

14 October 2013

Our ref: 212.085L6

General Manager  
North Sydney Council  
200 Miller Street  
NORTH SYDNEY NSW 2060



TOWN PLANNING  
AND URBAN DESIGN

Dear Sir/Madam,

**RE: DEVELOPMENT APPLICATION NO. 65/2013**

**DEMOLITION OF EXISTING STRUCTURES AND  
CONSTRUCTION OF A SUPERMARKET, PUBLIC CAR PARK,  
SHOPS AND SUBSTATIONS OVER FIVE LEVELS**

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION**

## **1.0 INTRODUCTION**

With reference to Council's emails dated 17 and 19 September 2013 regarding Development Application No. 65/2013 (DA) and the matters raised as issues to be addressed by the applicant, this letter has been prepared as the applicant's response to those matters to enable the Joint Regional Planning Panel (JRPP) to consider the additional work that the applicant has undertaken to address Council's concerns.

## **2.0 Response to Council Email dated 17 September 2013 and its attachment being the Acoustic Logic Review**

With respect to the email dated 17 September 2013 and its attachment being a review undertaken by Acoustic Logic dated 4 September 2013 of the acoustic information prepared by SLR and submitted to Council on 2 August 2013, Dr Steven Copper from The Acoustic Group has been engaged to provide an independent peer review, to reassess the acoustic performance of the proposed development and then respond to the matters raised.

Dr Cooper has advised that the SLR Report has used the incorrect location to establish the night time period background noise level in relation to the property at 11 Willoughby Street. However, despite this being the case, another acoustic report is available which deals directly with 11 Willoughby Road which has been submitted to Council as part of the DA recently approved by Council at its meeting held on 22 July 2013 for alterations and additions to the first floor for the purposes of two (2) residences. Dr Cooper's peer review has considered this recent work undertaken by Acoustic Dynamics, given the Acoustic Dynamics report was considered acceptable to Council.

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As such, Dr Cooper has considered this information in light of the comments provided by Acoustic Logic and advised:

*Accordingly the assessment by SLR Consulting has been based on the wrong background levels.*

*Furthermore the rear boundary of 11 Willoughby Road is not a residential boundary but is a boundary of an existing (and proposed) commercial premises where the actual residential dwelling is set in from the rear boundary and as such will experience acoustic shielding from the existing and proposed loading dock both in terms of vertical view and a plan view.*

*If there is no treatment carried out to the exhaust fan for the bakery then noise emission from the loading dock will satisfy the Council criteria.*

*If however on a conservative view attenuation was provided to the exhaust fan of the bakery so as to reduce noise controls for the proposed residences then the matter of predicted levels provided by SLR Consulting when corrected to the residential façade and compared with an ambient background level as a result of the existing operation of the loading dock will satisfy the Council criteria.*

*Notwithstanding acoustic compliance additional noise control measures have been nominated to provide an additional buffer for acoustic compliance.*

The additional controls suggested by Dr Cooper include the imposition of conditions:

1. Install glazing at 11 Willoughby Road as nominated in Option 2 of the Acoustic Dynamics report (refer to page 11 Table 5.1). In this regard, Woolworths are prepared to accept a condition that they install window glazing for bedroom 1 with a specification minimum of 15mm monolithic with an air tight seal.

Therefore a condition can be imposed as part of an approval which states:

***Window glazing to approved development at 11 Willoughby Road***

*The window to bedroom 1 of apartment 1 in the approved development at 11 Willoughby Road (DA 49/11) is to include glazing to a thickness of 15mm monolithic with air tight seals and is to be installed at the expense of the applicant. Details of the same are to be certified as installed prior to the issue of the relevant occupation certificate for the proposed development or prior to the issue of an occupation certificate for the completed development associated with 11 Willoughby Road.*

*Reason: The condition is imposed so as the amenity of the completed apartment 1 at 11 Willoughby Road can be reasonably maintained.*

2. A number of noise mitigation measures being implemented as conditions associated with the loading dock as follows:

**Loading dock noise mitigation measure - install absorbing material**

*The walls above 2 metres and the ceiling of the loading dock be lined with 75mm thick acoustic absorbing material having an NRC not less than 0.9 faced with HD perforated foil covering (equivalent to Bradford Ultratel 48 kg/m<sup>3</sup>). The material is to be installed prior to the issue of the relevant occupation certificate.*

*Reason: The condition is imposed so as the amenity of the surrounding locality can be reasonably maintained.*

**Operational noise mitigation measure for the loading dock – roller door to remain closed between 10pm and 6am**

*Other than when trucks are being unloaded, during the period 10pm to 6am, the roller door to the loading dock is to be closed so that internal operations that occur in the loading dock by night staff can occur without creating an acoustic impact.*

*Reason: The condition is imposed so as the amenity of the surrounding locality can be reasonably maintained.*

**Acoustic testing in relation to 11 Willoughby Road**

*With the new loading dock in operation and the assumption that 11 Willoughby Road first floor level is operational as a residential dwelling, then the loading dock should be subject to acoustic testing in that residential dwelling within 1 month of the new loading dock becoming operational to confirm the loading dock operations comply with the relevant criteria.*

*Reason: The condition is imposed so as the amenity of the surrounding locality can be reasonably maintained.*

A copy of Dr Cooper's peer review can be found at **Appendix A**.

To further assist the JRPP with consideration of the acoustic issues as presented in the report dated 2 October prepared by Kerry Gordon of Kerry Gordon Planning Services, Dr Cooper has advised:

*The JRPP assessment report on page 16 under traffic noise assessment states:*

*The report still does not present noise level criteria for additional traffic movements, which should be presented as a dB(A) level based on measured levels surrounding the project.*

*This is not correct.*

*Section 5.2 of the SLR Consulting report has considered the EPA policy of a limit of +2dB(A) as a result of the additional traffic on existing roads generated by land use developments above the no build option.*

*This means taking into account the current operations of the site and the carpark to then allow an additional +2dB(A) to that level, i.e. not considered as a Greenfield site.*

*Because the roads are arterial roads the EPA policy considers the noise in terms of a Leq level over 15 hours (day) or 9 hours (night).*

*Section 6.4 of the SLR consulting report identifies from the traffic data compliance with the +2dB(A) criterion.*

*Page 8 of the second Acoustic Logic report under section 5.4 states:*

*Section 5.4 of the SLR report details the assessment of additional traffic numbers on surrounding streets. The report includes the expected traffic movements and the resulting noise increase on surrounding roads which is within the 2 dB(A) criteria and are acceptable.*

As such, the information presented in the assessment report has been carefully considered by the applicant. In the applicant's opinion, the acoustic matters do not warrant refusal of the DA but rather the acoustic amenity of adjoining properties can be readily maintained to an acceptable level by the imposition of conditions as detailed above. As such, the applicant requests Council present to the JRPP a condition set which includes conditions as detailed above.

### **3.0 Response to Email dated 19 September 2013 and its attachment being the RMS letter dated 17 April 2013**

Swept paths were supplied to the RMS by Mr Tim Rogers of Colston Budd Hunt and Kafes via email dated 28 May 2013, and subsequently by TPG to Council via email dated 28 May 2013, copies of which can be found at **Appendix B**.

The applicant is prepared to accept a condition that articulated trucks are restricted from egressing Willoughby Lane onto Falcon Street between 6am to 10am and 3pm to 7pm Mondays to Fridays.

To further assist the JRPP with consideration of the traffic matters as presented in the report dated 2 October prepared by Kerry Gordon of Kerry Gordon Planning Services, Mr Rogers has advised with respect to the request to amend the entry from Burlington Street:

*The separation of the entry lane to the car park from Willoughby Lane need only be 2.0 metres (not 3.0 metres as suggested by Varga), as 2.0 metres is the recommended width for pedestrian refuges by RMS and allows a parent with a pram to safely wait between the car park entry and lane.*

As such, the design does not need to be further modified and has been designed to the acceptable standard.

Mr Rogers has provided further feedback in relation to the criticism with respect to the design of the car park and associated queuing length at the entry:

*With regard to the car park entrance conflicting with queuing from the exit boom gates, at the meeting on 11 June this was clarified as being at the top of the entry ramp of the first parking level. Two boom gates are provided at the exit point with queuing for seven cars before there would be conflict with cars entering the car park. AS2890.1-2004 suggests a capacity 300 vehicles per hour per boom gate/lane (surveys of similar car parks has found a capacity of closer to 350 vehicles per hour). With two boom gates, the minimum service rate is 600 vehicles per hour. With an estimated peak traffic flow of 245 vehicles per hour, this results in a utilization ratio of 0.41. Austroad guidelines identify a 95% back of queue for a utilization ratio of 0.41 at three vehicles.*

*Thus the proposed provision queuing of seven vehicles could accommodate the estimated 95% back of queue of three vehicles without any effect on entry to the car park.*

The applicant understands that the design of the car park as requested by Council's Asset division needed to allow for Council to install a ticketing machine option and associated queuing. The removal of a ticketing system is not warranted. The design as submitted allows for the performance of such a system should this be desired by Council as the future asset owner, and does not need to be modified via any conditions.

#### **4.0 Reasons for refusal with respect to design**

The DA in its current façade design (5 August 2013) cannot be assessed without consideration of the many years of design iterations which have occurred, the numerous meetings with stakeholders such as the Crows Nest Mainstreet Committee, and most importantly the processes which resulted in the elected Councillors resolving the façade design outcome required to be implemented in the design of the proposed development.

The development of the façade design for the proposal has involved numerous meetings with the Crows Nest Main Street Committee since 31 March 2008. This committee consists of representatives made up of Councillors, local businesses and community representatives. Copies of the minutes from a number of these meetings and council reports, in which the design of the proposed development was evolving, have already been provided to Council as part of the assessment of this DA. A summary of the site history including Crows Mainstreet meetings can be found at **Appendix C**.

The assessment process cannot ignore that Council conducted its own design excellence process in 2011 to source what was agreed at a Council meeting held on 31 October 2011, the preferred façade design for the proposed development. This was the result of a resolution of the Council, which given the project involves a public, private partnership between Council and Woolworths Limited, cannot be ignored.

The design selected by Council at its meeting held on 31 October 2011 was prepared by Architects + Partners and included input on urban design considerations from Professor Peter Webber. It is noted that Professor Webber sits on Council's design excellence panel.

The applicant now finds themselves in the extraordinary position where not only did Council engage in its own design excellence process by way of a design competition, which involved consideration of a number of design options and also included a member of the Council's appointed design excellence panel member, but now also that the Council appointed design excellence panel is in conflict with the Council chosen design which came out of a design competition.

The Council design excellence process from which the façade design was selected was as the applicant understands in an open and transparent manner and involved a member of the design excellence panel so as to avoid this exact conflict now.

The applicant cannot understand how it is that the Kerry Gordon Planning Services assessment report has failed to provide the detail of the history of the façade design despite this being provided as part of the DA to the benefit of the JRPP, and seeks to ignore a resolution of Council, particularly as these are the primary reasons for refusal.

It should be noted that the design excellence panel considered a version of the façade design for the project in 2008 prior to its lodgement as a DA, at which time the architects on the project were BN Group. Given the feedback from the design excellence panel at that time, this was the catalyst for Council undertaking a design competition as part of its own design excellence process so as to remove the need for further opinions on the façade design once a DA was lodged.

Council's assessment staff despite being aware of the design excellence process already completed at the elected Councillor level, have subsequently referred the DA to the Council appointed design excellence panel on two occasions since the DA was lodged, and on both occasions the design excellence panel have formed a divergent view.

It is clear that while the panel offers a different design opinion, they too have ignored the resolution of Council formed out of the design excellence process completed in 2011. With respect, given that the divergent view is in direct opposition to the resolution of Council as to the appropriate design outcome for the façade, and given the design competition process included input from a design excellence panel member who is an urban designer, and given Council has already undertaken a design excellence process to select the preferred façade design, the latest opinion from the design excellence panel would appear to have "muddied the waters" where this need not have occurred in the first instance.

To resolve the impasse, the applicant sought an independent peer review by an urban designer to provide assistance. Ms Gabrielle Morrish from GM Urban Design reviewed the proposal and sought amendments to the Nettleton Tribe design so as it would be more closely aligned with the Architects + Partners "petal" option having been the selected design competition winner, and also minor changes so as to improve the layout, which included:

1. The public toilets which are currently located on the Alexander Street frontage have been relocated away from the public domain, with the amended design showing these integrated within the main public arcade entry from Burlington Street;
2. The lifts have been relocated from the corner of Burlington Street and Alexander Street to a less prominent position along Alexander Street. This also shortens the distance between the supermarket entry/exit within the arcade to the lifts for shoppers;
3. The inclusion of specialty shop floor area within the arcade next to the entry/exit for the supermarket;

4. As a result of relocating the lifts, this has enabled the creation of a shop front at the corner of Burlington and Alexander Streets, thus increasing the proportion of active frontage to both Burlington and Alexander Streets;
5. The movement of the lifts has enabled a reconfiguration of the roofline and façade proportions at the corner of Burlington and Alexander Streets. The overall height at this corner has been lowered by approximately 1.4m;
6. The movement of the lifts has necessitated the movement of the substation chamber on the Alexander Street frontage;
7. Inclusion of a widened pedestrian refuge on the Burlington Street frontage between the entry to the car park and Willoughby Lane;
8. Due to the amended location of the lifts, this has allowed the top horizontal band to be lowered;
9. The design of the colourful blades on the façade has been reviewed and divided into smaller bays with the introduction of larger white blades at regular intervals. The design has also been amended with the inclusion of vertical panels with longer profiles in particular at the corner of Burlington and Alexander Street;
10. Extension of the top horizontal band wrapping around the corner of the proposed development with the land at 6-8 Falcon Street. In addition, the inclusion of the vertical panels in a similar manner as the main façade;
11. Façade treatment to the plant and edges of balustrades of the fifth level similar to that of the façade treatment adjacent to the land at 6-8 Falcon Street;
12. Inclusion of a vertical element treatment to the portion of the lift-overrun visible in the façade on the Alexander Street frontage;
13. Inclusion of horizontal louvers next to the car park entry and ramp facing Willoughby Lane; and
14. A secondary glazed awning has been introduced wrapping around the Falcon Street façade into the Alexander Street entry.

To further assist the JRPP with consideration of the design matters as presented in the report dated 2 October prepared by Kerry Gordon of Kerry Gordon Planning Services, including the reasons for refusal, Ms Gabrielle Morrish has provided comments which can be found at **Appendix D**. These comments can be summarised as follows.

In relation to the criticism of the overall façade treatment:

- The 'wrap around' approach was originally chosen by Councillors and therefore it was interpreted in an artistic abstract composition of colours. It would be wrong for this building to be a historic 'pastiche' with pasted on facades that replicate the infill shopfront facades on Willoughby Road and Pacific Highway. It needs to have a contemporary reinterpretation of this streetscape and has sought to do so whilst following the intent of Council's preferred design approach.
- Council has chosen to continue the public car park use and supermarket uses on this site. Options for basement car parking and surface retail with residential above were investigated and rejected by the Council. This decision results in a conundrum as the size of car park occupies the entire site above ground with no opportunity to sleeve the use. Therefore the best option available is screening. Such a large building and type of use makes it difficult to achieve a grain but the proposal has sought to do so subtly following the selected concept by Council which is part of the developers brief.
- Aesthetic refinements are possible if preferred by the JRPP as discussed above and the applicant is happy to make further changes and this can be provided as a condition to the approval.

However given this design was a result of a design options process and was Council's selected design we do not consider that aesthetic refinements sought by the current panel are sufficient to justify refusal of the application. This development will provide a fundamental improvement to Crows Nest Village centre and its community.

In relation to the criticism of the Falcon Street frontage:

- Falcon Street does need ground floor activation, but the main entry to the large retail shop is not considered appropriate on this street. This frontage should however have glazed facades that allow for exposure to the occasional pedestrians and by passers in cars, which is provided in the proposed design.
- The façade to Falcon Street includes 62% of glazing exposing the shop interior including a glazed lift. The customers will have a direct interaction with the Falcon Street frontage when using the lift and it will also add to the level of activation.
- The substations provided on this frontage are unavoidable in a development of this size. The applicant has studied every opportunity to sleeve or relocate the substations, however it has been established that the most suitable place for the substations is at the Falcon Street frontage away from the corner. The location of the substation on the laneway was also studied, however there is not enough space for a loading dock, a parking ramp and a substation on this side.

- *The option of entry closer to Falcon Street was proposed by the applicant during the design process, however the community group in Crows Nest Village has strongly objected to that option with an argument that Burlington Street needs the gentrification and activation as it is closer and more accessible to the Village Centre itself. This opinion is supported by GMU. Burlington Street is directly next to the heart of the Crows Nest Village and it should be modernised and activated with this development.*

*The proposal does achieve a positive outcome for the site and has sought to balance all factors in achieving the concept design selected by Council. In GMU's opinion this proposal, if approved would benefit the community of Crows Nest and would adequately activate the block in the Village Centre, which is inactive and unattractive in its present form. The design of the proposal has been developed over many years in conjunction with Council staff, Councillors and the Community. The proposed architectural design can deliver a good outcome of artistic façade and the larger footprint of the supermarket will deliver a new destination activating the centre to the east of Willoughby Road.*

...

*In our opinion this proposal achieves the objectives and requirements of North Sydney Council controls, provides a design excellence through a contemporary response to a heritage character of Crows Nest and a gentrification of the area. Therefore we recommend the proposal to the JRPP for approval.*

Therefore, the design of the façade in its current form can be supported by the JRPP and an approval granted to the development.

## **5.0 Concluding Comments**

The applicant has carefully considered each of the matters raised by Kerry Gordon Planning Services in the assessment of this DA, and in an effort to address those concerns has undertaken significant consultation with its consultant team and further sought independent peer reviewer advice. As established in the preceding paragraphs, each of the matters raised as reasons for refusal have been suitably addressed and relevant conditions of approval could be imposed on any consent issued by the JRPP. Please find attached at **Appendix E** suggested conditions.

Furthermore, the positive improvements resulting from the design of the building in relation to streetscape and public access if approved will provide a public benefit to the community which would be a vast improvement compared to the existing site development.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD

A handwritten signature in black ink, appearing to read 'M. Higgins', with a stylized flourish at the end.

Marian Higgins  
(Director)

## **APPENDIX A – PEER REVIEW BY STEVEN COOPER, THE ACOUSTIC GROUP**

**APPENDIX B – EMAIL RESPONSES TO RMS AND NORTH SYDNEY CONCIL  
DATED 28 MAY 2013 AND SWEPT PATHS BY CBHK AND TPG**

## Marian Higgins

---

**From:** Tim Rogers [tim.rogers@cbhk.com.au]  
**Sent:** Tuesday, 28 May 2013 10:50 AM  
**To:** SELLATHURAI Pahee  
**Cc:** Marian Higgins  
**Subject:** Crows Nest - truck paths  
**Attachments:** swepts 130510.pdf; swepts 130510.dwg

Hi Pahee

As requested at the SRDAC meeting on 17 April, please find attached turning paths of a 14.4 metres long articulated truck turning from Willoughby Lane onto Falcon Street. As advised at the meeting and set out in our report there is no change in the size of truck that services the site (existing and proposed supermarket) and arrival and departure routes.

Figures 1 and 2 show the truck turning left and Figure 3 the truck turning right. We note that there is no prohibition on the right turn from Willoughby Lane onto Falcon Street. As noted on Figure 2, allowing the truck to use the whole width of Willoughby Lane would still result in it crossing onto the wrong side of Falcon Street.

We trust that this provides the information you require to complete the RMS review of the proposed redevelopment of the site. Should you have any queries please do not hesitate to call me.

*Note: Marian could you please forward this email on to David Hoy at North Sydney Council as it was agreed at the SRDAC meeting that Council would be copied in on any correspondence to RMS.*

Regards

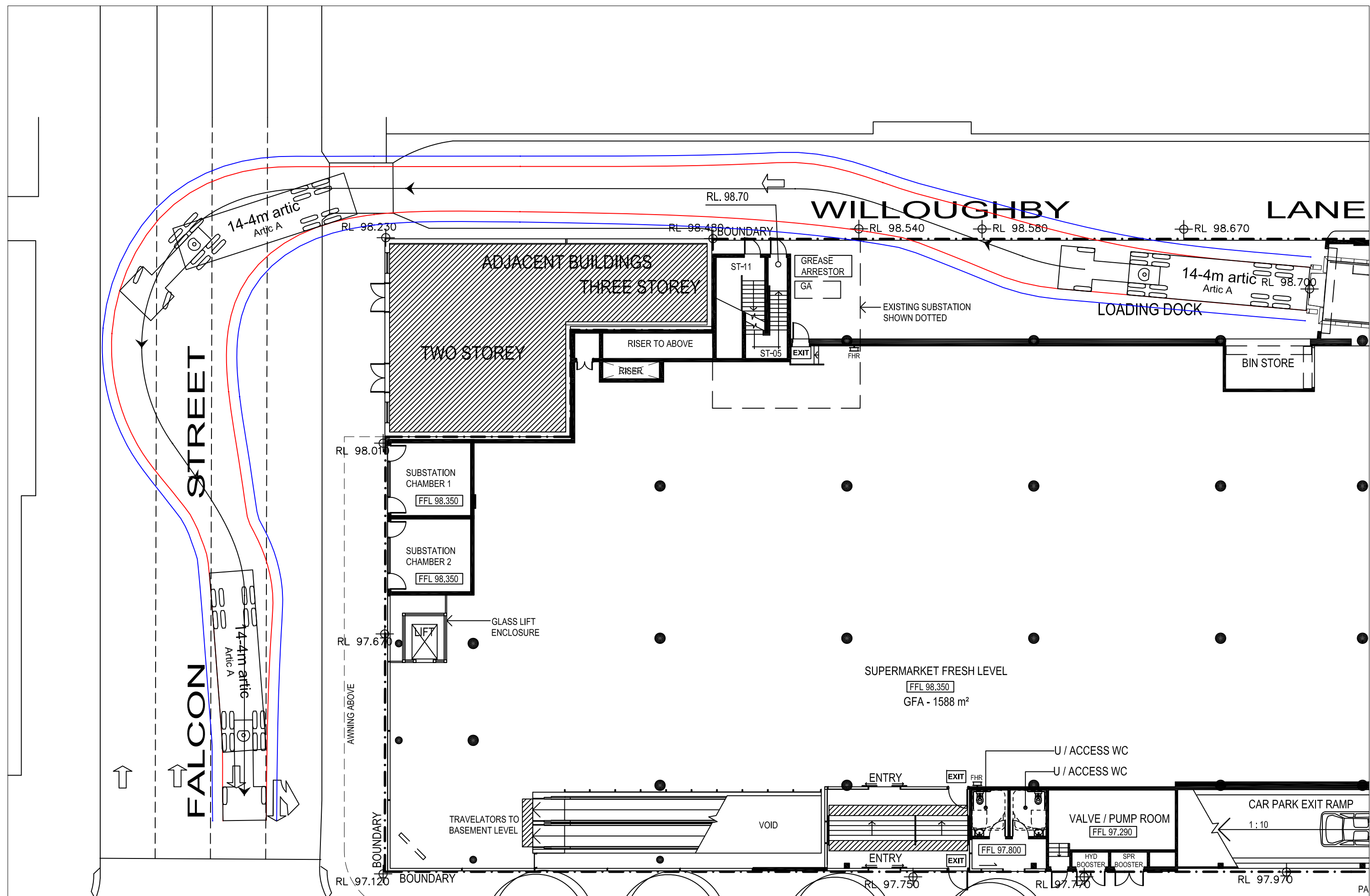
Tim Rogers  
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Colston Budd Hunt & Kafes Pty Ltd  
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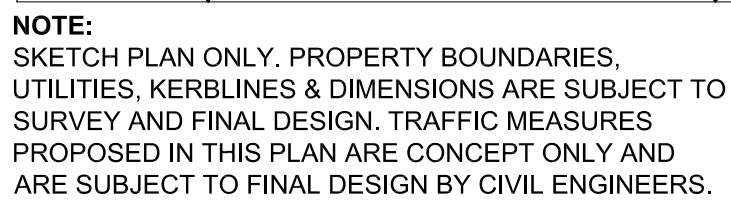
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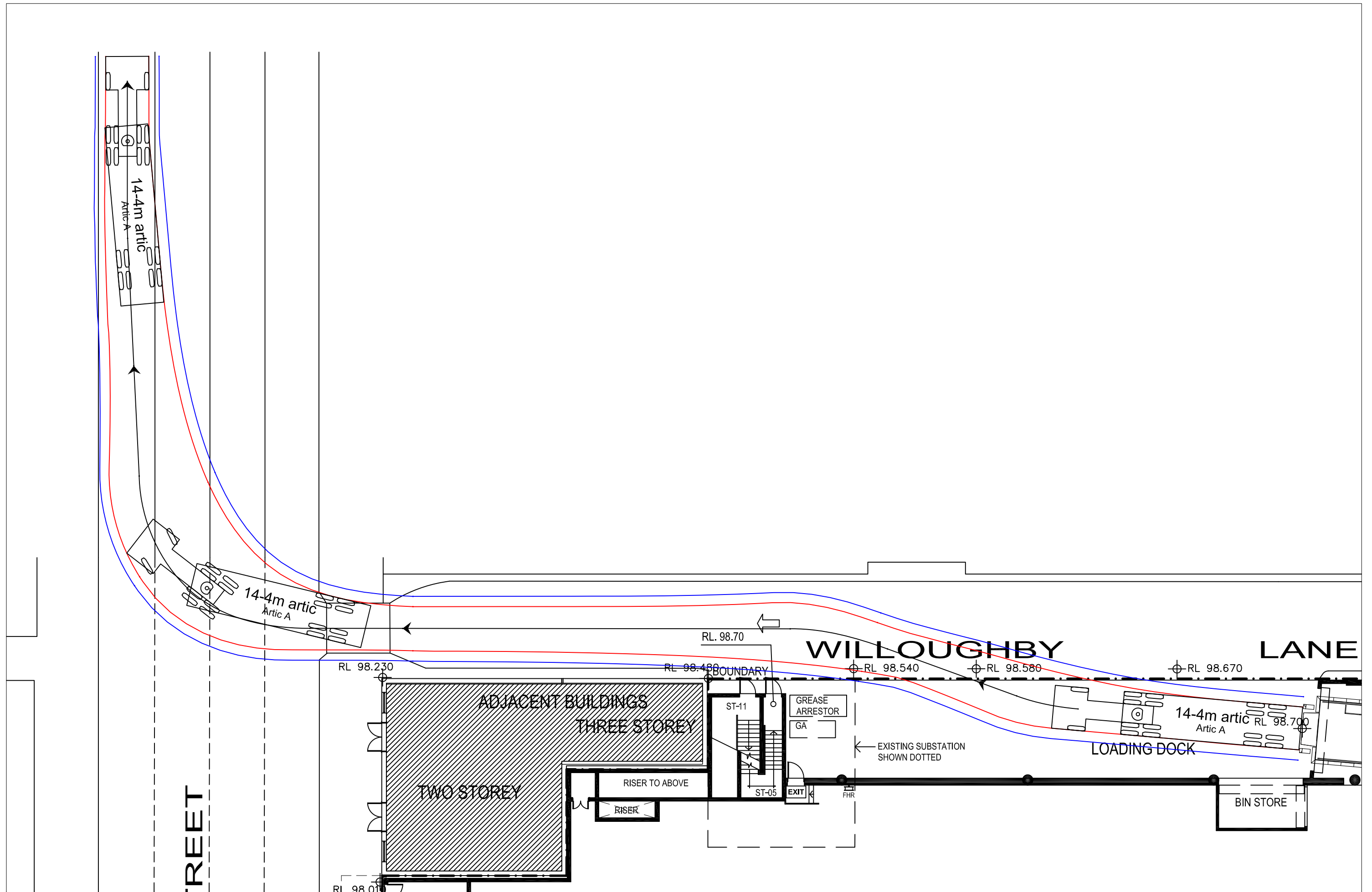


— Swept Path of Vehicle Body  
 — Swept Path of Clearance to Vehicle Body

14.4m ARTICULATED  
 VEHICLE SWEEP PATHS



10 MAY 2013



**NOTE:**  
 SKETCH PLAN ONLY. PROPERTY BOUNDARIES,  
 UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO  
 SURVEY AND FINAL DESIGN. TRAFFIC MEASURES  
 PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND  
 ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

— Swept Path of Vehicle Body  
 — Swept Path of Clearance to Vehicle Body

**14.4m ARTICULATED  
 VEHICLE SWEEP PATHS**

## Marian Higgins

---

**From:** Marian Higgins  
**Sent:** Tuesday, 28 May 2013 11:55 AM  
**To:** David Hoy; council council  
**Cc:** Armitage Richard; Moore David; Tim Rogers  
**Subject:** FW: Crows Nest - truck paths  
**Attachments:** swepts 130510.pdf; swepts 130510.dwg

Dear David,

I refer to the email below and the attachments to this email.

This information is forwarded to you as a record of the information provided to RMS.

We would be pleased if you could let us know which JRPP meeting is being targeted. Thanks

Regards,



**Marian Higgins**  
Managing Director

**The Planning Group NSW Pty Ltd**

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Regards

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## **APPENDIX C – SITE HISTORY SUMMARY**

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



DATE	EVENT (SHORT DESCRIPTION)
1. July 2007	<p><b><u>Crows Nest Retail Study</u></b></p> <p>This study was prepared by North Sydney Council and the Crows Nest Mainstreet Committee. This study contains recommendations for all the participants in the future success of Crows Nest.</p> <p><u>Implications for Crows Nest's retail sector:</u></p> <ul style="list-style-type: none"> <li>• <i>Dining out is growing, rather than shrinking</i></li> <li>• <i>Independent retailers can offer consumers something new, different, unique, stimulating</i></li> <li>• <i>The quality of service is increasing important - consumers want to be thought of as individuals. Bad reputations can be built overnight, as can good ones</i></li> <li>• <i>All retailers can introduce sustainable practices, and build reputations for their environmental consciences</i></li> <li>• <i>Council can support and encourage sustainability</i></li> <li>• <i>The Mainstreet Committee has an important role to play as the potential provider of 'trend updates' and advice to busy retailers</i></li> </ul>
2. 3 March 2008	<p><b><i>Whole of Block redevelopment Crows Nest - An assessment against the Crows Nest Retail Study for the proposed supermarket and carpark whole block PPP Redevelopment in Crows Nest.</i></b></p> <p><b><i>Prepared for North Sydney Council March 2008</i></b></p> <p>This assessment stated that People, Place and Partnership Pty Ltd and City Marketing Pty Ltd were engaged by Council to review key issues in relation to retail and the proposed redevelopment of the supermarket and Alexander St Car Park.</p> <p>This assessment reviewed a number of key issues for Crows Nest including planning considerations, future retail trends and an assessment of the "Crows Nest Experience". This assessment included, building appearance, business presentation, public domain and accessibility.</p> <p>This assessment states in part:</p> <p><i>"the proposal to activate the Falcon Street and Burlington Street facades with speciality retail is consistent with recommendations of the Retail Study"</i></p> <ul style="list-style-type: none"> <li>• <i>The design treatment of the Alexander Street frontage will be significant to the relationship of this development with the vitality of Crows Nest.</i></li> <li>• <i>Ideally the majority of the street level facade at Alexander Street will be glass shopfront that will offer excellent retail visual merchandising opportunities.</i></li> <li>• <i>The current configuration of stairwells, public toilets, and lift access on the Burlington/Alexander corner does not seem to offer the highest and best use of this highly visible retail corner. There is a danger that this corner will appear as a service entrance rather than a significant retail junction in Crows Nest.</i></li> <li>• <i>Ideally this corner can be reconfigured to present an active retail shopfront to both Burlington and Alexander</i></li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<p><i>Streets. The functionality of public toilets and lift access should not be compromised during any reconfiguration.</i></p> <p>The Crows Nest Streetscape Committee commented that “the proposed redevelopment will provide much needed changes to critical issues for this precinct within Crows Nest. The retail assessment has noted the opportunity to improve not only the existing Woolworth buildings and council car park but also adjoining laneway and footpaths on each of the frontages”.</p>
3. 1 April 2008	<p><b><u>44<sup>th</sup> meeting held of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p>This matter was brought forward due to the attendance of Council’s representative, Greg Cooper:</p> <ul style="list-style-type: none"> <li>• <i>Meeting was held on 31 March 2008 with Woolworth’s representatives, Crows Nest Mainstreet representatives and Council officers.</i></li> <li>• <i>Woolworths prefer customer access from corner facades.</i></li> <li>• <i>Majority of Mainstreet issues have been taken into consideration. Councillor briefing proposed late-April/early-May 2008.</i></li> <li>• <i>Development Application and Rezoning Application due to be submitted late-May 2008.</i></li> </ul> <p>During this meeting there was discussion regarding Willoughby Lane delivery parking opportunities, and it was advised that such matters would be taken into account during the design process. Some Committee members were of the opinion that laneway parking spaces may be reduced if the development proceeds.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> <li>• <i>The Laneway is to be paved as part of the development and improved lighting will be installed off the car park wall.</i></li> <li>• <i>Greg Cooper affirmed that parking controls are required within the laneway. Consideration will be given to improve vehicle movements in this location.</i></li> <li>• <i>The Study Consultants have provided comments on Woolworths/Alexander Street car park area, confirming that the standard of car park needs to be updated and energy efficiency matters must be considered.</i></li> </ul>
4. 3 June 2008	<p><b><u>45<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p>This meeting addressed:</p> <ul style="list-style-type: none"> <li>• <i>Woolworths reportedly supports a proposed internal corridor which would allow for entrance and exit on Burlington Street frontage.</i></li> <li>• <i>Proposed program is as follows: Development Application and Rezoning Application to run concurrently, with zoning proposal to be determined by Department of Planning. Woolworths would call Tenders and Council contribute approximately \$5 million to the project. Public Private Partnership requires Department of Planning concurrence. If program goes according to plan, then commencement could be as early as May/June 2009.</i></li> <li>• <i>Aim for Crows Nest is to get at least one high quality supermarket as soon as possible.</i></li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<ul style="list-style-type: none"> <li><i>Suggestion to increase promotion and install signage during lead-up to the proposed development.</i></li> </ul>
5. 28 July 2008	<p><b><u>Council Meeting North Sydney Council Reports Item EPS09</u></b></p> <p><u>Subject :Proposed Redevelopment of Alexander Street Parking Station and adjoining Woolworths Supermarket, Crows Nest</u></p> <p>This report resolved that Council, Woolworths Limited, and Fabcot Pty Limited in accordance with the Memorandum of Understanding proceed to prepare and lodge both a Development Application and a Rezoning Application for the proposed redevelopment of the entire block bounded by Alexander, Falcon and Burlington Streets, and Willoughby Lane, Crows Nest. The memorandum providing advice to jointly redevelop the current council car park and Woolworth's supermarket was attached to this report.</p>
6. 14 October 2008	<p><b><u>47<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Parking Station/Woolworths Site</u></p> <p>This meeting stated that:</p> <p><i>After some discussion regarding a current Development Application for the 'Franklins' site (Crows Nest Plaza), the Committee was advised that Mainstreet supports the proposal, however there are concerns from Council regarding traffic management. It is proposed to convene a public meeting to discuss issues associated with the proposed development, ie:</i></p> <ul style="list-style-type: none"> <li><i>Potential traffic increases and carpark exiting onto Atchison Street.</i></li> <li><i>Resident concerns regarding nearby development such as the Crows Nest Plaza, Cammeray Square, proposed alterations to Alexander Street Carpark, and a possible roundabout at intersection of Alexander Street and Holtermann Street.</i></li> </ul> <p><i>Greg Cooper informed the Committee that the Falcon Street interchange seemed to have reduced through-traffic along Ernest Street, heading towards Crows Nest. The Alexander Street and Holtermann Street intersection is a 'black-spot' for traffic accident and changes must occur in this location. Opinions are varied and, as such, a public meeting is to be held.</i></p>
7. 9 December 2008	<p><b><u>48<sup>th</sup> meeting of the Crow's Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Parking Station/Woolworths site</u></p> <p>This meeting addressed concerns from council regarding traffic management. A public meeting would be held to discuss issues associated with the proposed development</p>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



<p>8. 3 February 2009</p>	<p><b><u>49<sup>th</sup> meetings of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Parking Station/Woolworth Site</u></p> <p>Greg Cooper:</p> <ul style="list-style-type: none"> <li>• Two more Councillor briefings to be held during February and a report then to be placed before Council.</li> <li>• Private Public Partnership matters to be discussed at Councillor briefings.</li> <li>• Carpark safety review to be undertaken following a recent Coroner report relating to an accident in a City car park.</li> <li>• Council LEP/DCP matters to be considered.</li> <li>• Hume Street, Holtermann Street and Alexander Street car parks are all constructed above-ground.</li> <li>• Independent advice is being sought in respect to planning regulations.</li> <li>• Cost implications of underground car parking to be considered.</li> <li>• General consensus supports the current scheme, however some Planning concerns remain.</li> <li>• Councillors to be appraised of project status.</li> <li>• Current concept approximately 16 m high in one area which would breach Council's current height controls.</li> <li>• Several different options to be presented which will include separate funding models.</li> <li>• Intention of current scheme is for Woolworths to predominantly fund.</li> <li>• Majority of public car parks within the Sydney region are above-ground.</li> <li>• Generally underground parking stations do not have free parking.</li> </ul> <p>Action:</p> <p>Extraordinary Streetscape Committee meeting to be convened so that Committee can be appraised following Councillor briefings.</p>
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## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



<p><b>9. 18 February 2009</b></p>	<p><b><u>50<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Parking Station/Woolworths Site</u></p> <p>The General Manager, Penny Holloway, responded to questions raised about the status of the project. Council officer, Greg Cooper, then outlined the five options that were presented to the Councillors in the report dated the 23 February 2009. Of the 5 options shortlisted, <b>Option 2</b> was the preferred option, with a basement and ground floor supermarket, specialty retail on the ground floor opening out onto Burlington Street, and 4 levels of parking.</p> <p><i><b>Option 2</b> - The current Woolworths Joint Redevelopment proposal – comprises amalgamation of the existing Woolworths site, the Energy Australia substation site and the Council site, permitting joint redevelopment. The current offer is that Council will own the completed development, give effect of ownership of the supermarket to Woolworths (99-year lease) and pay Woolworths \$5 million. Woolworths will give its site to Council and pay all costs associated with the redevelopment.</i></p> <p>L Moore asked of the outcome of <b>Option 2</b> going before the Design Excellence Panel on 17 February 2009, and was informed that the Minutes of that Panel have yet to be made available.</p>
<p><b>10. 23 February 2009</b></p>	<p><b><u>Council Meeting North Sydney Council Reports Item EPS02</u></b></p> <p><u>Subject: Proposed Public/Private Partnership Redevelopment of Alexander Street Parking Station and adjoining Woolworths Supermarket site at Crows Nest.</u></p> <p>This meeting summarised past council briefings in relation to the proposed redevelopment. Five main development options for the site were being considered by council The best outcome was said to be <b>Option 3</b> though it was said it would involve significant additional financial cost. <b>Options 2</b> was also considered by councillors at a briefing on the 10/2/09 with the idea of removing the top level of parking</p> <p><i><b>Option 2</b> – The current Woolworths joint redevelopment proposal</i></p> <p><i>The \$5m Council contribution will be funded by a loan that is financed by the increase in income derived from the increased parking and the improved quality of Council's retail area. Using Council's DCP as a guide, surplus parking availability i.e. that not required to satisfy code requirements is increased by 36 spaces. As the preferred scheme of Crows Nest Mainstreet, this proposal meets the principal objectives of increasing shopper parking and improving the retail mix in Crows Nest, including an anchor Supermarket. There are no negative financial implications, but there are significant planning issues including the urban form of the development.</i></p> <p>A Planning Report was conducted on <b>Option 2</b> and findings were presented at this briefing with the support of <b>Option 2</b>.</p>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



11. 24 March 2009	<p><b><u>51<sup>st</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <ul style="list-style-type: none"> <li>• Council's Planning Department is currently calling for submissions from Planning Consultants, to progress the Crows Nest Town Centre Strategy/Study.</li> <li>• Intention is to brief Councillors and select a suitable consultant prior to the end of May 2009.</li> <li>• Community consultation will follow once endorsed by Council.</li> <li>• Strategic Plan/Study for the Crows Nest area needs to be holistic.</li> <li>• Woolworths proposes to submit revised design to include one less level.</li> <li>• If Local Environmental Plan changes and proposals are supported, then Development Application/Rezoning/Public Private Partnership proposal would be submitted for consideration.</li> <li>• If not supported, then consideration may be given to basement car parking and possible enlargement of Woolworths.</li> <li>• It is considered important that Council retains ownership of parking area. Proposed Study is considered</li> </ul>
12. 17 August 2009	<p><b><u>3529<sup>th</sup> Council Meeting: PDS10 Draft Proposal for Crows Nest Town Centre (CNTC):</u></b></p> <p>Review of proposed changes to DLEP 2009 including changes to height controls and zoning. The proposal outlines increased height along the western side of Alexander Street to ensure there is an incentive to redevelop thus contributing to the rejuvenation of CNTC.</p>
13. 17 August 2009	<p><b><u>Council Meeting North Sydney Council Report Item PDS10</u></b></p> <p>Draft Proposal for CNTC: Crows Nest Traffic Study – Preliminary Advice</p> <p>At a meeting held on the 23<sup>rd</sup> February 2009 council resolved that :</p> <ul style="list-style-type: none"> <li>• Council adopt the draft proposal for CNTC for exhibition;</li> <li>• The draft proposal for CNTC is placed on public exhibition for 28 days.</li> <li>• Public notice of this exhibition is given</li> <li>• A briefing of the Crows Nest streetscape committee is undertaken and traffic study be placed on exhibition with the Draft Proposal for CNTC, once it is finalised.</li> </ul>
14. 2 September 2009	<p><b><u>Crows Nest Traffic Study: Final Report by Arup</u></b></p> <p>The study contains a number of traffic management measures for major roads in Crows Nest. The report assesses the existing road traffic conditions and road network in the commercial area of Crows nest. The report also forecasts the traffic impact associated with the potential growth within Crows Nest.</p> <p>The study assessed the cumulative impact of the possible developments:</p> <ul style="list-style-type: none"> <li>• Site 2 – proposed redevelopment of the site bounded by Burlington Street, Willoughby Lane, Falcon Street and Alexander Street</li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<ul style="list-style-type: none"> <li>• <i>Sites 3a/3b/3c – potential additional residential floor space at various sites along Alexander Street</i></li> </ul> <p>The study suggests that the proposed developments are not likely to have a significant impact on the operation of the road network in the Crow's nest commercial area. The two proposed supermarkets are some distances apart and this will help ameliorate traffic impacts of Willoughby Road and Council Car Park Site.</p>
15. 9 November 2009	<p><b><u>Council Meeting North Sydney Council Reports Item PDS05</u></b></p> <p><u>Subject: Post-Exhibition Report - Draft Proposal for Crows Nest Town Centre</u></p> <p>At its meeting held on 17 August 2009 Council resolved to exhibit a Draft Proposal for CNTC and the associated Crows Nest Traffic Study. These documents were publicly exhibited from 2 September to 3 October 2009. 53 submissions were received during the exhibition period.</p> <p>The key issue raised in the submissions relate to the appropriateness of the proposed 6 metre upper level setbacks on the Woolworth's site and Alexander Street Car Park site.</p> <p>Recommendations to council were:</p> <ul style="list-style-type: none"> <li>• <i>Council amend the draft proposal so that the upper level setbacks are reduced from 6 metres to 4 metres and that the 4 metre upper level setback control be calculated by averaging the setback along the length of any street frontage excluding the Willoughby Lane frontage.</i></li> <li>• <i>Council give effect to the setback changes contained in the draft proposal, as amended, by incorporating such changes in the North Sydney draft Development Control Plan 2009.</i></li> <li>• <i>Council give effect to the height and zoning changes contained in the draft proposal, as amended, by incorporating such changes in the North Sydney draft Comprehensive Local Environmental Plan 2009.</i></li> <li>• <i>Council determine its position on whether it would support a separate Planning Proposal to amend NSLEP 2001 and NSDCP 2002 that reflects the above as it relates to the block bounded by Falcon, Alexander and Burlington Streets and Willoughby Lane (i.e. the Woolworths site and the Alexander Street Car Park site).</i></li> </ul>
16. 7 December 2009	<p><b><u>Council Meeting North Sydney Council Report Item PDS04</u></b></p> <p><u>Subject: Planning Proposal – Changes to planning controls relating to Woolworths / Alexander Street car park site.</u></p> <p>This report recommends that in seeking to enable the construction of the 'concept' design the planning proposal seeks additional changes to LEP 2001 and DCP 2002 beyond those that have already received endorsement via the adopted Proposal for CNTC</p> <p>These changes are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To allow car parking as a permissible use on the subject land which will be zoned commercial,</i></li> <li>• <i>To allow car parking above ground</i></li> </ul> <p>Council also considered whether it supports the additional amendments to LEP 2001 and DCP 2002. Attached to PDS04</p>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	is the DCP character statement.
<b>17. 30 August 2010</b>	<p><b><u>3557<sup>th</sup> Council Meeting North Sydney Council</u></b></p> <p><b><u>Subject: Joint Redevelopment of the Alexander Street Car Park</u></b></p> <p><i>The Alexander Street Car Park is a key Council asset in Crows Nest. It has been assessed as being in need of upgrading and refurbishment. The car park is the subject of a proposed joint redevelopment with the adjacent Woolworths supermarket, which is currently under consideration by Council. Council allocated \$50,000 from the Income-Generating Reserve to undertake a review of the proposed terms of the joint redevelopment of the Alexander Street Car Park and adjacent supermarket site (Woolworths). The review has now been completed and Council can now determine its position on the preferred commercial terms for the redevelopment.</i></p> <p><b><i>Recommending:</i></b></p> <ul style="list-style-type: none"> <li>• <i>Council determine its position. It was moved by Councillor Gibson, seconded by Councillor Carland and carried unanimously:</i></li> <li>• <i>The meeting be closed to the public to discuss the following matter(s). The open discussion of which would be contrary to section 10A(2)(c) of the Local Government Act 1993 being information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and 10A(2)(d) of the Local Government Act 1993 being commercial information of a confidential nature that would, if disclosed:</i> <ul style="list-style-type: none"> <li><i>(i) prejudice the commercial position of the person who supplied it, or</i></li> <li><i>(ii) confer a commercial advantage on a competitor of the council, or</i></li> <li><i>(iii) reveal a trade secret</i></li> </ul> </li> </ul> <p><i>It was moved by Councillor Burke, seconded by Councillor Gibson and carried unanimously:</i></p> <ul style="list-style-type: none"> <li>• <i>the meeting be re-opened to the public at 7.45pm</i></li> <li>• <i>the General Manager, in consultation with consultants CB Richard Ellis, negotiate with Woolworths to achieve a provisional position on satisfactory commercial terms for the proposed joint redevelopment and report to Council.</i></li> <li>• <i>the Director of Engineering &amp; Property Services and his staff be complimented on the work they have put into this project.</i></li> </ul>
<b>18. 29 November 2010</b>	<p><b><u>Council Meeting North Sydney Council Report Item G07</u></b></p> <p><b><u>Subject: Joint Redevelopment of the Alexander Street Car Park, Agreement of Commercial Terms</u></b></p> <p>This meeting addressed the need of upgrading and refurbishing the Alexander Street Car Park. A joint redevelopment with</p>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<p>the adjacent Woolworths supermarket was said to meet the Council's objectives for the redevelopment as well deliver significant benefits to the Crows Nest Shopping Village. Should the Council decide to proceed with the proposed joint redevelopment, it would come under the Public Private Partnership requirements of the Local Government Act. Council engaged CB Richard Ellis to undertake a comprehensive review of the structure and the financial terms of the proposed transaction with Woolworths. That review was completed and another undertaken of the Council's objectives and requirements for the project. An evaluation of the current proposal against these objectives and requirements was completed.</p>
19. 31 January 2011	<p><b><u>Council Meeting North Sydney Council Reports Item EPS05</u></b></p> <p><u>Subject: Alexander Street Parking Station: Review of options for the future use of the site.</u></p> <p>Redevelopment options for evaluation were presented to the Councillors at the third briefing on the 10th February 2009. These options have been summarised below.</p> <p><i><b>Option 1</b> - Repair and update existing structure including refurbishment of new car park. Introduce new safety barriers, lift, treat concrete cancer, and improve facade and retail areas.</i></p> <p><i><b>Option 2</b> – The Woolworths joint redevelopment proposal. This proposal comprises the amalgamation of the existing Woolworths site, the Energy Australia substation site and the Council site permitting joint redevelopment</i></p> <p><i><b>Option 3</b> – Modified version of the current Woolworths joint development proposal</i></p> <p><i><b>Option 4</b> - Reconstruct an above-ground car park on Council's site only with ground floor retail business</i></p> <p><i><b>Option 5</b> - Joint redevelopment , Supermarket and 730 square metre plaza, 5 levels of basement parking and 6 levels of residential on a podium above supermarket</i></p> <p><i><b>Option 6</b> - Redevelopment of the Council Car Park site as a cinema and public car park</i></p> <p><i><b>Option 7</b> - Sell the site to Woolworths and use the released capital for other Council Projects.</i></p> <p><i><b>Option 8</b> - Demolish the current car park and construct a plaza with a 100m2 café and associated outdoor dining.</i></p> <p><i><b>Option 9</b> - Demolish the current car park and construct a basement car park for 188 space basement car park over four levels, A five story building would be constructed on approximately 40% of the site with a Plaza occupying the</i></p> <p><i>Remainder. The top four floors of the building would residential (27 affordable housing units).</i></p> <p>The meeting concluded with <b>Option 2</b> having the highest score. This proposal has strong support from both adjacent residential and business committees. <b>Option 2</b> delivers the best outcome for the Crow Nest Retail Area and offers the best financial returns for Council. <i>Attached to this council meeting item was the Crows Nest Retail Study.</i></p>
20. 1 February 2011	<p><b><u>62<sup>nd</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<p><u>Subject: Alexander Street Car Park/Woolworths – Proposed Redevelopment</u></p> <p>G Cooper reported that Council re-open negotiations with Woolworths for the original scheme which is agreed as the best option.</p> <ul style="list-style-type: none"> <li>• <i>Additionally, Council wants a clearer say on the design of the building's façade by appointing its own architect (which has always been allowed for in the Project Plan once a deal is finalised with Woolworths, it will be publicly revealed).</i></li> <li>• <i>Council is generally OK with the bulk and scale of the proposed building but wishes to have its own appointed consultant architect be involved with design of (at least) the façade.</i></li> <li>• <i>Short-listed designs will be publicly exhibited.</i></li> <li>• <i>The program for the project is yet to be finalised depending on State Government progress and its construction will be coordinated with the Burlington St upgrade. Greg Cooper also mentioned that it is being proposed to use the same approach to the proposed Public Private Partnership as Woollahra Council have recently done with Woolworths, followed by the rezoning issue, and then signing of the transaction documents, then lodgement of the DA.</i></li> </ul>
21. 28 February 2011	<p><b><u>Council Meeting North Sydney Council Report Item EPS04(</u></b></p> <p><u>Subject: Proposed Joint Redevelopment of Alexander Street Car Park and adjoining Woolworth's site, Crows Nest.</u></p> <p><u>Role of the Council-appointed Architect</u></p> <p>This meeting discussed Council's concern about the appearance of the façade of the proposed building; a four step collaborative process is proposed within the Brief under 'Façade Design Development Methodology' (2/02/11). The Council architect and Woolworths' architect would work in collaboration to prepare a number of Concept Designs which would be presented to Council and Woolworths with each party then short listing their preferred designs. The short listed designs will then be put on public exhibition and evaluated by the Design Excellence Panel. After considering the public submissions, including those from Crows Nest Mainstreet Ltd and feedback from the Design Excellence Panel, Council and Woolworths would select the agreed design be incorporated into the DA design.</p> <p><b><u>Attached to Council Meeting North Sydney Council Report Item EPS04</u></b></p> <p><u>Subject: Alexander St Car Park Joint Redevelopment Role of Council's Architect 2 February 2011</u></p> <p><b>Façade Design Development Methodology:</b></p> <p>Council wants to achieve "Design Excellence" for this new building. The above-ground car parking does present a design challenge. A collaborative process encompassing the ideas from a number of designers and architects will lead to a more creative outcome.</p> <p><i>The following process is recommended:</i></p> <ul style="list-style-type: none"> <li>• <i>Council Architect and Project Architect work in collaboration to prepare a number of concept designs options for</i></li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<p><i>the facade. (Approximately 6). This may entail the appointment of additional designers and/or architects.</i></p> <ul style="list-style-type: none"> <li><i>The options are presented to Councillors and Woolworths by their respective designers. Council and Woolworths will short list the preferred designs (three or four).</i></li> <li><i>The shortlisted designs will be put on public exhibition and evaluated by the Design Excellence Panel. Crows Nest Mainstreet will be specifically briefed during this stage and will be invited to make submissions.</i></li> <li><i>After considering the public submissions and the feedback from the Design Excellence Panel, Council and Woolworths will select the façade design to be incorporated into the DA design.</i></li> </ul> <p>This report is attached to the Council Report dated the 28<sup>th</sup> of February 2011 Item EPS04 (page 6).</p>
22. 16 May 2011	<p><b><u>Council investigation on the joint redevelopment of the Alexander St Car Park and the Woolworth Supermarket site since 2007.</u></b></p> <p><u>The Council resolved that</u></p> <ul style="list-style-type: none"> <li><i>Council agree to the commercial terms of the project for the joint redevelopment of the Alexander St Car Park and the Woolworths Supermarket site in Crows Nest as set out in the Woolworths letter of Offer dated the 4/05/2011.</i></li> <li><i>Council resolve to enter into a Public /Private Partnership process with Fabcot Pty Limited for the joint redevelopment of the Alexander Street Parking Station and adjoining Woolworths supermarket site at Crows Nest by lodging a Formal Project Proposal with The Department of Local Government for Initial Assessment, and that the General Manager be given delegated authority to finalise the legal agreement with Fabcot Pty Limited.</i></li> </ul> <p>In May 2011, the Council agreed to the commercial terms to jointly redevelop the Alexander St Car Park and the adjacent Woolworth Supermarket. These terms were set out in the Woolworths “letter of offer” to council dated 4/5/2011. This “letter of offer” gave Council the right to review the car park layout and the façade design of the proposed development. Two Consultants were engaged to separately review the car park layout and the façade design; Parking &amp; Traffic Consultants completed the review of the Car Park layout and Architect+Partners completed the review of the façade design.</p>
23. 31 October 2011	<p><b><u>Council Meeting North Sydney Council Report Item EPS09</u></b></p> <p><u>Subject: Alexander Street Car park Joint Redevelopment, Review of Car Park Layout</u></p> <p><b>Facade Design Review:</b></p> <p>Architect+Partners were engaged to undertake this review and to provide Council with alternate façade designs for consideration. The review of these design options were shown at a briefing on the 29<sup>th</sup> September 2011.</p> <p>Three design options were presented:</p> <ul style="list-style-type: none"> <li><b>Option 1</b> – Wind: <i>A curvilinear awning design with vertical blade elements that are pivoted to allowed limited movement in the wind. The upper façade elements are extended to below the awning at selected locations.</i></li> <li><b>Option 2</b> – Petal Garden: <i>Brightly coloured vertical blades are framed between a curvilinear awning and a curvilinear capping element. A small section of green wall has been provided at ground level. Planters have been incorporated at various locations within the car park immediately behind the coloured façade elements.</i></li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<ul style="list-style-type: none"> <li><b>Option 3 – Shadow:</b> <i>The façade is dealt with in two distinct design treatments. At the Burlington St end of the building, the façade treatment is rectilinear in nature with cantilevered balconies extending over the road reserve. These are designed for the storage of bicycles. On the Alexander St and Falcon St frontages, the boomerang- shaped façade elements are used to clad the car park edge including the external ramps discussed previously. This treatment is also of a curvilinear shape to encompass the exit ramps.</i></li> </ul> <p>The recommendation from this meeting required Council, in consultation with Woolworths, to work with the Project Architects and BN Group to progress the project design by incorporating the following elements and features into the façade design. These Design Options and elements were to be considered further in the design development phase of the project.</p> <p>These elements and features will:</p> <ul style="list-style-type: none"> <li><i>maximize the glazing on the ground level street façade so as to activate the street frontage,</i></li> <li><i>A small section “green wall” to be incorporated into the Alexander St frontage at Ground level.</i></li> <li><i>a curvilinear awning and façade design is preferred over a rectilinear design,</i></li> <li><i>A facade design for the car park component comprising of vertical colour elements mounted perpendicular to the building and capped with a curvilinear top element,</i></li> <li><i>A façade that can be cleaned from inside the car park.</i></li> </ul> <p>There was an agreement between councillors on the rejection of <b>Option 3</b>. Certain elements highlighted the need for further consideration of the other options in the design development phase. This phase will be undertaken by the Project Architects, BN Group in consultation with Council and Woolworths.</p> <p>Attached to this council report is the Facade Design Review presentation on the three design options.</p>
24. 22 November 2011	<p><b><u>76<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Car Park/Woolworths - Proposed Redevelopment</u></p> <p><i>G Cooper updated the meeting that Council had engaged consultants to respectively carry out functional analysis of the proposed car park, provide design advice on the building façades, and to represent Council in terms of the quality of building delivered. Currently, the façade design proposals are being melded with those of Woolworths and their design consultants. This will be the subject of a Councillor Briefing, followed by reporting to Council on the 5.12.11 recommending that a Development Application be lodged by Woolworths along with finalisation of the legal agreements. Construction is likely to start early in 2013.</i></p>
25. 5 December 2011	<p><b><u>Council meeting North Sydney Council Report Item EPS07</u></b></p> <p><u>Subject: Alexander Street Car Park Joint Redevelopment,- Finalisation of Car Park Façade Design.</u></p> <p>This report resolved that:</p> <ul style="list-style-type: none"> <li><i>Council adopts BN Group’s short radius curvilinear façade designs for both the southeast and northeast corners.</i></li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<ul style="list-style-type: none"> <li>• Council determines which of BN Group's colour schemes to adopt.</li> <li>• The current site specific Planning Proposal be reviewed and the outcome of this review be reported back to Council.</li> </ul> <p><b><u>Report of Greg Cooper, Director of Engineering &amp; Property Services, 25 November 2011 (Attached to North Sydney Council Report EPS07 5/12/11)</u></b></p> <p><b><u>Subject: Alexander Street Car Park Joint Redevelopment, Finalisation of Car Park Façade Design.</u></b></p> <p><i>BN group prepared a number of schematic facade designs for the development. The designs incorporate the designs elements identified by Council as well as addressing some the Issues and comments made by Council's Design Excellence Panel when it reviewed the initial design proposal in February 2009. The southeast and the northeast corners of the proposed building form significant gateway elements for the Crows Nest Retail Area. It is fundamentally important that the building be interpreted as a Public Car Park from the Burlington/Alexander Street corner. To achieve this objective, Council has always required that the northeast corner be emphasised and differentiated from the rest of the building. This can be achieved by glazing this corner element so that there are views into the foyers of the corner lift that specifically services the (4) car park. This vertical activation of this corner coupled with appropriate signage will give clear visual clues regarding the status of the Public Car Park. The Architects+Partners' façade design for this corner did place some emphasis on this corner, however I am of the opinion that design did not significantly differentiate it from the remainder of the building. The views into the foyer areas were somewhat obscured by the façade elements. The BN Group has provided a number of alternate design treatments for the northeast and southeast corners of the building. There are two basic concepts for the facade corner treatments: squared corners and curved corners. For the Falcon/Alexander corner, they have provided two curved corner treatments, a small radius curve and a large radius curve. BN group have also presented four colour scheme options for the facade to the Steering Committee.</i></p>
<b>26. May 2012</b>	<p><b><u>TPG Planning Proposal (PP)</u></b></p> <p>This report constitutes a Planning Proposal (PP) accompanying an application for the rezoning of land prepared on behalf of Fabcot Pty Ltd by The Planning Group NSW Pty Ltd (TPG NSW). This Planning Proposal has been prepared to request Council amend the existing zoning and planning controls contained within the North Sydney LEP 2001 and North Sydney Development Control Plan 2002 to enable on the land bounded by Falcon Street, Alexander Street, Burlington Street and Willoughby Lane to be redeveloped as per the concept plan to comprise:</p> <ul style="list-style-type: none"> <li>• Woolworths supermarket over two levels – some 3,996 square metres;</li> <li>• Replacement and additional public car parking in an above ground parking facility over 4 levels up to 19.1m with weighted average setback to Alexander Street including 4m;</li> <li>• New arcade/mall with access at Burlington Street frontage;</li> <li>• New specialty retail shops with frontage to Burlington Street and mall – some 465 square metres;</li> <li>• Lift access to all levels and public car parking;</li> <li>• New accessible public toilet amenities; and</li> </ul>

## SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<ul style="list-style-type: none"> <li>Relocate substation from Willoughby Lane frontage.</li> </ul>
27. 19 June 2012	<p><b><u>70<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Car Park/Woolworths – Proposed Redevelopment</u></p> <p>P. Holloway reported that there was a briefing on this matter to be held this evening for the new Councillors. The application was approved by the Division of Local Government (DLG) in July/August 2012 to enter into a Public/Private Partnership with Woolworths. Council has signed the Deed of Agreement and is currently awaiting Woolworths/Fabco to do likewise, plus lodge a DA. This would be assessed by the Joint Regional Planning Panel. Woolworths have lodged a fresh Planning Proposal for zoning amendments to the amalgamated sites (as the previous one lapsed). This has been on Public Exhibition and will go before Council very shortly. Construction may start 2013. The substation needs replacing: current scheme is for it to be underground but other options are being explored.</p>
28. 14 August 2012	<p><b><u>71<sup>st</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Car Park/Woolworths – Proposed Redevelopment</u></p> <p>This meeting stated:</p> <p>An application has been submitted to the Division of Local Government (DLG) to enter into a Public/Private Partnership (PPP) with Woolworths. If this is approved, the legal documents can then be signed and the DA lodged. This would then be assessed by the Joint Regional Planning Panel (JRPP). Woolworths will be lodging a fresh Planning Proposal (PP) for zoning amendments to the amalgamated sites (due to the lapse of the previous one) Once the Minister issues a Gateway Determination for this; the PP will go on Public Exhibition and construction can then commence in 2013. This report was accompanied by 'St Leonards/Crows Nest Planning Study- Precinct 1' attachment.</p>
29. 27 November 2012	<p><b><u>Council Meeting North Sydney Council Reports Item PDS02</u></b></p> <p><u>Subject: Planning Proposal and Draft Amendment to NSDCP 2002 - Woolworths and Alexander Street Car Park, Crows Nest</u></p> <p>This meeting recommends that:</p> <ul style="list-style-type: none"> <li><i>The recommendations contained within the independent planning report prepared by Sue Haertsch Planning be considered by Council. Mr Gugliotta addressed the meeting It was moved by Councillor Reymond and seconded by Councillor Marchandeanu</i></li> <li><i>The planning proposal is adopted as it was exhibited.</i></li> <li><i>Having completed the community consultation requirements as outlined in the gateway determination, Council must forward the Planning Proposal to the Minister for Planning and request that a Local Environmental Plan be made subject to the following amendment:</i></li> </ul> <p>Council resolved in relation to the PP as follows:</p> <p><b><u>RESOLVED:</u></b></p>

# SUMMARY TIMELINE – LAND INVOLVING EXISTING COUNCIL CAR PARK, SUPERMARKET AND SUBSTATION REDEVELOPMENT, CROWS NEST



	<b>1. THAT Council adopt the Planning Proposal for the Woolworths/Alexander Street Carpark Redevelopment, as exhibited be adopted as exhibited.</b>
<b>30. 11 December 2012</b>	<p><b><u>70<sup>th</sup> meeting of the Crows Nest Shopping Area Streetscape Committee</u></b></p> <p><u>Subject: Alexander Street Car Park/Woolworths – Proposed Redevelopment</u></p> <p><i>The application was approved by the Division of Local Government (DLG) in July/August '12 to enter into a PPP with Woolworths. Council has signed the Deed of Agreement and is currently awaiting Woolworths/Fabcot to do likewise, plus lodge a DA. This would be assessed by the Joint Regional Planning Panel. Woolworths have lodged a fresh Planning Proposal for zoning amendments to the amalgamated sites (as the previous one lapsed). This has been on Public Exhibition and will go before Council.</i></p> <p><i>The Council have stated the substation needs replacing: current scheme is for it to be underground but other options are being explored.</i></p>
<b>31. 15 March 2013</b>	Development Application lodged with Council.
<b>32. 15 March 2013</b>	<u>Council requested additional copies of documentation for Design Excellence Panel.</u>
<b>33. 22 March 2013</b>	<u>Additional copies of DA documentation for Design Excellence Panel provided to Council, along with 7 x printed copies of Council meeting agenda held on 31 October 2013, supporting report and minutes from this meeting regarding façade treatment.</u>
<b>34. 22 March 2013</b>	<u>Additional copies of DA documentation provided to Council.</u>
<b>35. 26 March 2013</b>	<u>Council request for additional information associated existing gross floor area.</u>
<b>36. 15 April 2013</b>	<u>Additional drawing information and email provided to Council to advise of existing floor areas.</u>
<b>37. 28 May 2013</b>	Council letter with KGPS letter seeking additional information.
<b>38. 11 June 2013</b>	Meeting at Council to discuss KGPS letter.

## **APPENDIX D – GM URBAN DESIGN LETTER ADVICE**



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14 October 2013

Joint Regional Planning Panel

(Sydney East Joint Regional Planning Panel)

Panel Secretariat

23-33 Bridge Street

Sydney, NSW 2000

Re: Development Application 10 Falcon Street and 34-43 Alexander Street, Crows Nest

Application No.: DA65/13 JRPP No.: 2013SYE039

Dear JRPP Members,

Councils report to the JRPP is recommending refusal of the above development application. GMU would like to provide further comment to address the issues identified in the refusal of 10 Falcon Street and 34-43 Alexander Street, Crows Nest.

The development application includes demolition of an existing supermarket and carpark and construction of 5 story plus basement level building including a new supermarket, specialty shops, contemporary public carpark, substation and signage - 10 Falcon Street and 34-43 Alexander Street, Crows Nest. It is important to note that this DA is the result of a public/private partnership between Council and the developer and as such as part of the contract negotiations Council has imposed certain conditions and outcomes on the project.

GMU have assisted with the development of the current design submitted to Council in August 2013. The design includes amendments to the façade treatment, additional activation of the street frontages and additional awnings. These changes were provided as a response to comments received from the North Sydney Design Excellence Panel received in May 2013. GMU have also prepared a report in support of the current proposal which describes the design process, the overall scheme and the proposed amendments. The Assessment Report dated 2 October 2013 recommends the refusal for the following reasons:

1. Pursuant to clause 14 of North Sydney Local Environmental Plan 2001, the proposal is inconsistent with the Specific Aim at clause 3(a)(i) as it is not designed to promote the character of the Crows Nest Town Centre given the "wrap around" façade is not compatible with the bulk, scale and appearance of the centre and therefore must be refused.
2. The proposed development provides for inappropriate activation of the Falcon Street frontage due to the provision of the substations and the lack of pedestrian access on this significant street frontage, which is inconsistent with the requirements of the Quality Built Form controls of Section 20 Commercial Development of North Sydney Development Control Plan 2002.
3. The operation of the loading dock will result in unacceptable noise impacts upon the approved residential dwellings at No. 11 Willoughby Road and no satisfactory amelioration measures have been proposed to address the impacts.

GMU would like to offer additional urban design discussion regarding Points 1 and 2 to assist JRPP in determination of the proposal.

**1** *Proposal is not designed to promote the character of the Crows Nest Town Centre given the “wrap around” façade is not compatible with the bulk, scale and appearance of the centre.*

With regards to point 1. of the Council's reasons for refusal:

- It is important that the JRPP appreciate that the fundamental design concept that underpins the DA was selected by Council as their preferred design approach after a limited design process where a number of design options for both the car park and the facade treatment were investigated. The original design concept was in fact developed by a member of the Design Excellence Panel. The DA is true to this concept.
- The reasons for refusal seem to centre on personal aesthetic opinions of the current Design Excellence Panel with little regard for the fact that Councillors selected this option and required it to be the design that guided the DA.



*Option 2 – Petal garden – The design chosen by Council and provided as a guideline for the proposal*

- The Council's Assessment Report includes commentary on the design of the facade as a 'wrap around' facade, which in their opinion, has not yet achieved the sufficient consideration to the existing context and character of Crows Nest. However, as described in GMU's report the design derives directly from the context of the site including the white bands, colour palette and the impression of the fine grain. The submitted design identifies the existing shopfront bays through white vertical blades continuing from the columns on the ground level. This provides some definition of vertical form whilst still retaining the integrity of Council's preferred design concept. The blades provide subtle breaks in the colourful facade treatment, expressing the characteristic proportions of typical shopfront widths along the facade. The modern interpretation of the characteristic elements of the context in the proposal is in our opinion, a good outcome for the site. The character of Crows Nest is interpreted in the proposal in the following way:
  - The colours used on the facade are inspired by the colour palette from the existing shopfronts on Pacific Highway and Willoughby Road and their facade proportions. The design includes a reinterpretation of these into a public art installation for the block which includes two corners and infill facade. Currently the block is characterised by vast blank walls and is dominated by driveways.
  - The white vertical blades in-between the coloured panels emulate the grain of the shopfronts in a subtle way. If the JRPP prefers, the white blades providing break between the coloured elements can be expressed with greater visual strength to give these elements more dominance. Wider and more defined vertical blades in white or black have been tested during the design process, however it was decided that more subtle white

blades extended from the columns on the ground floor provided sufficient vertical expression, breaking the horizontality of the façade in a balanced way whilst not disturbing the artistic composition of the façade itself.



*Perspective view of corner of Falcon Street and Alexander Street in 3d model. The white vertical panels are visible in the composition of the colourful facade.*



*Perspective views – from Burlington Street looking east (left) and Falcon Street looking south (right) in 3d model. The white vertical panels are visible in the composition of the colourfull facade.*



*Perspective view of corner of Alexander Street and Burlington Street in 3d model. The white vertical panels are visible in the composition of the colourfull facade.*

- The assessment criticises the design, as a 'large single curved element due to the strong visual element of white curved awning and parapet treatment'. The design of the large curved, white bands also derives directly

from the local context. Buildings such as Crows Nest Hotel (corner of Willoughby Rd and Falcon Street) and other corner buildings in Crows Nest are characterised by a stronger horizontal proportion than vertical. The proposal reinterprets this through use of strong horizontal white bands defining the overall dividing facade. These White bands are part of the original concept.

- The character of Crows Nest is made up of a series of building typologies – larger and longer corner buildings with horizontal emphasis and infill finger grain lots between. There is little evidence of the fine grain typology on Burlington, Falcon or Alexander Streets, which are characterised by longer and larger facade components.



*Photos of the southern end of Willoughby Road intersecting with Falcon Street with two curvilinear heritage buildings which mark the entry to Crows Nest town centre.*



*Photo illustrating other built form with characteristic white awning and banding highlighting the parapet of the building located at the intersection of Willoughby Road and Burlington Street, in Crows Nest (with Council car park visible at the end of the street).*

- Most of the corner buildings in Crows Nest don't display the fine grain, as sought in Council's assessment, but instead most corner buildings have much longer frontages and a strong horizontal emphasis as shown on the photos above and diagram below.



*Diagram showing the length of the existing corner buildings in the vicinity of the subject site.*

- The 'wrap around' approach was originally chosen by Councillors and therefore it was interpreted in an artistic abstract composition of colours. It would be wrong for this building to be a historic 'pastiche' with pasted on facades that replicate the infill shopfront facades on Willoughby Road and Pacific Highway. It needs to have a contemporary reinterpretation of this streetscape and has sought to do so whilst following the intent of Council's preferred design approach.
- Council has chosen to continue the public car park use and supermarket uses on this site. Options for basement car parking and surface retail with residential above were investigated and rejected by the Council. This decision results in a conundrum as the size of car park occupies the entire site above ground with no opportunity to sleeve the use. Therefore the best option available is screening. Such a large building and type of use makes it difficult to achieve a grain but the proposal has sought to do so subtly following the selected concept by Council which is part of the developers brief.
- Aesthetic refinements are possible if preferred by the JRPP as discussed above and the applicant is happy to make further changes and this can be provided as a condition to the approval.
- However given this design was a result of a design options process and was Council's selected design we do not consider that aesthetic refinements sought by the current panel are sufficient to justify refusal of the application. This development will provide a fundamental improvement to Crows Nest Village centre and its community.

## **2** *'The proposal provides inappropriate activation to the Falcon Street frontage due to the provision of the substations and the lack of pedestrian access on this significant street frontage'.*

With regards to point 2. of the Council's reasons for refusal:

- The proposed development provides activation to all three street frontages with the percentage of the active frontage being:
  - 62% along Falcon Street facade
  - 45% along Alexander Street facade
  - 82% along Burlington Street facade
- During the design process it has been established with community input, that the most appropriate location for the entry to the shops which will benefit Crows Nest Village is Burlington Street. A second entry is provided from Alexander Street close to Falcon Street.
- Given Council's goal to retain the public car park as a primary use on the site, ramps and driveways are unavoidable. The site is quite constrained and to make this use and a supermarket work some compromises in ramp location was required. Council also held a design process to test options for the car park layout and the chosen concept has informed the DA.
- The Alexander Street facade provides a green wall element and a sculptural vertical cladding to the lift shaft providing a break in the horizontality of the facade and interest to the materiality of the building.
- Falcon Street is a thoroughfare between St Leonards, Chatswood and the northern Sydney area to Sydney City and the lower North Shore. It is heavily used by commuters and is a major public transport thoroughfare.
- The road is often congested between the set of lights at Alexander and Falcon Streets and Falcon Street and Pacific Highway especially during peak hours. Therefore it is not a desirable place for pedestrian movement and it will never be a highly active area.
- The existing building includes a smaller size Woolworths with the entry from Falcon Street. This entry point is not desirable as it is often overcrowded with people waiting for buses and leaving the shop at the same time. The footpath on Falcon Street is not wide enough to provide for both commuters and shoppers. The proposed supermarket will be a larger size Woolworths, which will encourage more customers to shop at Crows Nest and therefore this entry would be even more congested and not appropriate.
- This part of Falcon Street does not enjoy high pedestrian patronage due to its amenity. It is an edge of centre location and does not support a significant extent of retail despite the existing entry to the supermarket. This can be seen by the vacant tenancies around this area.
- The uses currently along this part of Falcon Street include Take-away restaurants, Pubs and Thai restaurants, which business hours start after the peak traffic hours. Also the Bravo's Trattoria restaurant, which was previously located at the corner of Falcon Street and Willoughby Lane has relocated to the corner of Willoughby Road and Ernest Place to achieve greater visibility.



*Image illustrating the congestion at Falcon Street during morning hours and buildings for lease at the intersection with Pacific Highway.*



*Image illustrating the congestion at Falcon Street during morning hours.*

- Falcon Street does need ground floor activation, but the main entry to the large retail shop is not considered appropriate on this street. This frontage should however have glazed facades that allow for exposure to the occasional pedestrians and by passers in cars, which is provided in the proposed design.
- The façade to Falcon Street includes 62% of glazing exposing the shop interior including a glazed lift. The customers will have a direct interaction with the Falcon Street frontage when using the lift and it will also add to the level of activation.
- The substations provided on this frontage are unavoidable in a development of this size. The applicant has studied every opportunity to sleeve or relocate the substations, however it has been established that the most suitable place for the substations is at the Falcon Street frontage away from the corner. The location of the substation on the laneway was also studied, however there is not enough space for a loading dock, a parking ramp and a substation on this side.
- The option of entry closer to Falcon Street was proposed by the applicant during the design process, however the community group in Crows Nest Village has strongly objected to that option with an argument that Burlington Street needs the gentrification and activation as it is closer and more accessible to the Village Centre itself. This opinion is supported by GMU. Burlington Street is directly next to the heart of the Crows Nest Village and it should be modernised and activated with this development.

The proposal does achieve a positive outcome for the site and has sought to balance all factors in achieving the concept design selected by Council. In GMU's opinion this proposal, if approved would benefit the community of Crows Nest and would adequately activate the block in the Village Centre, which is inactive and unattractive in its present form. The design of the proposal has been developed over many years in conjunction with Council staff, Councillors and the Community. The proposed architectural design can deliver a good outcome of artistic façade and the larger footprint of the supermarket will deliver a new destination activating the centre to the east of Wolloughby Road.



*Images illustrating the proposed design at corner of Falcon and Alexander Streets (left) and corner of Alexander and Burlington Street (right).*

In our opinion this proposal achieves the objectives and requirements of North Sydney Council controls, provides a design excellence through a contemporary response to a heritage character of Crows Nest and a gentrification of the area. Therefore we recommend the proposal to the JRPP for approval.

Should you have any queries regarding this letter please do not hesitate to contact the author on 02 9460 6088.

Yours Sincerely,

Ms Gabrielle Morrish

Managing Director

GM Urban Design & Architecture Pty Ltd

## **APPENDIX E – SUGGESTED CONDITIONS**