

<b>JRPP No:</b>	<b>2010SYE112</b>
<b>DA No:</b>	<b>DA503/10</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Demolish existing buildings and construct a multi storey mixed use building comprising 4 levels of retail and commercial space, 144 apartments, basement parking - No.211-223 Pacific Highway, North Sydney</b>
<b>APPLICANT:</b>	<b>Keystone Property Consultants Pty Ltd</b>
<b>REPORT BY:</b>	<b>Geoff Mossemeneer, Executive Planner, North Sydney Council</b>

## Assessment Report and Recommendation EXECUTIVE SUMMARY

This development application seeks approval to demolish the existing commercial building, and construct a eighteen (18) storey mixed use development. The building will consist of 144 residential apartments above commercial and retail tenancies located over 4 levels. Car parking for 136 vehicles and 15 motorbikes will be provided over 4 basement levels.

The Council's notification of the proposal has attracted three submissions raising particular concerns about traffic, parking and dwelling sizes. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is recommended for **approval**.

### DESCRIPTION OF PROPOSAL

The proposed development is for the demolition of existing buildings and the erection of an 18 Storey mixed use building consisting 4 levels of basement car parking, ground floor retail (two restaurant tenancies) , commercial (office space) development on levels 1 to 3, and residential development from level 4 to 17.

The project includes segregated communal open space for both the commercial and residential tenants. The dwelling mix consists of:

60 x one bedroom apartments  
64 x two bedroom apartments  
20 x three bedroom apartments

### STATUTORY CONTROLS

North Sydney LEP 2001

- Zoning – Mixed Use
- Item of Heritage - No
- In Vicinity of Item of Heritage - Yes
- Conservation Area - No

S94 Contribution

Environmental Planning & Assessment Act 1979

SEPP 1 Objection  
SEPP 55 - Contaminated Lands  
SREP (2005)  
Local Development  
Draft North Sydney LEP 2009

## **POLICY CONTROLS**

DCP 2002  
Draft North Sydney DCP 2010

## **CONSENT AUTHORITY**

As this proposal has a Capital Investment Value (CIV) of greater than \$10 million the consent authority for the development application is the Joint Regional Planning Panel, Sydney East Region (JRPP).

## **DESCRIPTION OF LOCALITY**

The site is located on the eastern side of the Pacific Highway between McLaren Street to the north and Berry Street to the south. It also has a frontage to Angelo Street at the rear.

The site consists of 2 allotments:

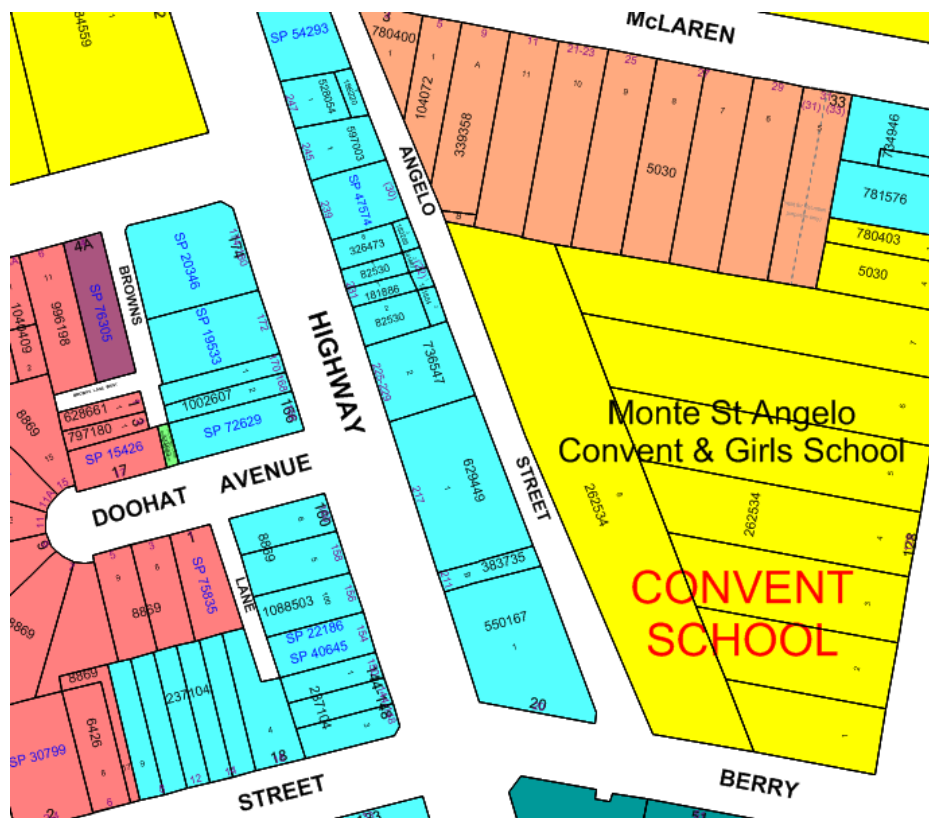
- DP 383735 (211 Pacific Highway)
- DP 629449 (215-223 Pacific Highway)

The site has a frontage of 54.5m to the Highway, frontage of 55.9m to Angelo Street, depths of 27.8m and 30.7m, and a total area of approximately 1,616 m<sup>2</sup>.

Currently, the site at 211 is vacant. The site at 215 Pacific Highway is occupied by a 5 storey building with a GFA of 2,302m<sup>2</sup>. The site at 223 is occupied by a 6 storey building with a GFA of 2,330m<sup>2</sup>.

The subject site is located within the North Sydney CBD. It is surrounded by commercial development as well as the Mount St Angelo Catholic Girls School to the east and southeast. The character of the area is consistent with its Mixed Use zoning.

## Location of Subject Site



## RELEVANT HISTORY

There is no relevant history with regard to the current application the most recent consent was for 211 Pacific Highway for the construction of a mixed use development consisting of:

- Nine storeys containing 12x1 bedroom and 2x 2 bedroom apartments
- Commercial office suites over part level 1 and part level 2
- Ground floor (Pacific Highway) containing entry foyer and coffee bar.
- Ground floor (Angelo Street) containing car space.

## REFERRALS

## Building

The application has not been assessed specifically in terms of compliance with the Building Code of Australia (BCA). It is intended that if approved, Council's standard condition relating to compliance with the BCA be imposed and should amendments be necessary to any approved plans to ensure compliance with the BCA, then a Section 96 application to modify the consent may be required.

## Engineering/Traffic

Council's Traffic Engineer (C.Edwards-Davis) provided the following comments in relation to the development application:-

*"I refer to your request for comments on 211-223 Pacific Highway, North Sydney (DA 503/10). I have read the Traffic and Parking Assessment report prepared by John Coady Consulting Pty Ltd dated 13 December 2010 (Ref: 10040).*

### **Existing Development**

*The existing development comprises 4,632 m<sup>2</sup> of commercial floor space.*

### **Proposed Development**

*The proposed development comprises a mixed use building incorporating a 674.1 m<sup>2</sup> restaurant, 3,521 m<sup>2</sup> commercial floor space and 144 apartments (60 x 1-bedroom, 64 x 2-bedroom, 20 x 3-bedroom). The proposed development includes 138 parking spaces (including 14 disabled), 16 motorbike parking spaces and 78 bicycle parking spaces. Access is proposed from Angelo Street.*

### **Parking**

*The North Sydney DCP 2002 outlines a maximum parking space provision as follows:*

<i>Development Component</i>	<i>Parking Rate</i>	<i>Maximum Parking</i>
<i>60 x 1 bedroom</i>	<i>0.5</i>	<i>30</i>
<i>84 x 2+ bedroom</i>	<i>1</i>	<i>84</i>
<i>674.1 m<sup>2</sup> restaurant</i>	<i>50</i>	<i>13.5</i>
<i>3,521 m<sup>2</sup> commercial floor space</i>	<i>400</i>	<i>8.8</i>
<i>Total</i>		<i>137</i>

*The proposed development includes 138 parking spaces. This is generally consistent with Council's DCP and is considered acceptable.*

### **Traffic Generation**

*I generally concur with the applicant's traffic generation calculations. That is, it is likely that the development will result in a net additional 47 peak hour vehicle trips.*

*I generally concur with John Coady Consulting that this proposed increase in traffic generation will have a negligible impact on the surrounding road network. I concur with John Coady Consulting that the surrounding intersections would continue to operate at their existing levels of service, with similar average delays per vehicle.*

### **Loading Dock**

*A loading dock with capacity for an 8.0m truck and a 7.6m truck with access from Angelo Street.*

*John Coady Consulting has provided a turning path diagram to demonstrate access to and from Loading Dock 2 (Commercial)*

*Access to Loading Dock 1 (residential) has not been demonstrated. It is recommended that the applicant be requested to provide a turning path diagram for access to Loading Dock 1.*

### **Queuing Length**

*It is unclear from the diagrams where it is intended to install an intercom/ security access point to the residential and commercial basement car park. There are high*

pedestrian volumes on Angelo Street. Therefore it would be unacceptable to have vehicles queuing onto Angelo Street or the footpath. AS 2890.1 requires queuing length for four vehicles for a car park of this size.

The plans show a roller door to the loading dock located on the boundary line. As above, it would be unacceptable to have heavy vehicles queuing on Angelo Street or the footpath. To ensure that heavy vehicles are managed in safe and acceptable manner, an operation transport management plan should be prepared for the site.

### **Green Travel Plan**

One of Council's key policy objectives is to encourage residents and particularly commuters to use alternate transport options to the private car. A good way to encourage public transport, walking and cycling is to provide people with information on these alternatives through a document and diagram such as a green travel plan.

The proposed development incorporates a 674.1 m<sup>2</sup> restaurant and 3,521 m<sup>2</sup> commercial floor space.

In the past, it was generally felt that where a new non-residential development results in the floor space exceeding 2,000m<sup>2</sup> (approximately 100 employees in an office development), a green travel plan is required.

### **Conditions of Approval**

Should this development be approved it is recommended that the following conditions of approval be imposed:

1. That the applicant be requested to provide a turning path diagram which demonstrates that Loading Dock 1 (residential) can be accessed by an 8.8m Medium Rigid Truck as defined by AS 2890.2 such that all heavy vehicles enter and exit the site in a forwards direction.
2. That access to the building is to be designed such that there is no net loss of on-street parking.
3. That the residential bicycle parking currently shown on Basement Level 4 be moved to Basement Level 1.
4. That a Demolition and Construction Management Program be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of a Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.
5. That an Operational Transport Management Plan for heavy vehicles including garbage vehicles, commercial/ restaurant deliveries and residential removalists to the site be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of an Occupation Certificate.
6. That a workplace green travel plan is to be developed to highlight to staff the available public and alternative transport options for travelling to the site. This is to be submitted to Council for approval by the Director of Engineering and Property Services prior to the issue of an Occupation Certificate.
7. That all vehicles, including delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.
8. That all aspects of the carpark comply with the Australian Standard AS2890.1 Off-Street Parking.
9. That all aspects of the loading dock comply with the Australian Standard AS2890.2.
10. That all aspects of parking spaces for people with disabilities comply with the Australian Standard AS 2890.6.
11. That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.

12. *That the developer pay to upgrade the street lighting on Angelo Street and the Pacific Highway, adjacent to the site, to the appropriate standard and to the satisfaction of Council.*
13. *The location of any intercom/ security access point for driveway entry to the car park should be located 24 metres within the boundary of the property, such that four queued vehicles can be contained wholly within the boundary of the property, as per AS2890.1.*
14. *That signs be installed at the exit to the driveway and loading dock stating "Stop – Give Way to Pedestrians".*

**Planning Comment:** The above-mentioned conditions should be imposed as conditions of consent should the development application be approved. The access to the loading dock has been assessed and it is considered that a medium rigid vehicle can enter and leave the site in a forward direction.

### **Engineering/Stormwater Drainage/Geotechnical**

Council's Development Engineer (Z.Cvekovic) assessed the proposed development and advised that the proposed development can be supported subject to imposition of a number of standard and site specific conditions relating to damage bonds, excavation, dilapidation reports of adjoining properties, construction management plan, vehicular crossing requirements and stormwater management. These conditions of consent should be imposed should the development application be approved.

### **Heritage**

The works to 211-223 Pacific Highway, North Sydney have been assessed in terms of Clause 50 (Development in the Vicinity of Heritage Items) of the North Sydney LEP 2001 and Section 8.8 (Heritage Items and Conservation Areas) of the North Sydney DCP 2002.

The proposal is considered to be acceptable. It should be noted that the proposal is not located within a conservation area but is in the vicinity of heritage items. There is no physical impact on any of the heritage items in the vicinity.

### **DESIGN EXCELLENCE PANEL**

The application was referred to Council's Design Excellence Panel at its meeting of 3 February 2011. The minutes are reproduced as follows:

**"PROPERTY:** 211-223 Pacific Highway North Sydney

**DATE:** 3 February 2011 @ 3.30 pm

**ATTENDANCE:** Panel Members: Philip Graus; Russell Olsson;  
apologies from David Chesterman and Peter Webber

**Council staff:** Geoff Mossemeneer (chair) George Youhanna; Katie Miles.

**Proponents:** Nigel Dickson (architect)

This application was the subject of a pre lodgement meeting on 24 November 2010. A site inspection was carried out by the Panel and Council Staff prior to that meeting.

## **The Proposal:**

The proposed development is summarised as demolition of the existing commercial building, and construction of a eighteen (18) storey mixed use development. The building will consist of 144 residential apartments above commercial and retail tenancies located over 4 levels. Car parking for 136 vehicles and 15 motorbikes will be provided over 4 basement levels. This proposal is an application to be determined by the Joint Regional Planning Panel.

Pre lodgement plans were considered by the Panel last November and a number of suggestions were made. The applicant has responded as follows:

### *Consider 'greening' of Roof deck*

Response: Green elements have been introduced into the roofscape. It has been found that substantial plantings such as trees have difficulty surviving because of wind impact and soil conditions. Therefore, low level plantings are proposed along with turf to provide greenspace for residents and reduce the area of hard paved surface exposed to the direct sun.

### *Provide some enclosed area on the roof preferably including sink and urn to provide adequate wind shelter*

Response: A pergola has been introduced as a wind shield. Enclosed kitchen facilities are also proposed. The position of the terrace has been shifted to the southeast improve views towards Sydney Harbour and provide better shelter from wind. Setbacks are maintained to prevent overlooking and ensure safety.

### *The timber louvers need to be located outside of the glass on levels 1 and 2 to increase environmental performance and perhaps reconsider the material, due to the potential for timber to weather badly and require maintenance.*

Response: The louvers have been located outside curtain wall and the nominated material has now been nominated as coated aluminium to improve durability.

### *Consider providing daylight to the residential corridors.*

Response: A notch has been introduced in the southern portion of the lobby to introduce natural lighting and improve amenity in particular for those units located at the southerly portion of the development.

### *Consider solid balustrades and sliding louvers to balconies for acoustic treatment and sun protection*

Response: Balustrades have been redesigned to create better acoustic privacy. Balconies are proposed with a solid balustrade to create an acoustic barrier to road noise and to provide privacy. Balconies are configured to facilitate the installation of a louver system that would allow residents to completely close off their balcony, providing an extra level of privacy.

### *Street trees need to be incorporated with awning detail to Highway*

Response: Street trees planting is indicated on the plans and the awning allows for healthy growth of the tree canopy through staggered indentations.

### *The residential lobby could increase in size to allow for seating and for residents and visitors.*

Response: The residential lobby has been enlarged with the frontage increased from the previous design option of 2.25m to a frontage of 5.87m. The lobby is 44.5m<sup>2</sup> and has the same street presence as the commercial lobby. It provides ample space for allowing informal meetings between residents, thus avoiding spaces that may contribute to social exclusion. It also will provide a well-appointed space for receiving guests.

### *Make allowance for one of residential lifts to be openable on commercial levels to allow for future emergencies (ie. Commercial lift breakdown)*

Response: This design change has been incorporated.

*Address the acoustic and air quality issues raised in the NSW Department of Planning's "Development Near Rail Corridors and Busy Roads" - Interim Guideline*

Response: Acoustic Logic has provided advice in the report accompanying this application. They have put forward recommendations for glazing thicknesses to ensure acoustic privacy for residents. They have conducted their assessment based on North Sydney Council and EPA guidelines.

*Provide shadow information confirming that the building does not increase overshadowing on the special area in Berry Street.*

Response: Shadow diagrams have been prepared and are included in the DA drawing set.

*Consider extending restaurant through to Angelo Street, quieter than Highway, pleasant morning sun, as well as assisting in activating the street.*

Response: Services have been re-arranged to allow the northern restaurant tenancy to extend through to the Angelo Street frontage and will improve the streetscape quality along Angelo Street, while still providing required entrance and loading docks along the Angelo Street frontage and maintaining an excellent streetscape quality along the Pacific Highway.

*Provide a more pedestrian friendly appearance to Angelo Street, perhaps greening the blank walls where there are no service access points.*

Response: A 600mm recess has been included along the Angelo Street façade to accommodate planters and introduce landscape without causing any building wear and tear which is often found with direct greening of facades. The pulling through of the restaurant tenancy to Angelo Street has greatly reduced the proportion of blank wall along Angelo Street.

The architect provided an outline of the lodged application and how the above comments from the Panel had been addressed.

The Panel requested further details with regard to the lower level metal louvres to the Highway; landscaping; balconies; street awning and finishes to the lower level frontage to Angelo Street. The meeting deferred comment until the information was submitted. The applicant submitted the details on 9 February and copies were distributed to the Panel.

### ***Panel Comments:***

The Panel notes the additional information submitted by the applicant.

The Architect advised that 100% of apartments receive a minimum of 2 hours of sunlight (65% have 3 hours) and over 67% have cross ventilation. The Design Principles contained in SEPP 65 are addressed as follows:

#### ***Principle 1 — Context***

The subject site is located in an area that has been zoned by Council to facilitate mixed use development. The scale and height of the proposed development is appropriate to its context. The existing context of development near the site is of predominately a commercial character along Pacific Highway. However, the block represents a transitional area between the commercial core of the CBD and the residential development to north.

#### ***Principle 2 and 3 — Scale and Built Form***

The proposal establishes a consistent street setback along the eastern side of Pacific Highway. The podium configuration responds to the scale and bulk of adjacent



developments in the streetscape. The tower element is set back providing outdoor terrace space for commercial tenants. The podium and tower configuration also reflects the internal uses of the building.

#### *Principle 4 — Density*

The design of the proposed development is consistent with the desired future character of the North Sydney's CBD. The site is located in the mixed use zone which is characterised as a transitional zone between the commercial core of the CBD and the residential development surrounding the development. The mix of units proposed is also consistent with North Sydney Guidelines for apartment mix.

#### *Principle 5 - Resource, Energy and Water Efficiency*

A BASIX assessment and report has been submitted with the application. The layout of the unit blocks and units has attempted to maximise solar access and cross ventilation for the maximum number of units. High performance glazing will be provided to reduce heat transfer and external louvres are proposed to control solar access and internal thermal comfort. Because the development has a large frontage facing west, the functionality of double glazing, deep balconies and operable external louvres have been considered.

#### *Principle 6 - Landscape*

Due to the urban location of the proposed development and its further location within the CBD, the area of landscape proposed consists of streetscape improvements and a portion of the roof terrace being green which doubles as a communal recreational space.

#### *Principle 7 — Amenity*

The apartment layouts and services have been laid out based on an open plan format with main living areas opening onto the private balcony. A central lift core with lobby which directly addresses the street is also proposed. The provision of natural ventilation is proposed in the internal corridor near the southerly apartments to improve amenity in the portion of the building which, by its very orientation on the site, lacks the high amenity attributes of a northerly positioned apartment. Further, the proposed rooftop garden provides a large communal open space for residents. Balconies are proposed with a solid balustrade to create an acoustic barrier to road noise and provide privacy. Balconies are configured to facilitate the installation of a louvre system that would allow residents to completely close off their balcony, providing an extra level of privacy. Every apartment receives a minimum of 2 hours of sunlight and over 70% receive at least 2 1/2 hours of sunlight. 65% of the apartments receive a minimum of 3 hours of sunlight.

#### *Principle 8 - Safety and Security*

The proposed development ensures casual surveillance of Street while maintaining internal privacy, avoiding dark and non visible areas, maximising activity on streets, providing clear, safe access points, providing public space that cater for activity at street level.

#### *Principle 9 - Social Dimensions*

The proposal incorporates a broad range of commercial space with flexible floor plates so that it may respond to changing market demand. The mix of apartment types (1, 2, and 3 bedroom), varying in size and position, will support a range of socio-economic groups whilst retaining amenity for all residents. The development is 100% accessible and provides adaptable units which are arranged to easily be fitted for disabled tenants.

#### *Principle 10 — Aesthetics*

The horizontal articulation is emphasised by the change in materials between the ground floor glass curtain wall and louvre system with the more solid facade elements at the mid residential levels and a lightweight, set-back, glazed character at the top 2 levels. The configuration creates 3 distinct horizontal elements to the building. The proposal has a contemporary architectural design with a combination of materials including glazing, zinc panels and aluminium louvres to create a quality streetscape

interface at the lower levels. Aluminium louvres and concrete panels with a modulation of tone from dark to light are proposed at the upper levels to contribute to the articulation and modulation of the building and provide an overall recessive tower element.

### **Conclusion:**

In summary, the Panel considered the bulk and size of the proposal to be generally acceptable. The Panel supports the proposal.”

SEPP 65 issues have been addressed as satisfactory by the Design Excellence Panel and does not require further comment.

### **External Referrals**

There were no external referrals required.

### **SUBMISSIONS**

The application was notified to the Edward, CBD and Stanton precincts and surrounding owners and residents from 14/01/2011 to 28/01/2011. A total of three submissions were received with the main issues being summarised as follows:-

<b>Name &amp; Address of Submitter</b>	<b>Basis of Submissions</b>
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Stanton precinct	<ul style="list-style-type: none"><li>• Overshadowing on Monte and on Berry Street</li><li>• Traffic into Angelo Street</li><li>• Two spaces should be for dedicated car sharing</li></ul>
Edward precinct	<ul style="list-style-type: none"><li>• Pedestrian safety</li><li>• Bulk and size</li><li>• Compatibility with neighbouring buildings</li><li>• Privacy</li><li>• Noise from air conditioning</li><li>• Overshadowing</li></ul>
1 Doohat Ave	<ul style="list-style-type: none"><li>• Traffic in Angelo Street</li><li>• Should encourage “Go Get” or similar parking facility</li><li>• Bulk and size</li><li>• Compatibility with neighbouring buildings</li><li>• Privacy</li><li>• Noise from air conditioning</li><li>• Overshadowing</li><li>• Traffic in Angelo Street</li></ul>

### **CONSIDERATION**

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

The application has been assessed against the relevant numeric controls in NSLEP 2001 and DCP 2002 as indicated in the following compliance tables. More detailed comments with regard to the major issues are provided later in this report.

### **Compliance Table**

## STATUTORY CONTROL – North Sydney Local Environmental Plan 2001

North Sydney Centre	Existing	Proposed	Control	Complies
Height (Cl. 28D(2)(a))	RL 108.13m AHD	RL 136.3m AHD	RL 195m AHD	YES
Overshadowing of land (Cl. 28D(2)(b))	-	NO	Variation permitted	YES
Overshadowing of dwellings (Cl. 28D(2)(d))	-	NO	Variation permitted	YES
Minimum lot size (Cl. 28D(2)(e))	1616m <sup>2</sup>	1616m <sup>2</sup>	1000m <sup>2</sup> min.	YES
Mixed Use Zone				
Floor Space (Cl. 31) (max)	2.87:1	2.67:1	Within range of 3:1 to 4:1	NO*

\* SEPP 1 objection lodged.

### DCP 2002 Compliance Table

DEVELOPMENT CONTROL PLAN 2002		
	<i>complies</i>	Comments
<b>6.1 Function</b>		
Diversity of activities, facilities, opportunities and services	Yes	Communal space provided for residents – extensive commercial and retail space provided over four levels
Mixed residential population	Yes	Complies with the recommended dwelling mix in the DCP
Maximum use of public transport	Yes	Commercial parking on site decreased; excellent access to public transport
<b>6.2 Environmental Criteria</b>		
Clean Air	Yes	Reduced level of parking
Noise	Yes	Acoustic report submitted, can be conditioned
Acoustic Privacy	Yes	Acoustic report indicates standards can be met
Visual Privacy	Yes	No dwellings in close proximity. Viewing into School restricted by distance, angle and school buildings and roofs
Reflected light	Yes	Materials non reflective and can be conditioned
Artificial light	NA	No roof top advertising proposed
Outdoor lighting	Yes	Can be conditioned
Awnings	Yes	Continuous awning provided across Berry Street frontage
Solar access	Yes	Satisfactory
Views	Yes	Minimal impacts to any views from dwellings
<b>6.3 Quality built form</b>		

<b>Context</b>	Yes	Site analysis undertaken, building in context with desired character for area
<b>Public spaces and facilities</b>	No	Not required but large retail space at ground level available for possible café use.
<b>Skyline</b>	Yes	Upper levels designed to contribute.
<b>Through-site pedestrian links</b>	NA	None required, however one tenancy (possible café) does provide link from Highway to Angelo Street
<b>Streetscape</b>	Yes	Satisfactory. Supported by Design Excellence Panel
<b>Subdivision</b>	Yes	Site area exceeds minimum requirements
<b>Setbacks</b>	Yes	Generally compliant with character statement
<b>Entrances and exits</b>	Yes	Visible from Highway
<b>Street frontage podium</b>	Yes	Podium level established
<b>Laneway frontage</b>	Yes	No setback required under character statement at ground level. Podium height is satisfactory
<b>Building design</b>	Yes	Generally satisfactory
<b>Nighttime appearance</b>	Yes	Can be conditioned

#### 6.4 Quality urban environment

<b>High quality residential accommodation</b>	Yes	Apartment areas comply;
<b>Accessibility</b>	Yes	Accessibility report submitted
<b>Safety and security</b>	Yes	Satisfactory
<b>Car parking</b>	Yes	See detailed comments below about provision and dimensions
<b>Bicycle storage</b>	Yes	Satisfactory
<b>Vehicular access</b>	Yes	From Angelo Street and not the highway
<b>Garbage Storage</b>	Yes	Satisfactory
<b>Site facilities</b>	Yes	Storage areas provided within basement and within apartments

#### 6.5 Efficient use and management of resources

<b>Energy efficiency</b>	Yes	Basix certificate submitted
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### NORTH SYDNEY LEP 2001

#### Permissibility within the zone:

The proposal is permissible with consent under the Mixed Use zoning.

### CLAUSE 28B - NORTH SYDNEY CENTRE OBJECTIVES

The proposed development responds to the specific objectives for the North Sydney Centre as described in the following table.

OBJECTIVE	RESPONSE
(a) to maintain the status of the North Sydney Centre as a major commercial centre within Australia.	The proposal results in a minor reduction in the commercial floor space existing on site. The site still provides for high quality/large commercial floor plates
(b) to require arrangements for railway infrastructure to be in place before additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre.	The proposal does not increase the non residential floor area and accordingly arrangements are not required.
(c) to ensure that railway infrastructure, and in particular North Sydney Station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and will: (i) be convenient and accessible, and (ii) enable a reduction in dependence on private car travel to the North Sydney Centre, and (iii) be adequate to achieve no increase in car parking, and (iv) have the capacity to service the demands generated by development in the North Sydney Centre.	Council has instigated measures with State Rail to ensure that North Sydney Railway Station is upgraded to improve patronage.
(d) to discourage use of motor vehicles in the North Sydney Centre	The proposed development provides for a reduction in the non residential parking on site
(e) to encourage access to and within the North Sydney Centre for pedestrians and cyclists.	It is not proposed to obstruct any existing pedestrian or cycle routes through the Centre. Cycle facilities are to be incorporated into the development to promote cycling.
(f) to allow for 250,000m <sup>2</sup> (maximum) non residential gross floor area in addition to the estimated existing (as at the commencement of this Division) 700,000m <sup>2</sup> non-residential gross floor area.	The proposed development will reduce existing non residential floor space.
(g) to prohibit further residential development in the core of the North Sydney Centre.	The proposed development incorporates a residential component, however, it is not located within the core of the North Sydney Centre (as identified by a "commercial" zoning).
(h) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1000m <sup>2</sup> .	The commercial floor plate upon the site exceeds the required 1000m <sup>2</sup> threshold.
(i) to achieve a variety of commercial space	The commercial components of the proposed building have been designed to be flexible in use.
(j) to encourage the refurbishment, recycling and rebuilding of older buildings.	The existing buildings on the site is to be demolished.
(k) to encourage a diverse range of employment, living, recreation and social opportunities.	The proposed development provides flexible commercial spaces and quality residential apartments.
(l) to promote high quality urban environments and residential amenity	The proposal aims to maximise the amenity to residents internally. The design of the building is contemporary in nature.
(m) to provide significant public benefits such as open space, through-site linkages, childcare and the like.	The site is not large enough to provide any real public benefits as suggested.
(n) to improve accessibility within and to the North Sydney Centre.	The proposed buildings have been designed to be accessible.
(o) to protect the amenity of residential zones and existing open space within and nearby the North Sydney Centre	The proposal will have a minimal impact on amenity of the residential areas. There are no adjoining residential areas.

(p) to prevent any net increase in overshadowing of any land-zoned residential or public open space or identified as a special area.	The proposed development will result in no additional overshadowing.
(q) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and protect the amenity of these areas.	Landscaped areas limited to level 3 and roof top communal spaces.

## CLAUSE 28C - RAILWAY INFRASTRUCTURE

Subclause 28C(2) to the NSLEP states that:

*“... consent must not be granted to the carrying out of development on any land in the North Sydney Centre if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out”.*

The existing buildings on the site have a total non-residential gross floor area of approximately 4638m<sup>2</sup> and the proposal has a non residential floor area of 4315m<sup>2</sup> resulting in a decrease over that which currently exists. The proposal therefore complies with Clause 28C(2).

## CLAUSE 28D - BUILDING HEIGHT AND MASSING

### Objectives

- (a) *to achieve a transition of building heights generally from 100 Miller Street (Northpoint) and 79 - 81 Berry Street (being the location of the tallest buildings) stepping down towards the boundaries of the North Sydney Centre.*

The proposed development is considered to have an appropriate overall scale.

- (b) *to promote a height and massing that has no adverse impact on land in the public open space zone or land identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No. 9) - North Sydney Centre” or on heritage items.*

The proposed development will not result in any overshadowing of public space zones or special areas.

- (c) *to minimise overshadowing of land in the residential and public open space zones or identified as a special area on Sheet 5 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No. 9) - North Sydney Centre”.*

No public open space zones or “special areas” will be overshadowed by the proposed development.

- (d) *to protect the privacy of residents within and around the North Sydney Centre.*

The proposed development does not adjoin residential development and is separated by the highway. There are no privacy issues.

- (e) *to promote scale and massing that provides for pedestrian comfort, in terms of*

*weather protection, solar access and visual dominance.*

The architect has attempted to ensure that the streetscape has a comfortable human scale when viewed by passing pedestrians. A continuous awning is to be provided along the entire Highway façade to provide weather protection for pedestrians.

- (f) *to encourage consolidation of sites for provision of high grade commercial space and provision of public benefits.*

The subject site comprises the consolidation of 3 allotments to create a commercial floor plate. Adjoining sites are not isolated.

### **Development Controls**

Subclause 28D(2) sets out the building height and massing requirements for proposed development within the North Sydney Centre. Any development which exceeds these standards cannot be consented to.

- (a) *the height of the building will not exceed RL 195 AHD, and*

Utilising the LEP definition, the proposed building will have a maximum RL of 136.3 AHD (to the roof of the rooftop plant room) and therefore complies with this requirement.

- (b) *There is no net increase in overshadowing of any land between the hours of 9am and 3pm, 21 June outside the composite shadow area, as shown on the map marked "North Sydney Local Environmental Plan 2001 (Amendment No. 9)- North Sydney Centre" (except land that is in the Road or Railways Zone).*

The proposed development will not result in overshadowing of land outside the composite shadow area.

- (c) *There is no net increase in overshadowing, between 10am and 2pm, at any time of the year, of any land this is within the North Sydney Centre and is within the public open space zone or within a special area as shown on Sheet 5 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 9)- North Sydney Centre", and*

The proposed development will not overshadow any open space zone nor identified special areas.

- (d) *There will be no increase in overshadowing that would reduce the amenity of any dwelling that is outside the North Sydney Centre and falls within the composite shadow area referred to in paragraph (b), and*

The proposed development does not overshadow any residential premises outside the North Sydney Centre falling within the composite shadow area.

- (e) *The site area is not less than 1,000m<sup>2</sup>.*

The subject site is 1616m<sup>2</sup> in area and complies.

- (f) *to encourage consolidation of sites for provision of high grade commercial space and provision of public benefits.*

The subject site comprises the consolidation of 3 allotments to create a commercial floor plate. Adjoining sites are not isolated.

## **Building Design and Public Benefits**

Subclause 28D(5) requires the consent authority to consider a number of provisions.

- (a) *the impact of the proposed development in terms of scale, form and massing within the context of the locality and landform, the natural environment and neighbouring development and in particular lower scale development adjoining the North Sydney Centre, and*
- (b) *whether the proposed development provides public benefits such as open space, through-site linkages, community facilities and the like, and*
- (c) *whether the proposed development preserves important view lines and vistas, and*
- (d) *whether the proposed development enhances the streetscape in terms of scale, materials and external treatments, and provides variety and interest.*

The application is acceptable with regard to its scale within the context of the locality.

The proposal provides no direct public benefits other than it is well designed and provides quality residential accommodation on the edge of the CBD. An informal through site link would be provided through the ground level tenancy.

There are no view lines or vistas affected by the proposal.

The proposed development will enhance the streetscape with its materials and external treatments and provides variety and interest.

## **CLAUSE 29 - BUILDING HEIGHT**

### **Objectives**

- (a) *ensure compatibility between development in the mixed use zone and adjoining residential areas and open space zones, and*

The proposed development incorporates a suitable mix of commercial and residential uses. The building steps down in height as it approaches its residential interface to the north and west of the site and is compatible.

- (b) *encourage an appropriate scale and density of development for each neighbourhood that is in accordance with, and promotes the character of, the neighbourhood, and*

The proposed development is generally considered to be an appropriate bulk and scale on the northern fringe of the North Sydney Centre.



- (c) *provide reasonable amenity for inhabitants of the building and neighbouring buildings, and*

The proposal provides a reasonable amenity and is consistent with SEPP 65 design principles.

- (d) *provide ventilation, views, building separation, setback, solar access and light and to avoid overshadowing of windows, landscaped areas, courtyards, roof decks, balconies and the like, and*

The residential apartments have been designed in accordance with the principles of SEPP 65 and considered satisfactory.

- (e) *promote development that conforms to and reflect natural landforms, by stepping development on sloping land to follow the natural gradient, and*

Satisfactory with regard to this objective.

- (f) *avoid the application of transitional heights as justification for exceeding height controls.*

Pursuant to Clause 28D(2) of the NSLEP, a maximum RL height of 195 AHD applies to the site. The proposed development has a maximum height of RL 136.3 AHD. This is to the top of the plant room and is consistent with the desired height controls for the area.

### **Building Height Controls**

Subclause 29(2) states that a “building must not be erected in the mixed use zone in excess of the height shown on the map”. The height Map to the North Sydney LEP does not specify a maximum height for the subject site. Height is primarily controlled by the provisions contained within Clause 28D and 29 as discussed above.

### **CLAUSE 31 - FLOOR SPACE**

Subclause 31(2) states:

*A building must not be erected in the mixed use zone if the floor space ratio of the part of the building to be used for non-residential purposes is not within the range specified on the map.*

The floor space Map to the North Sydney LEP illustrates that the non-residential component of a development within the mixed use zone must have an FSR of between 3:1 and 4:1. The existing buildings on the site have a total non-residential gross floor area of approximately 4,638m<sup>2</sup> or a FSR of 2.87:1. The proposed development has a non residential floor area of 4315m<sup>2</sup> or a FSR of 2.67:1. A SEPP 1 objection has been submitted requesting a variation to the development standard.

The stated objectives for the standard are:

- (a) ensure a diverse mix of uses in each building in the mixed use zone, and
- (b) minimise traffic generation from commercial development.

The objection addresses each of these objectives as follows:

#### ***Objective (a) - Diverse Mix of Uses***

*The proposed development is located at the periphery of the North Sydney CBD, in the mixed-use zone*

*The development proposes 3 types of uses on the site being:*

- 1. 2 Restaurant/Café tenancies at the ground level*
- 2. Commercial/Office space on levels 1 to 3.*
- 3. Residential Development on levels 4 To 17.*

*This proposed variety of uses meets the objective of ensuring a diverse mix of uses, The non-residential component of the development is 4315m<sup>2</sup> of floor space, The proposed variation to the standard equates to a 533m<sup>2</sup> shortfall in non-residential floor space, A communal open space (podium level terrace) is proposed for use by commercial tenants of the development. This space is 570m<sup>2</sup>. While this space is not included in GFA calculations, it is a usable area which contributes to the amenity of the non-residential floor space provided in the development.*

*The restaurant space at ground level responds to the large amount of residential development within very close walking distance of the development and will benefit from its large street frontage to the Pacific Highway. The restaurant/café use will contribute to the desired active street frontages envisaged by Council.*

*Vacancy rates for commercial floor space in north Sydney rose from 11.7% to 11.8% in the first half of this year (Property Council of Australia). Further, large amounts of additional commercial floor space have been approved under Part 3(A) this year in the CBD only blocks from the proposed development. The amount of commercial floor space responds to market research undertaken for the site and seeks to create a viable development and avoid unleaseable commercial floor space. The proposed shortfall in commercial floor space does not impact negatively on commercial floor space demand in North Sydney or the North Shore more generally.*

*The reduced floor space also responds to the location of the proposed development, which has a major street frontage, at the periphery of the CBD and in close proximity to predominately residential development.*

*The flexible open-plan layout, proposed minimum floor-to-ceiling heights and internal configuration of each floor utilising non-load bearing walls will allow the building to respond to changing market demand In other words, the structure and design of the building allows for changes of use and reconfiguration to respond to future market and/or housing demand.*

*In summary, the proposed development does achieve a diverse range of uses that will contribute to the activity and vibrancy of the CBD The shortfall in non-residential floor space is relatively small considering the provision of communal open space for use by the non-residential components of the building, the observed market demand for commercial floor space, other developments in close proximity to the site and the particular locational attributes of the site*

#### *Objective (b) - Minimise Traffic Generation*

*A traffic report prepared by John Coady Consulting Pty Ltd accompanies this application. The report finds that the additional traffic generation of the proposed development from the current circumstance is approximately 47 vehicle trips per hour, Coady advises that this is a relatively minor additional traffic generation potential which is not normally associated with unacceptable traffic implications in terms of either road network capacity or traffic-related environmental effect, Further, the proposed development is in close proximity to major public transport including bus and rail services. The proposed development is also in close proximity to major amenities including health services, shopping, banking, etc. Bicycle*

*parking is proposed in excess of that required by Council in order to ensure that travel by bicycle is a viable and convenient option for both commercial and residential occupants.*

#### *Other Considerations*

*The minimum non-residential floor space ratio for the site under draft planning controls (the site being located in area 10 as indicated in Amendment 28, provisions of which are earmarked to be incorporated into the new LEP for North Sydney) is 0.5:1. The proposed development is wholly in keeping with this development control, The revised control indicates that Council's strategic vision has shifted and that the existing control under LEP 2001 is outdated.....*

The proposed non residential floor space is located on the lower 4 levels up to and including the podium level which is consistent with the controls. It is noted that Draft LEP proposes a minimum FSR of 0.5:1 and the proposal is much closer to the existing requirement. The shortfall is considered minor and one that can be dealt with using SEPP 1. Other recent mixed use developments had non residential FSRs substantially below the minimum requirement and planning proposals were considered necessary before consent could be granted. The SEPP 1 objection is considered well founded and is supported.

### **CLAUSE 50 - DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS**

#### **Development in Vicinity Controls**

Clause 50 states:

- (2) *When determining a development application relating to land in the vicinity of a heritage item the consent authority must consider the likely effect of the proposed development on the heritage significance of the heritage item and its curtilage.*
- (3) *Before determining a development application relating to land in the vicinity of a heritage item, the consent authority may require the submission of a statement of heritage impact on the heritage item and its curtilage.*

The works to 211-223 Pacific Highway, North Sydney have been assessed in terms of Clause 50 (Development in the Vicinity of Heritage Items) of the North Sydney LEP 2001 and Section 8.8 (Heritage Items and Conservation Areas) of the North Sydney DCP 2002.

The proposal is considered to be acceptable. It should be noted that the proposal is not located within a conservation area but is in the vicinity of heritage items. There is no physical impact on any of the heritage items in the vicinity.

#### **Draft North Sydney Local Environmental Plan 2009**

The Draft North Sydney Local Environmental Plan 2009 is currently on public exhibition from 20 January 2011 to 31 March 2011, following certification of the plan by the Director-General of the Department of Planning. It is therefore a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979. However at this stage little weight can be given to the plan since the final adoption of the plan is neither imminent nor certain.

The provisions of the draft plan have been considered in relation to the subject application, Draft LEP 2009 is the comprehensive planning instrument for the whole of Council's area which has been prepared in response to the planning reforms initiated by the NSW state government.

The provisions of the Draft Plan largely reflect and carry over the existing planning objectives, strategies and controls in the current NSLEP 2001 in relation to this site.

The site is identified under Draft LEP 2009 as being included within the B4 mixed use zone as are adjoining sites. The proposed development is permissible in the draft zone.

The development standards applicable to the site under the Draft LEP (DLEP) 2009 generally reflect those which currently apply to the site under the current North Sydney Local Environment Plan 2001 (NSLEP) 2001. The development standards which apply to the proposed development under the DLEP are identified in the following compliance table:

<b>COMPLIANCE TABLE – DEVELOPMENT STANDARDS</b>			
<b>Development standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 4.3: Height of buildings</b>	RL 135	RL 136.3	NO
<b>Clause 4.4: Floor space ratio</b>	Minimum 0.5:1	2.67:1	YES
<b>Clause 6.4: Building heights and massing</b>	1000m <sup>2</sup> site area	1616m <sup>2</sup>	YES

The proposed development has been considered against the development standard applicable under the Draft LEP and does not comply with the provisions of Clause 4.3. The applicant has not addressed the departures from the draft development standards in the statement of environmental effects as the exhibition commenced after the development application was lodged with Council. The departure to the height control is supported as it is only the plant room that exceeds the height. The roof of the apartments is within the control. There are no adverse impacts caused with the minor breach of the height control.

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to satisfactory with regard to the provisions of the Draft North Sydney Local Environmental Plan 2009 if the modifications outlined in the report are incorporated.

### **SEPP 55 and Contaminated Land Management Issues**

The subject site has been considered in light of the Contaminated Lands Management Act and it is considered that as the site has been used for commercial purposes, contamination is unlikely. It is noted that part of the site that is now vacant did have some contamination from a petrol storage tank and pump that has been removed. With the extensive excavation for the car parking now proposed, all contaminated material will be removed from the site.

## **SREP (Sydney Harbour Catchment) 2005**

The subject site is not within part of North Sydney that is required to be considered pursuant to SREP (Sydney Harbour Catchment) 2005.

## **SEPP 65 – Design Quality of Residential Flat Development**

State Environmental Planning Policy No. 65 aims to improve the design quality of

residential flat development in New South Wales by recognising that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP aims to:-

- (a) *to ensure that it contributes to the sustainable development of New South Wales:*
  - (i) *by providing sustainable housing in social and environmental terms, and*
  - (ii) *by being a long-term asset to its neighbourhood, and*
  - (iii) *by achieving the urban planning policies for its regional and local contexts, and*
- (b) *to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- (c) *to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- (d) *to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- (e) *to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.*

The primary design principles being Context, Scale, Built Form, Density, Resource Energy & Water Efficiency, Landscape, Amenity, Safety & Security, Social Dimensions, Aesthetics. All SEPP 65 issues have been addressed as satisfactory by the Design Excellence Panel above and therefore does not require further comment.

#### *Residential Flat Design Code 2002*

The controls and objectives of the code are similar to many of the controls included in Council's Local Environmental Plan and Development Control Plan 2002 that have been thoroughly assessed above.

## **DEVELOPMENT CONTROL PLAN 2002**

### **NORTH SYDNEY CENTRE PLANNING AREA / CENTRAL BUSINESS DISTRICT**

The subject site is within the Central Business District which falls within the North Sydney Centre Planning Area. The proposal addresses the character statement as follows:

#### *Provide diverse activities, facilities, opportunities and services*

The mixed use development provides for commercial, retail and residential uses, with podium and rooftop landscaped communal area provided for all users. The new residential accommodation is provided in the fringe of the city centre, and not in the commercial core as per the Development Control Plan

#### *Promote public transport, reduce long stay commuter parking on site and reduce non residential parking on site*

The site has excellent access to public transport and parking on site is satisfactory

#### *Provide continuous awnings to commercial buildings and consider weather protection at entrances*

An awning is proposed over the entrance along the Highway frontage, which is consistent with adjoining buildings

*Allow zero setbacks at ground floor and adjacent to heritage items*

The building will retain the existing zero setbacks to rear and southern side boundaries. A setback of 3m is proposed for the majority of the frontage to provide for adequate access to the site and allowing for the slope along the frontage. There is no requirement for a setback at ground level at Angelo Street, however it is noted that the footpath widens in front of the subject site.

*Maximum five storey street frontage podium height along Highway, or may be reduced to that part of the building used for commercial use. Provide average of 5m street frontage setback above the podium on Highway*

The podium height will apply to the lower 4 levels of the building, which is consistent with surrounding development. The upper levels are setback a minimum of 3m with substantial articulation as well as a substantial setback from the northern boundary. The podium configuration responds to the scale and bulk of adjacent developments in the streetscape. The tower element is set back providing outdoor terrace space for commercial tenants. The podium and tower configuration also reflects the internal uses of the building.

*Provide architectural detailing, high quality materials and a visually rich pedestrian environment with active street frontages. Buildings are to be energy efficient, minimise stormwater runoff, recycle where possible, and minimise waste consumption*

The development is of a high quality design, with architectural detailing. The building provides a good relationship to the street frontage. The building will comply with the energy requirements of BASIX, Appropriate stormwater controls will be installed. Waste will be minimised where possible.

*Have regard to Public Domain. Continue use of tree planting and use of native vegetation to enhance the urban environment*

The development will not hinder the public domain. Appropriate street planting will be required and can be conditioned.

## SECTION 94 CONTRIBUTIONS

Section 94 Contributions in accordance with Council's S94 plan are warranted should the Panel consider the development application worthy of approval. The existing buildings on the site have a total non-residential gross floor area of approximately 4638m<sup>2</sup> and the proposal has a non residential floor area of 4315m<sup>2</sup> resulting in a decrease over that which currently exists. The contribution is based on the residential component of 60 x one bedroom apartments; 64 x two bedroom apartments and 20 x three bedroom apartments with an allowance for 323m<sup>2</sup> of non residential space:

Administration	<b>\$15,084.02</b>
Child Care Facilities	<b>\$24,575.07</b>
Community Centres	<b>\$69,792.05</b>
Library Acquisition	<b>\$12,991.62</b>

Library Premises & Equipment	<b>\$40,206.95</b>
Multi Purpose Indoor Sports Facilities	<b>\$11,238.52</b>
Open Space Acquisition	<b>\$447,345.47</b>
Open Space Increased Capacity	<b>\$886,714.97</b>
Olympic Pool	<b>\$35,435.83</b>
Public Domain Improvements	<b>\$344,137.27</b>
Traffic improvements	<b>\$41,041.56</b>
<b>The total contribution is:</b>	<b>\$1,928,562.73</b>

## APPLICABLE REGULATIONS

Clauses 92-94 of the EPA Regulation 2000 require that Council take into consideration Australian standard AS 2601-1991: *the demolition of structures*, as in force at 1 July 1993. As demolition of the existing structures are proposed, a suitable condition should be imposed.

### DESIGN & MATERIALS

The design and materials of the buildings have been assessed as being acceptable.

## ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

## ENVIRONMENTAL APPRAISAL CONSIDERED

- |    |   |     |
|----|---|-----|
| 1. | Statutory Controls  | Yes |
| 2. | Policy Controls   | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision                                | Yes |
| 5. | Traffic generation and Carparking provision                     | Yes |

6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

## **CLAUSE 14 NSLEP 2001**

### ***Consistency With The Aims Of Plan, Zone Objectives And Desired Character***

The provisions of Clause 14 of NSLEP 2001 have been examined.

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

#### **SUBMITTORS CONCERNS**

Three submissions were received in relation to the proposed development raising concerns which including traffic, parking, size of apartments and a number of other issues. These issues have been mostly addressed within this report. Additional issues raised are addressed as follows:

- Compatibility with neighbouring buildings

#### **Planning comment:**

The proposal is the first development in this block and it is consistent with the current controls as well as the draft controls.

- Privacy

#### **Planning comment:**

There are no adjacent dwellings or apartments. There is a considerable distance to the nearest residential development and privacy is not an issue. The western upper level apartments will face the school located on the other side of Angelo Street, however there is adequate separation distance as well as some screening from the various school buildings.

- Noise from air conditioning

#### **Planning comment:**

Plant will be on the roof and can be conditioned to meet strict acoustic criteria.



- Overshadowing

**Planning comment:**

Overshadowing is limited to some minor overshadowing at 3pm in mid winter of the school. It is noted there is no impact during school hours. There is no shadowing of residential properties.

- Traffic in Angelo Street

**Planning comment:**

Council's Traffic engineer has considered the traffic report submitted with the application and commented:

*.....I generally concur with the applicant's traffic generation calculations. That is, it is likely that the development will result in a net additional 47 peak hour vehicle trips. I generally concur with John Coady Consulting that this proposed increase in traffic generation will have a negligible impact on the surrounding road network. I concur with John Coady Consulting that the surrounding intersections would continue to operate at their existing levels of service, with similar average delays per vehicle.....*

- Should encourage "Go Get" or similar parking facility

**Planning comment:**

The proposal provides for adequate parking on site in accordance with the DCP. There is no need to provide for share vehicles on the site. The site is in close proximity to existing on street share vehicles in the locality.

**CONCLUSION**

The application has been assessed against the relevant statutory controls. The SEPP 1 objection for non residential FSR is well founded and can be supported. The application was referred to Council's Design Excellence Panel for comment and there was support for the proposal by the DEP. The applicant had a pre lodgement meeting with the DEP and responded to all the suggestions in the submitted plans. The application is recommended for favourable consideration by the Panel.

**RECOMMENDATION**

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the Joint Regional Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP 1 with regard to Clause 31 and grant consent to 2010SYE112 – North Sydney - Development Application No.503/10 subject to the attached conditions.

**Geoff Mossemenear**  
**EXECUTIVE PLANNER**

**Stephen Beattie**  
**MANAGER DEVELOPMENT SERVICES**