

<b>JRPP No:</b>	<b>2011SYE060</b>
<b>DA No:</b>	<b>DA 163/11</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Demolition of existing 7 storey commercial building and construction of 16 storey mixed use development at 619 Pacific Highway, St Leonards</b>
<b>APPLICANT:</b>	<b>Duppa Pty Ltd</b>
<b>REPORT BY:</b>	<b>George Youhanna, Executive Planner North Sydney Council</b>

## Addendum Report

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This development application was considered by the Joint Regional Planning Panel at its meeting of 7 September 2011 when the Panel resolved as follows:

- 1. The Panel resolves unanimously that it would approve an amended application that complies with the planning control of 3m average setback from Pacific Highway for all parts of the building except the core. Balconies, if any, must be behind the setback.*
- 2. The Panel's decision is subject to the conditions recommended in the planning assessment report, except for Condition C31, which is to include the requirement to underground the Atchison Street overhead wires in front of the property.*
- 3. The Panel gave consideration to the objectors' concern with traffic; however, the Panel notes that the council's engineer raises no concern on traffic grounds.*
- 4. The Panel also considered the council's request to defer the application in order to give more weight to draft North Sydney LEP 2009, which would prohibit the residential component of this proposal. The Panel considers that it cannot lawfully defer the application indefinitely. All the information before the Panel, including the planning assessment report and verbal advice from the Department of Planning, suggests that the draft LEP is not imminent. Given that it is not imminent, it would be an error to place major weight on it.*
- 5. The Panel requests the applicant to submit, by 23 September 2011, an amended application that responds to paragraph 1 of this resolution. The Panel requests the council's planning assessment officer to report on the amended application by 30 September 2011. Following that report, the Panel will communicate by electronic means to determine the application.*

As requested, the applicant provided an amended application which increases the Pacific Highway above podium setback to 3m, with the exception of the core.

A summary of the amendments has been provided by the applicant:

### ***Amended Application***

The Panel's request for the application to be amended in order to comply with the 3m setback on the Pacific Highway frontage has necessitated a number of minor amendments the southern facade and the Levels 4-15 floor plans. The key amendments to the application in order to comply with the above podium front setback control were to remove the balconies on Levels 5-15 and move the building alignment back to the 3m setback.

In order to provide articulation to the southern facade, and benefiting from the flexibility in the Panel's resolution, the core is still located within the 3m Pacific Highway setback. To provide further articulation and visual interest to the facade, the vertical architectural blades have been retained on the east and western elevations within the setback. The core and architectural blades are now consistently set back 1.5m from the Pacific Highway.

The amended application has not affected any other elements of the project previously considered the Panel.

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### ***Revised Internal Amenity Assessment***

The amended application will alter the internal layout of all proposed two-bedroom apartments in the building. The amended layout will not substantially impact on the internal residential amenity of those apartments, which will still generally remain consistent with North Sydney Development Control Plan 2002 as well as the rules of thumb in the Residential Flat Design Code, as detailed in the table below.

Measure	Comment
Apartment Size	The apartment size of all two-bedroom apartments on the western side of the building will decrease 6m <sup>2</sup> down to 71m <sup>2</sup> and the two bedroom apartments on the eastern side will increase 1m <sup>2</sup> up to 95m <sup>2</sup> . The proposed reduction to the two-bedroom apartments on the western side was necessary to comply with the front setback control and will not have an adverse impact on the amenity of those units.
Apartment Depth and Width	No change.
Floor to Ceiling Heights	No change.
Balconies	The balconies of the two-bedroom units on the southern boundary have been removed in order to comply with the Panel's resolution. These apartments will still have north-facing balconies located off their living areas which will provide a high level of amenity. The apartments will also still have access to the communal rooftop terrace which will provide an additional area of open space.
Internal Acoustic Privacy	No change.
Visual Privacy	No change.
Solar Access	No change.
Ventilation	No change.
Storage	No change.
Parking	No change.

## Assessment

The amended application fully satisfies the Panel's resolution in relation to providing a 3m above podium setback to the Pacific Highway, including balconies. The following plan shows the setback at Levels 5-15:



As identified by the applicant, only the core and the architectural blades which are both set back 1.5m do not meet the 3.0m setback requirement. It is noted that in order to comply with the Panel's resolution, minor internal reconfiguration has been required, including the following:

- Mirror reversing the lift and fire stair locations
- Increasing the minimum Pacific Highway setback of the core to 1.5m, from approximately 0.8m.
- Minor reduction in the size of the 1 bedroom units from 52m<sup>2</sup> to 51m<sup>2</sup> due to the relocated recycling bin and services (fire hose) location.
- Internal reconfiguration of all units

These modifications are necessary in order to comply with the 3m setback requirement and do not adversely affect the amenity of the units.

## Conclusion

The amended proposal is satisfactory and adequately addresses the Panel's resolution in relation to the above podium setback to Pacific Highway.

Amendments to conditions A1, C31 and C36 are required, due to revised

plan numbers, the undergrounding of overhead power lines to Atchison Street and the deletion of the southern balconies:

### **Development in Accordance with Plans**

- A1. The development being carried out in accordance with drawings numbered:

<b>Plan reference</b>	<b>Drawn by</b>	<b>Dated</b>
DA 1.02, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.00, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.01, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.02, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.03, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.04, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.05, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.06, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.07, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.08, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.09, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 2.10, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 3.00, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 3.01, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 3.02, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 3.03, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 4.00, Revision C	Marchese Partners International Pty Ltd	22/9/11
DA 7.00	Marchese Partners International Pty Ltd	April 2011

and endorsed with Council's approval stamp, except where amended by the following conditions.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

### **Underground Electricity and Other Services**

- C31. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and any other relevant authority so that it can be easily connected underground when the street supply is relocated underground. Additionally, the overhead wires in front of the property on Atchison Street are to be relocated underground. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground)

**Amended plans – Wind impact**

C36. The rooftop communal area is to be provided with wind protection, subject to the specific recommendations of Windtech Consultants Pty Ltd.

(Reason: Resident amenity and safety)

George Youhanna  
Executive Planner  
30 September 2011