levels, subject to minor condition changes including an updated storage plan.

10.0 DEVELOPER CONTRIBUTIONS

Due to its nature, the proposed development, as modified, will not require or increase the demand for public facilities within the area. Accordingly, it does not generate any Section 7.11/7.12 contributions.

11.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the EP&A Act 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.

12.0 CONCLUSION

The subject land is located within *Zone B3 Commercial Core* 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.

In response to public exhibition, 1 submission was received. The matter raised in the submission did not apply to this application and the objector has clarified it is in relation to Modification Application No. 21/0080.

The proposed modifications to the internal layout of the basement levels is acceptable, subject to minor condition changes. This application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the EP&A Act, together with the provisions of SSLEP2015 and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that the Modification Application No. 20/0412 can be supported.