

JRPP No:	2014SYE070
DA No:	DA 126/13/2
LGA:	North Sydney
PROPOSED DEVELOPMENT:	74-80 Alfred Street, Milsons Point Modification of consent for adaptive re-use of existing building to accommodate a 16 storey mixed use development comprising retail and commercial, 129 units and basement parking
APPLICANT:	Bridge Hill Milsons Point Pty Ltd C/- Urbis
SUBMISSIONS:	Fourteen (14)
RECOMMENDATION	Approval
REPORT BY:	George Youhanna, Executive Planner North Sydney Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

This s.96 application seeks to modify development consent for adaptive re-use of the existing commercial building to accommodate a 16 storey mixed use development, comprising retail and commercial uses, 129 units and basement parking, at 74-80 Alfred Street, Milsons Point. The modifications include reconfiguration of the basement levels, redesign of the retail shopfront at Basement L1, reconfiguration and a reduction of residential units to 126, an adjusted unit mix and external changes to the elevations to accommodate balcony reconfiguration, privacy screening and changes to terraces and planters.

The modifications are proposed under s.96(2) of the Environmental Planning and Assessment Act 1979 and the consent authority is the JRPP as the original DA was determined by the Panel.

Council's notification of the proposal has attracted a total of 14 submissions raising particular concerns about rooftop common area, privacy, noise, safety, amenity, overshadowing, plant room design, building separation, parking and other issues. The assessment has considered these concerns as well as the performance of the application against the applicable planning requirements.

Following this assessment the modification application is recommended for **approval** subject to conditions.

DESCRIPTION OF APPROVED DEVELOPMENT

The development consent to DA126/13 is for adaptive re-use of the existing commercial building to accommodate a 16 storey mixed use development (including removal of the pyramid structure and the addition of 2 residential levels), comprising retail and commercial uses, 129 units and basement parking. The development provides:

- A total of 129 residential units consisting of:
 - 16 studio units
 - 45 x 1 bedroom units
 - 62 x 2 bedroom units
 - 6 x 3 bedroom units
 - including 12 adaptable units;
- Parking for 59 cars, including 2 car-share scheme spaces;
- Parking for 10 motor cycles;
- 90 bicycle racks; and
- Communal open space on the rooftop.

Details of the approved development are as follows:

Basement carpark level 4 (RL 26.5)

- Car parking (including 6 tandem spaces), loading bay, storage, commercial and residential waste storage, lift and stairs

Basement carpark level 3 (RL 28.93)

- Car parking (including 6 tandem spaces), storage, bicycle racks, plant rooms, lift and stairs

Basement carpark level 2 (RL 31.35)

- Car parking (including 2 tandem spaces), motorcycle parking, storage, plant rooms, lift and stairs

Basement carpark level 1 (RL 33.82)

- Car parking, two (2) car share spaces, motorcycle parking, storage, retail floor space, retail storage, plant rooms and substation, lifts and stairs

Ground floor (RL 36.45 to RL 36.93)

- Commercial and retail floor space, residential apartments, lobby and concierge, building manager's office, amenities, lifts and stairs

Level 1 (RL 40.37)

- Commercial floor space, residential apartments, lifts and stairs

Level 2 (RL 43.37)

- Residential apartments (including translucent glazing and fixed aluminium vertical louvres to the southern elevation), above podium terraces and landscaping, lifts and stairs

Levels 3-6 (RL 46.37 to RL 55.37)

- Residential apartments (including translucent glazing and fixed aluminium vertical louvres to the southern elevation), lifts and stairs

Levels 7-13 (RL 58.37 to RL 76.37)

- Residential apartments (including translucent glazing and fixed aluminium vertical louvres to the southern elevation), lifts and stairs

Level 14 (RL 79.37)

- Residential apartments and rooftop terraces (including an approximately 1800mm high translucent glass balustrade to the southern elevation), lifts and stairs

Level 15 (RL 82.97)

- Residential apartments and rooftop terraces (including perforated sliding aluminium privacy screens to the eastern elevation), lifts and stairs

Plant level (RL 86.570)

- Plant room, lift overrun, communal room and terrace.

PROPOSED MODIFICATIONS

The currently proposed modifications include the following:

- Reconfiguration and minor adjustments to the basement levels and relocation of the residential general waste and recycling room from Basement L4 to L3.
- The retail shopfront on Basement L1 is proposed to be redesigned to improve accessibility.
- Relocation of motorcycle and bicycle spaces
- Deletion of one car space, on basement level 3.
- Reconfigure a number of units within the development to improve internal efficiency and layout.
- Modifications to all elevations to accommodate balcony and terrace reconfiguration, privacy screening, changes to planters, a substation and other internal reconfiguration.
- Terraces on level 2 reconfigured and extended
- Minor extension of balconies to north-east and north-west units on levels 3-13 and to northern unit on level 14.
- Extension of terrace to southern unit on level 14
- Reduce the number of units to 126 and change the unit mix to 40 studios, 21 x one bedroom, 56 x two bedroom and 9 x 3 bedrooms units.
- Reduction in overall height of the development by 1.11m from RL 92.57 to RL 91.46 and adjustment of upper floor levels.
- Kitchen windows deleted on all levels on the southern elevation
- Windows and louvres redesigned on levels 3-10 and deleted on levels 11-13 on the southern elevation
- 2.4m high balustrades and wind screens on levels 14 and 15 on the southern elevation, with translucent glazing.

- Use of translucent glazing or fixed angled louvres for privacy on levels 3-15 on the southern elevation.
- Roof level common area reconfigured
- Deletion of plant room roof and addition of Optus room

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – B4 Mixed Use
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes (Bradfield Park, Harbour Bridge)
- Conservation Area – No

Environmental Planning & Assessment Act 1979

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

Local Development

POLICY CONTROLS

DCP 2013

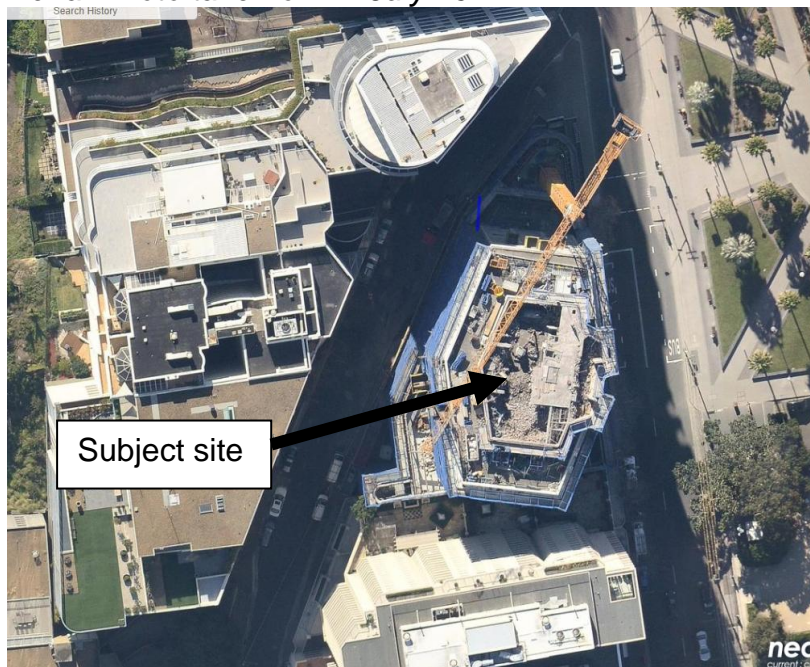
DESCRIPTION OF LOCALITY

The site is irregular in shape and has a primary frontage of approximately 52m to Alfred Street, 66m to Glen Street and a maximum depth of approximately 40m (southern boundary), with a total area of 1309m². The site comprises Lot 1 DP499547 and Lot 2 DP547912, and is known as No.74-80 Alfred Street, Milsons Point.

The subject site is located on southern corner of the intersection of Alfred Street and Glen Streets. The Milsons Point area is characterised by multi-storey buildings, being a mix of commercial and residential uses. The subject site is occupied by a multi-storey commercial building. The development approved under DA126/13 has been commenced. Immediately to the south of the site is a residential tower at No.70 Alfred Street ("Grandview"). To the north and west of the site on the opposite side of Glen Street there are further multi-storey residential developments. Located to the east of the site on the opposite side of Glen Street is Bradfield Park with Milsons Point station located behind.



Aerial Photo taken on 11 July 2014:



RELEVANT HISTORY

1 May 2013 – DA 126/13 lodged.

4 September 2013 - DA 126/13 approved by the JRPP.

9 May 2014 – S.96 application 126/13/2 lodged.

23 May to 6 June 2014 – s.96 application advertised and notified.

3 June 2014 – DEP reviews the proposed development and is generally supportive of the modifications.

4 August 2014 – Letter issued to applicant raising concerns with the proposal, including rooftop common area, privacy measures, overshadowing of Bradfield Park and adequacy of plans.

15 August 2014 – Amended plans and additional information received, addressing Council's concerns.

2 September 2014 – Design Verification Statement submitted to Council.

REFERRALS

Design Excellence Panel

Council's Design Excellence Panel provided the following comments in relation to the proposed modifications:

Panel comments

Although the documentation did not include information addressing the extent of overshadowing and accuracy of photomontage views, about which reservations were expressed in the Panel's March 2013 report, the application has now in any case been approved. In relation to other detailed issues various improvements to internal planning which have resolved other concerns are commended. The rooftop communal areas now included should provide excellent amenity: it was advised that it was intended to include basic 'kitchenette' facilities in the enclosed spaces, although these are not indicated on the drawings, and should be 'conditioned'.

In other respects the Panel was satisfied with the response and had no further concerns with the modifications proposed.

Conclusion

The Panel supports the adaptive reuse of the building and the Section 96 modifications proposed.

SUBMISSIONS

The owners of adjoining properties were notified of the proposed development between 23 May and 6 June 2014. The notification resulted in fourteen (14) submissions.

Name & Address of Submitter	Basis of Submissions
S and G Huxley 28/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Plant room design changes/extension/height• Deletion of plant room roof• View impact• Overshadowing of Bradfield Park• Inadequate information
Bill McGowan 25A & 17B/70 Alfred Street	<ul style="list-style-type: none">• Parking• Unit mix/density• Roof area and noise• Waste management• Population density
Geoff Davis on behalf of strata plan 61694 (70 Alfred Street)	<ul style="list-style-type: none">• Common areas on southern and northern parts of roof• Privacy• Noise• Amenity• Safety• Hazards to public• Impact from exhaust ducts• Acoustic impact of plant area
M and W Adcock 27A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Approved plan should be adhered to
Mrs L Savio 19A/70 Alfred Street	<ul style="list-style-type: none">• Common areas on southern and northern parts of roof• Privacy• Noise• Amenity• Safety• Hazards to public• Unit mix
R and J Small 27B/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Amenity• Plant room design changes/extension/height

Name & Address of Submitter	Basis of Submissions
J Harden 18A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Safety concerns• Suicides from roof
P Reuben 18C/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Amenity
B Noble 12A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Amenity
C and L Morkane 11A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Amenity• Safety• Parking
S and A Davis 26A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Amenity• Plant room modifications• Modifications an abuse of process
J and J Connor 23A/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Safety• Should not be delegated consent• S.96 should be limited to internal design and structure• NSC allowing multiple bites of cherry/abuse of due process
L Nesbitt 26B/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Solar access• Parking

Name & Address of Submitter	Basis of Submissions
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M and M Alexiou L9/70 Alfred Street	<ul style="list-style-type: none">• Common area on southern part of roof• Privacy• Noise• Safety• Should not be delegated consent• S.96 should be limited to internal design and structure• NSC allowing multiple bites of cherry/abuse of due process
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On 19/8/14, the applicant provided a copy of correspondence from Geoff Davis on behalf of strata plan 61694, advising that strata plan 61694 withdraws its objections, subject to a number of privacy measures and other modifications, as indicated on an attached set of highlighted plans, being the same plans received by Council on 15/8/14.

On 21/8/14 a submission was received from S & G Huxley also indicating that they wish to withdraw their previously lodged objections, with the exception of the Optus equipment to be mounted on the lift shaft roof, on the basis of amended plans (being the same plans received by Council on 15/8/14), and subject to a number of undertakings by the developer. The undertakings include no balustrade to the southern edge of the roof level, a restrictive covenant (s.88B) being placed on the title when subdivided to prevent future adaptation of the southern part of the roof area to common area and to restrict access to maintenance personnel, privacy measures and plant room modifications as shown on the amended plans, and providing copies of certification and measurements from an acoustic engineer, as required to satisfy existing condition of consent G4.

CONSIDERATION

Section 96(2)

Section 96(2) of the Environmental Planning and Assessment Act 1979 provides for the modification of a development consent, as follows:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*

Comment – The proposal is substantially the same development as the development for which consent was originally granted.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in*

accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent

Comment – The proposed modification does not require consultation.

- (c) *it has notified the application in accordance with:*
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment – The proposed modification has been notified in accordance with Council's notification DCP.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment – The objections received have been considered in the assessment of this application.

Additionally, clause 115(3) of the Environmental Planning and Assessment Regulation 2000 requires the following:

- (3) *In addition, an application for the modification of a development consent under section 96 (2) or 96AA (1) of the Act, if it relates to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies that:*

- (a) *he or she designed, or directed the design, of the modification of the residential flat development, and*
- (b) *the residential flat development, as modified, achieves the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and*
- (c) *the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.*

A design verification statement has been provided.

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

NORTH SYDNEY LEP 2013

The application has been assessed against the relevant numeric controls in NSLEP 2001 as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided later in this report.

Compliance Table

STATUTORY CONTROL – North Sydney Local Environmental Plan 2013				
Site Area – 1309m ²	Approved	Proposed	Control	Complies
Mixed Use Zone				
Height of buildings Clause 4.3	67.8m To top of plant room (RL 92.57)	66.69m To top of plant room (RL 91.46)	40m	NO *
Non-Residential Floor Space Ratio Clause 4.4A	0.75:1	0.75:1	0.75:1 to 2:1	YES

* No clause 4.6 exception required for a modification of consent.

DCP 2013 Compliance Table

DEVELOPMENT CONTROL PLAN 2013		
	Complies	Comments
6.1 Function		
Diversity of activities, facilities, opportunities and services	Yes	The amended proposal incorporates retail and commercial floor space on the ground and first floors, thus providing an adequate diversity of non-residential spaces and activities. An appropriate communal space has been provided on the roof level.
Mixed residential population	Yes	The amended dwelling mix of 40 studio units, 21 x 1 bedroom units, 56 x 2 bedroom units and 9 x 3 bedroom units equates to 61 “small” units (studio and 1 bedroom, identical to the approved DA)

	No	<p>and 65 “large” units (2 and 3 bedroom), reducing the total number of units by three large units, to 126 units.</p> <p>Twelve (12) adaptable units are provided and one additional adaptable unit is required by condition, in accordance with the DCP 10% minimum requirement (13 units). While not compliant with the current DCP 2013 control, the original DA was approved under DCP 2002. An access report has been provided and addresses this issue.</p>
Maximum use of public transport	Yes	<p>The parking provision does not exceed the DCP maximum parking control and the site has excellent access to public transport, located opposite Milsons Point railway station and in close proximity to bus and ferry routes as well as the Harbour bridge cycle and pedestrian paths.</p>
6.2 Environmental Criteria		
Clean Air	Yes	Satisfactory.
Noise and acoustic privacy	Yes	<p>The southern roof level common area has been deleted from the proposal. Acoustic conditions were applied to the development consent, and these conditions remain applicable to the amended proposal.</p>
Visual Privacy	Yes	<p>The amended s.96 proposal includes design and privacy mitigation measures to ensure adequate visual privacy for occupants and neighbours. The separation distance between the tower and the adjoining building at No.70 Alfred Street ranges from approximately 9.2m at the eastern end up to 13m at the western end. Additional details of the privacy treatment of the southern elevation of the building have been provided by the applicant and the privacy measures include the use of fixed and awning windows and screens, with translucent glazing, and fixed aluminium vertical louvres set at 45⁰ which direct views in a south-westerly direction.</p> <p>The southern rooftop common area has been deleted entirely.</p>

Solar access	Yes	Following concerns expressed by Council, the proposal was amended at the plant level to reduce additional overshadowing of Bradfield Park at mid winter. The submitted shadow diagrams and associated analysis demonstrates that the amended proposal will now have an acceptable impact on Bradfield Park.
Views	Yes	The proposed rooftop communal room will provide views for residents and the proposed development will not adversely affect views from public areas.
6.3 Quality built form		
Context	Yes	The proposed height and scale is considered satisfactory and represents a suitable response to the site's context, despite being substantially in excess of the 40m height limit. The amended design reduces the plant enclosure height by 1.11m.
Skyline	Yes	The architectural treatment of the façade and upper levels of the proposed building would result in a satisfactory skyline appearance. The rooftop plant will be enclosed on all sides.
Public spaces & facilities	Yes	Appropriate integration of the retail/commercial areas and residential entry with the public domain is proposed.
Streetscape	Yes	An acceptable degree of activation of the Alfred Street frontage is provided. The existing driveways on Glen Street limit additional activation of this secondary frontage.
Entrances and exits	Yes	Access is satisfactory, with residential entry provided from Alfred Street.
Building design	Yes	The building has satisfactory floor to ceiling heights and the podium is built to all boundaries. All residential floors will have the required minimum 2.7m floor to ceiling height
6.4 Quality urban environment		

High quality residential accommodation	Yes	The proposed unit sizes are satisfactory with regard to internal amenity and generally consistent with the 'rule of thumb' minimum sizes in the SEPP 65 Residential Flat Design Code.
	Yes	80% of the units will receive at least two hours of solar access in midwinter, with no single aspect south facing units.
	Yes	Cross-ventilation to 60% of the apartments is proposed, as detailed in the submitted Natural Ventilation and Thermal Comfort Analysis prepared by Floth Sustainable Building Consultants. The inclusion of single aspect units is acceptable given the findings of the above report and the likely wind conditions that would be experienced in the tower.
Balconies	Yes	The balconies have been designed within the constraints of the existing building structure and all apartments have functional balconies which can accommodate a table and chairs, despite being in part below the minimum dimension. The amended balcony configuration in the north-eastern and north-western corners of the building improves the amenity of the units and is satisfactory.
Accessibility	Yes	Accessible units and parking spaces have been provided and suitable conditions have been applied to ensure that the development will comply with the requirements of AS1428.3 for disabled access. Lift access is proposed to all levels.
Car parking	Yes	The approved development provides 59 resident parking spaces and the modified proposal reduces onsite parking by one space, to a total of 58 spaces. It should be noted that the 58 spaces include 2 car share spaces which offset the approved shortfall of onsite parking, and that an additional seven tandem spaces are provided on

		<p>site.</p> <p>The proposed parking (a reduction of one space) is considered acceptable given that the number of dwellings has been reduced by three large dwellings and also given the development's close proximity to the Milsons Point Train Station, bus and ferry services, as well as the Harbour Bridge cycle path and pedestrian path. It is also noted that there are multiple existing car share spaces in the vicinity of the site.</p>
Garbage Storage	Yes	<p>An amended Waste Management Plan has been submitted, outlining the management of waste and recycling materials generated on site. The residential levels are provided with a garbage chute on each floor and the central garbage room and compactor is located on basement level 3. Garbage would be collected from the loading bay on a weekly basis.</p>
Commercial garbage storage	Yes	<p>The proposal includes a separate commercial garbage room for the development at basement level 4.</p>

NORTH SYDNEY LEP 2013

1. Permissibility within the zone:

The subject site is zoned B4 Mixed Use pursuant to NSLEP 2013. Development for the purposes of the construction of a mixed use building is permissible with the consent of Council. The proposed uses are also permissible under the zoning with Council consent.

2. Building Height

Pursuant to clause 4.3 of North Sydney LEP 2013 a maximum height of 40 metres is applicable to the subject site.

The maximum height of the approved development is 67.8m to the top of the plant room and the maximum height of the modified proposal is 66.69m (to the top of the plant room). The maximum height to the top of the plant level has therefore been reduced by 1.11m. The overall height of the proposal would exceed the maximum 40m building height specified in NSLEP 2013 by up to 26.69m.

The applicant submitted a SEPP No 1 objection in respect of the variation from the building height control, in relation to the original DA. This objection sought support for the non-compliance based on the existing building height (61.8m to top of plant and 75.3m to top of pyramid), compatibility with surrounding development, appropriate scale and density and the absence of adverse amenity or view impacts associated with that part of the building exceeding the height limit. The submitted SEPP No.1 objection to clause 29(2) was considered to be well founded and approval of the development application was considered to be consistent with the aims of SEPP No.1. Additionally, in relation to granting concurrence under clause 8 of SEPP No.1, the proposed non-compliance with the development standard did not raise any matter of significance for State or regional environmental planning, and the public benefit of maintaining the planning controls was been taken into consideration.

There is no requirement under the Environmental Planning and Assessment Act 1979 for approval of a further variation under clause 4.6 (previously a SEPP 1 objection) in relation to this s.96 application, and the proposal remains satisfactory with regard to the justification provided in the original SEPP 1 objection and with regard to the merits of the amended proposal.

3. Floor Space

Pursuant to clause 4.4A of NSLEP 2013, the non-residential component for a development on this site must have a floor space ratio (FSR) of between 0.75:1 and 2:1. The proposed development has a non-residential FSR of 0.75:1, and is compliant.

SEPP No.65 (Design Quality of Residential Flat Development)

The building design has been assessed by Council's Design Excellence Panel who raised no issues with the proposal. The modifications are satisfactory in terms of the Design Quality Principles set out in SEPP 65.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate was submitted with the original application and suitable conditions applied.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 establishes a framework for certain types of development to be referred to the RTA for consideration. Given the nature, location and size of the proposed development and number of parking spaces proposed, the proposal is not within the categories that require referral under Clause 104(3) of this SEPP.

SREP (Sydney Harbour Catchments) 2005

The proposed modifications will not have an adverse impact on Sydney Harbour.

DEVELOPMENT CONTROL PLAN 2013

The application has been assessed against the relevant controls in DCP 2013 as indicated in the DCP 2013 compliance table provided earlier in this report.

Relevant Planning Area (Milsons Point Town Centre)

The modified proposal is generally consistent with the Milsons Point Town Centre Character Statement.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions were conditioned in the original consent and no additional levies are applicable.

DESIGN

The design is considered to be suitable for the proposed site and of high quality.

MATERIALS

The application is acceptable with regard to materials.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL CONSIDERED

1.	Statutory Controls	YES
2.	Policy Controls	YES
3.	Design in relation to existing building and natural environment	YES
4.	Landscaping/Open Space Provision	YES
5.	Traffic generation and Car parking provision	YES
6.	Loading and Servicing facilities	YES
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8.	Site Management Issues	YES
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

SUBMITTERS' CONCERNS

The relevant issues raised by submitters have been addressed in this report. The amended plans received by Council on 15/8/14, which delete the southern rooftop common area and improve privacy measures on the southern elevation, have largely addressed the privacy and noise concerns raised by the submitters. Additional issues are addressed as follows:

- Noise from rooftop plant

Planning comment:

The rooftop plant area is subject to existing condition G4 which sets noise criteria and requires certification of noise levels prior to occupation.

- Waste collection

Planning comment:

The application includes a Waste Management Plan prepared by National Facilities Management and the proposal is satisfactory in this regard.

- Privacy measures unclear on plans

Planning comment:

Amended plans have been provided which clearly indicate the type and location of the proposed privacy measures, which are considered satisfactory with regard to impact on Grandview at No.70 Alfred Street.

- Restrictive covenant on future use of rooftop area

Planning comment:

The proposal has been amended to delete the southern rooftop common area. It is not necessary or reasonable to require a restriction under s.88B of the Conveyancing Act to confirm what is currently proposed.

- Copy of acoustic engineer's certificate and measurements to be provided to neighbours

Planning comment:

Condition G4 requires certification to be provided to the Certifying Authority and this is satisfactory with regard to ensuring acoustic amenity. Any undertaking by the applicant to provide additional information to neighbours, beyond the scope of conditions of consent, is not a matter for the consent authority to formalise.

- Optus equipment

Planning comment:

Consent is not being sought for telecommunication equipment and no details of such have been provided to Council. A condition stating this will be applied to the approval.

CONCLUSION

The modified proposal (as amended to address concerns relating to impacts on No.70 Alfred Street) is considered to be a satisfactory form of development, subject to conditions of consent. The application has been assessed against the relevant statutory controls and with regard to impacts on surrounding development.

The s.96 application is recommended for approval by the Joint Regional Planning Panel.

RECOMMENDATION

PURSUANT TO SECTION 96 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the Joint Regional Planning Panel, as the consent authority, approve 2014SYE070 – s.96 application No.126/13/2, to modify development consent for adaptive re-use of the existing building to accommodate a 16 storey mixed use development comprising retail and commercial, 129 units and basement parking, subject to the attached modified conditions:

George J Youhanna
EXECUTIVE PLANNER

Geoff Mossemeneer
A/MANAGER DEVELOPMENT SERVICES
