

Joint Regional Planning Panels
Panel Secretariat
GPO Box 39
Sydney NSW 2001

14 November 2012

**Australian Catholic University, 8-20 Napier Street, North Sydney
Development Application 222/12 – Alterations and Additions**

Proposed Amendments to Draft Conditions of Consent (2012SYE072)

We write on behalf of our client Australian Catholic University (ACU) regarding the draft conditions of consent for Development Application (DA) 222/12 for alterations and additions to 8-20 Napier Street North Sydney, known as Tenison Woods House.

ACU and their consultants have reviewed the draft conditions and hereby request a number of changes. In summary the proposed changes relate to:

- Condition A5 – Height Reduction
- Condition C23 – Location of New Lift Plant
- Condition C28 – Allocation of Car Parking Spaces

In addition, as this DA is a Crown Development within the meaning of the Environmental Planning and Assessment Act references to Construction Certificate, Occupation Certificate and Principal Certifying Authority need to be deleted.

As we are also aware that at its meeting of 12 November 2012, North Sydney Council resolved to ask the Joint Regional Planning Panel (JRPP) to delete the southern third of the student breakout area on Level 4, this matter is also addressed below.

The following documentation accompanies this request.

- **Attachment A:** A 'track-changes' amended schedule of the Conditions of Development Approval.

Condition A5 – Height Reduction

Despite numerous references in the planning report espousing the benefit of separating the lowest 5 levels of the existing building from the remainder of the building, the report recommends that the top two levels of the proposed circulation area be deleted.

As set out in the DA, ACU purchased Tenison Woods House with the intention of occupying the entire building. Levels 5-9 (first to fourth floors), the subject of this DA, are to house the library, relocated from 40 Edward Street North Sydney and a moot court. The upper levels are to ultimately operate primarily as commercial office space for the university and provide for some executive education courses.

To ensure the efficient use of the lower levels, it is preferable to separate not only their function but their internal circulation from the bulk of the building. Internal stairs would compromise this arrangement. Consequently a separate lift and stair shaft has been proposed. The shaft although aligning with the northern boundary, to minimise any impact on the adjoining heritage listed Don Bank Museum to the south, is nevertheless to be set back 3 metres from the boundary, to also minimise the impact on the adjoining mixed use development to the north, ie 26 Napier Street. That development comprises three levels of commercial with residential levels above.

The proposed 3 metre setback was specifically chosen to limit any impacts while enabling a workable student lobby internally. The glass line of the adjoining building is setback some 4 metres from its southern boundary, yielding a total separation distance of 7 metres. Only two residential units/balconies are partially affected. It is noted that the 26 Napier Street development raised no objections to this proposal.

Contrary to the planning report, Section 6.2(d)v of North Sydney Development Control Plan lists separation distance for visual privacy not amenity impacts. Visual privacy is achieved as the lift shaft is a solid structure, acknowledged by the planning report. This situation has a lesser impact than the existing building has on the existing units to the west, particularly as the mixed use development was constructed after Tenison Woods House.

It is also considered that references in the planning report to 3 storey podium height provision in the Character Statements in the DCP are misleading as the proposal does not constitute a podium. It is an addition to an existing free-standing building. In any case the podium provisions permit a podium with a nil setback for the lower three storeys and 4 metre setback above. Instead this proposal contains a consistent 3 metre setback from the boundary for all levels.

In contrast to the above discussions, the report states (p33) *the additional low-rise vertical circulation will facilitate the proposed dual use of the building for commercial and educational purposes, providing efficient separation between diverse users, and also allowing the building to remain adaptable for a mix of uses in the future.* Similarly (p42) *the separation of University and office uses within the building is appropriate.* For this separation to work effectively a full height lift and stair shaft is essential, notwithstanding the partial impact on two nearby units.

Consequently the deletion of this condition is requested.

Condition C23 – Location of New Lift Plant

Condition C23 states *the plant and equipment associated with the new lifts are [sic] to be located within the basement or other areas of the building and is not to be located in the lift overrun.* We understand that the nature of the proposed lifts is such that all of the necessary machinery can be accommodated within the shaft itself, eliminating the need for a separate lift motor room. Consequently amended wording is proposed.

In fact, this element of the proposal was corrected in the revised drawings provided to Council on 21 September 2012, to ensure that the total proposed volume of the lift shaft and overrun was accurately shown on the drawings. At the time this led to re-notification of the proposal.

Condition C28 – Allocation of Car Parking Spaces

At its meeting of 3 October 2012, the JRPP approved DA 494/11 to permit the ACU library at 40 Edward Street North Sydney to operate on Saturdays and Sundays. One of the conditions of that consent relates to *Weekend Parking*. It states:

The 46 underground car spaces on Level 1 of the James Carroll building and 18 car spaces at grade outside Level 3 of the James Carroll building shall be made freely available at all times and at no cost to students attending the library on weekends.

Students shall be encouraged to use public transport, park on site and not park in residential streets.

It is considered that parking should be made available on site for both staff and students on weekends, in contrast to during the week when no student parking is available on site. Although there are no parking restrictions in the surrounding streets on weekends, it is considered the available parking on site for the reduced number of students attending on the weekend, as only the library is open, indicates that parking and traffic impacts on the surrounding neighbourhood will be minimised. A reworded condition is recommended.

Council Resolution of 12 Nov 12

At its meeting of 12 November 2012, North Sydney Council resolved to ask the Joint Regional Planning Panel (JRPP) to delete the southern third of the student breakout area on Level 4 and the terrace above on heritage grounds.

We note that the planning report reviews this matter extensively concluding that on balance the impact of the proposed glass structure is **neutral**. We support this conclusion and urge the JRPP to retain this part of the proposed development.

Conclusion

Therefore, ACU requests the Joint Regional Planning Panel revise the conditions of consent as set out in the attached schedule.

We look forward to favourable consideration of this matter.

Regards



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