

JOINT REGIONAL PLANNING PANEL

JRPP No:	2014SYE101
DA No:	DA 260/14
LGA:	North Sydney
PROPOSED DEVELOPMENT:	106-108 Parraween Street, Cremorne Demolition of existing buildings and car park to accommodate a 4 storey mixed use development comprising ground level community and commercial uses, 18 apartments and basement parking including public parking
APPLICANT:	North Sydney Council
SUBMISSIONS:	Eight (8) to original Four (4) to amended plans
Regional Development Criteria (Schedule 4A of the Act)	Council owned property; Capital Investment Value > \$5M
List of All Relevant s79C(1)(a) Matters	North Sydney LEP 2013 - Zoning – B4 Mixed Use North Sydney DCP 2013 S94 Contribution SEPP 55 - Contaminated Lands SREP (2005) SEPP 65 Design Quality of Residential Flat Development
List all documents submitted with this report for the panel's consideration	Conditions Amended Plans Design Excellence Panel comments Community Services Department comments Traffic Management Plan – January 2015
Recommendation	Approval subject to conditions
Report by	Brett Brown, Consulting Planner, Director, Ingham Planning Pty Ltd

Assessment Report and Recommendation

EXECUTIVE SUMMARY

The proposal is for the demolition of existing structures including an Early Childhood Health Centre (EHC) and the construction of a mixed use development comprising: 3 basement levels of parking including 12 residential spaces and 149 public spaces, ground floor uses including a new EHC, community meeting room, commercial 'hub' and a café, and above, 18 affordable housing apartments with rooftop communal space. A public park is also provided on the site.

The applicant is North Sydney Council and the land is owned by North Sydney and Mosman Councils.

The Council's notification of the proposal has attracted eight (8) submissions with the main concern being traffic impacts. Amended plans addressing concerns about traffic, waste and amenity were submitted on 2 February 2015. The amended plans were renotified and 4 submissions were received raising concerns predominately relating to traffic. The assessment has considered these and other concerns as well as the performance of the application against Council's planning requirements.

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

DESCRIPTION OF PROPOSAL

The proposal involves the demolition of all structures on site; removal of all improvements on land (including an existing Early Childhood Health Centre (EHC); erection of a four level building comprising shop top housing (apartments above office premises (referred to as 'The Hub') and a café, a new EHC, community meeting room; new public park and landscaping and three levels of basement car parking. The accommodation proposed includes:-

Lowest basement level - internal ramps, 59 car spaces (including six residential spaces), lifts, stairs

Mid basement level - internal ramps, 56 car spaces (including six residential spaces), lifts, stairs

Upper basement level - internal ramps, 46 car spaces (including 4 access spaces), lift, stairs, access to street

Ground level - Public open space, community meeting room and 'The Hub' office premises (approximately 280sqm), EHC (approximately 204sqm), stairs, residential lobby, lift, café (approximately 166sqm), outdoor seating, stairs, lift, ingress/egress to parking

Level 1 - Lift, stairs, two lobbies, six x 1 bed apartments, two x 2 bed apartments, one x 3 bed apartment

Level 2 - Lift, stairs, lobbies, six x 1 bed apartments, two x 2 bed apartments, one x 3 bed apartment

Level 3 - Lift, stairs, communal meeting room, roof terrace, green roof landscaping.

Level 4 – communal meeting room and roof terrace with a 'green roof'.

A total of 18 apartments are proposed (12x1 bedroom, 4x2 bedrooms and 2x3bedrooms) and 161 cars spaces (12 of which are residential, 131 of which will be available for public parking). The apartments are intended to be used for affordable housing and will be managed by a registered community housing provider, however consent is not sought under SEPP (Affordable Rental Housing) 2009.

The hours of operation of the development will be as follows:-

Business: 8.30am-10.00pm - Mon thru Fri

8.30am-10.00pm Sat

8.30am-6.00pm Sun

EHC: 8.00am-6.00pm - Mon thru Fri

Community Room: 6.00pm-10.00pm - Mon thru Sat

8.30am-6.00pm Sun

Cafe: 7.00am-10.00pm - Mon thru Sun (Outdoor seating): 7.30am-9.30pm - Mon thru Sun

Residential: 24 hours - Mon thru Sun

Car park: 24 hours - Mon thru Sun

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – B4 Mixed Use
- Max Height – 12m
- Max Non-residential FSR – Area 11 – 2:1
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No

SREP (Sydney Harbour Catchment) 2005

SEPP 55 Remediation of Land

SEPP 65 Design Quality of Residential Flat Development

SEPP (BASIX)

SEPP (Affordable Rental Housing) 2009

POLICY CONTROLS

North Sydney DCP 2013

DESCRIPTION OF SITE AND LOCALITY

The subject site is located on the corner of Parraween Street and Langley Avenue, Cremorne, and some 2,600sqm in area. The site currently supports an at-grade Council owned car park and a one storey early childhood health centre.

It is surrounded by 2-3 storey residential flat buildings and dwellings and fronts 2-5 storey commercial and mixed use developments across Parraween Street to the south. The site is well serviced by public transport. The site is predominantly owned by North Sydney Council, however a small part is owned by Mosman Council.



Source-NBRS

Site Plan



Site Viewed from Parraween Street



Development opposite site in Parraween St



Existing early childhood health centre viewed from the car park



Development to western boundary



Development to northern boundary



Site viewed from Langley Avenue



Development to east across Langley Avenue

RELEVANT HISTORY

7 August 2014 – DA lodged with Council
22 August–5 September 2014 – advertising and notification period
29 August 2014 – independent planning consultant appointed
22 September 2014 – list of issues to be addressed issued to applicant
2 February 2015 – Amended plans submitted addressing issues including waste collection; amenity impacts from traffic and vehicle entry.
13 February-27 February 2015 – amended plans notified

REFERRALS

Design Excellence Panel

A preliminary proposal was considered by the DEP prior to lodgement, on 4 February 2014 and although supported in principle, there were major concerns about the design.

The current scheme was considered by the DEP on 2 September 2014. The Panel acknowledged the significant amendments that had been made to the previous scheme and concluded that:

“The Panel supports the application and the concept of creating such a valuable amenity for the local community. “

A full copy of the DEP comments are attached.

Comment – The applicant has adequately responded to the DEP comments by way of amendments to the design and additional information, and the proposal is satisfactory with regard to the matters raised by the Panel.

Traffic Planning

As Langley Avenue is northbound one way road, the original proposal resulted in all the traffic exiting the development to enter this road and head north to the intersection with Gerard Street. This intersection only allows a left hand turn from Langley Avenue into Gerard Street. At present the level of traffic on Langley Avenue is low and the proposal will result in a significant increase in cars on this street, increasing from 15 vehicles per hour to a max of 265 vehicles per hour at the peak

time. The submitted acoustic report indicated the noise levels along Langley Avenue presently exceed the relevant criteria due to ambient noise from Macpherson and Gerard Streets. However the proposal would increase this further and beyond the recommended levels.

Further, although not unacceptable in terms of traffic impacts, the need for vehicles to go west on Gerard Street and left into Winnie Street in order to head south is considered to be an undesirable outcome compared to the current situation.

Accordingly, the applicant was requested to address these impacts. The solution proposed by the applicant is to make the southern part of Langley Avenue (ie between the proposed access driveway and the intersection of Parraween Street, two way). A Traffic Management Plan has been prepared on behalf of the applicant and has received RMS concurrence subject to the following conditions:

- ❖ *Notification is given to surrounding residents and business premises regarding the changed traffic conditions 2 weeks prior to commencement of works. This letter to indicate the date of the traffic flow change.*
- ❖ *Advanced warning signs be installed on the surrounding streets to advise motorists of changed traffic flow conditions in Langley Avenue.*
- ❖ *That the Langley avenue intersection with Parraween Road be clearly signposted indicating the new traffic flow arrangements.*
- ❖ *That the No Entry signage at the intersection of Langley Avenue and Gerard Road be reviewed to ensure that drivers have clear visibility of the one way section of Langley Avenue.*

In terms of traffic impact, the original arrangement and associated assessment was reviewed by an external traffic consultant (GTK Consulting). A number of matters were raised including the need for investigation of Saturday traffic movements. This additional work was undertaken and the applicant's traffic consultant has responded to the matters raised.

The subsequent change to Langley Avenue does change the traffic impacts of the proposal and these impact have been addressed in the Traffic Management Plan which has the concurrence of the RMS. With the revised arrangements, vehicles will not be restricted from proceeding north on Langley Avenue, however based on existing traffic patterns, the number of vehicles estimated on the northern part of Langley Avenue will be reduced from a peak of 265 an hour to 20 an hour.

The two way proposal will result in the loss of 5 car spaces on the eastern side of Langley Avenue south of the proposed driveway. However these are not resident permit parking spaces and any loss of public parking will be more than compensated for by the new on-site parking proposed.

Acoustic impact

As the submitted consultant report indicated that the relevant noise criteria would be exceeded in relation to the impact of traffic noise on residences in Langley Avenue the matter was referred to an external consultant for review. A letter provided by

Wilkinson Murray acoustic consultants confirmed that this impact was unreasonable. Accordingly, the applicant was asked to address this issue and as noted above the response has been to make the southern part of Langley Avenue two way. This substantially reduces the northward traffic flow on Langley Avenue and results in acceptable noise levels for properties north of the access driveway.

There are only two properties (a pair of semi detached dwellings) opposite the access driveway and they extend southward to the intersection of Langley Avenue and Parraween Road. Therefore these properties are the most affected by the southbound traffic from the development. These properties are used commercially and have not raised any objection to the proposed development. Given the commercial use and its location adjoining land zoned for Mixed Use development, the noise impacts of the proposal are not considered to be unreasonable.

Notwithstanding, the submitted acoustic report indicates that the noise impacts on this property can be mitigated by either an appropriately designed 2.2m high boundary fence or window glazing. An appropriate condition of consent can ensure that an appropriate treatment is available to the owners of these properties should they request Council to undertake such measures.

Development Engineer

The application was referred to Council's Development Engineer who raised no objection subject to conditions.

Community Services

The comments provided are not an assessment of the DA but rather provide details of the proposal. The comments are attached.

SUBMISSIONS

The owners of adjoining properties were notified of the proposed development between 22 August and 5 September 2014. The notification resulted in fourteen (8) submissions.

Name & Address of Submitter	Basis of Submissions
Ausgrid – Langley Ave substation	The impact on and from the station and other electricity infrastructure – recommended conditions of consent
J&L Kleem – 3/10 Macpherson St Cremorne	Traffic, safety, loss of value, loss of green space, inconsistent setbacks
G Kilpatrick 8/41a Gerard St Cremorne	Construction impacts
J Eliot 3/8 Macpherson St Cremorne	Traffic, wrong location for car parking access point
H Elliot 1/8 Macpherson St Cremorne	Traffic, wrong location for car parking access point, loss of green space on Langley Ave, non-compliance with existing setbacks, failure to consider approved townhouse development, loss of amenity

Name & Address of Submitter	Basis of Submissions
E Donger 4/97-99 Gerard St Cremorne	Traffic and traffic noise, access should be on Parraween St, pollution from car park exhaust, loss of trees and habitat, existing facilities should be refurbished, excessive height, Construction impacts, café unnecessary and question 'public usage' provided.
D Perks PO Box 345 Cremorne	Traffic and traffic safety
V Imburgia 95 Gerard St Cremorne	Noise from roof terrace, loss of privacy, noise and pollution from car park exhaust

The owners of adjoining properties were notified of the amended plans between 13 February and 27 February 2015. The notification resulted in 4 submissions.

Name & Address of Submitter	Basis of Submissions
Marcus Thomas	Impact of two way traffic on Langley Ave, loss of street parking, loss of trees and public space, rubbish collection in Langley Ave inappropriate, access to site should be Parraween St not Langley Ave
J Eliot 3/8 Macpherson St Cremorne	Garbage collection should be from Parraween Street not Langley Ave, loss of onstreet parking, access should be from Parraween Street not Langley Ave, increased chance of accidents in Langley Ave
H Elliot 1/8 Macpherson St Cremorne	Garbage collection should be from Parraween Street not Langley Ave, loss of onstreet parking, access should be from Parraween Street not Langley Ave, loss of amenity for Langley Ave, failure to acknowledge impacts on townhouses, loss of trees/green space
B Steele 12/87 Gerard St Cremorne	Visual and aural privacy, fumes from car park exhaust, tree removal, height of fencing, quality of park

CONSIDERATION

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

SEPP No.55 (Remediation of Land)

The submitted Preliminary Site Investigation indicates a low potential for contamination and notes that the majority of the site is to be excavated for the proposed basement. Any residual areas to be used for planting and/or recreation should be tested prior to the completion of construction.

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

Both the applicant and the Design Excellence Panel (see attached comments) have considered the Design Quality Principles set out in SEPP 65. The conclusion is that the proposal is appropriate having regard to these principles.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been submitted with the application. In the event of

approval, a condition would be imposed requiring compliance with the commitments contained in the certificate.

SEPP (Affordable Rental Housing) 2009

It is noted that the proposed apartments are intended by Council to be managed by Link Housing, a community housing provider. However, Council has advised that it is not seeking to rely on any provisions of this SEPP, despite the submitted traffic report indicating a reduced parking requirement under the SEPP. This is to allow Council the flexibility to use the apartments for standard housing in the future. Notwithstanding, as the DA proposes affordable housing, it is suggested that a condition of consent require the dwellings to be managed by a registered community housing provider for a minimum period of 5 years. Parking should be provided as per normal requirements in order to allow flexibility of use beyond this time.

SREP (Sydney Harbour Catchment) 2005

The proposal will not have an adverse impact on Sydney Harbour.

NORTH SYDNEY LEP 2013

The application has been assessed against the relevant numeric controls in NSLEP 2013 as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided later in this report.

LEP 2013 Compliance Table

Provisions	Proposed	Complies?
<p>CI 2.3 Zone Objectives and Land Use Table The zoning is B4 Mixed Use. The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels. 	<p>The proposed uses include: business premises, office premises and food and drink premises (which fall within the definition of commercial premises); Community facilities; Shop-top housing; Car park.</p> <p>All of these are uses which are permitted with development consent.</p> <p>The proposal is considered to be supportive of all the stated objectives.</p>	Yes
CI 2.7 Demolition - Demolition of building requires development consent.	Development consent has been sought.	Yes
CI 4.3 Height of Buildings – Area M - 12m max	The proposal has a maximum height of around 15m (to the solar panels) and a variation under to Clause 4.6 of the LEP	No – see discussion below.
CI 4.4A Non-residential Floor Space Ratio – Area 11 – max 2:1	The non-residential FSR is 0.89:1.	Yes
CI 5.10 Heritage Conservation	The site is not in the vicinity of any heritage item or conservation area.	Yes
<p>CI 6.10 Earthworks The following matters need to be considered (a) the likely disruption of, or any detrimental effect on:</p>	<p>The proposal can meet these requirements as:</p> <ul style="list-style-type: none"> A stormwater management plan has 	Yes

<p>(i) drainage patterns and soil stability in the locality of the development, and</p> <p>(ii) natural features of, and vegetation on, the site and adjoining land,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing Aboriginal objects or relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>been submitted which will ensure appropriate drainage of the site;</p> <ul style="list-style-type: none"> • The only natural features on the site are some existing trees. Some of these are to be removed and some retained; • A Geotechnical Investigation Report has been prepared to deal with excavation issues; • The site has not been identified as one where aboriginal objects are likely to occur; • The site does not contain or is not near any environmentally sensitive areas; • Apart from the inherent features of any proposal, conditions of consent will ensure adequate protection of the adjoining properties and the environment generally. 	
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DCP 2013 Compliance Table

Provision	Comment	Complies?
PART B Section 2 COMMERCIAL AND MIXED USE DEVELOPMENT		
2.2.1 Diversity of activities, facilities, opportunities and services	The proposal provides for a variety of uses at ground level ensuring a diversity of activities on the site.	Yes
2.2.2 Maximise use of public transport	The proposal does not maximise public transport use as it provides for a substantial increase in public parking on the site.	No – see discussion below
2.2.3 Mixed Residential Population The most relevant provisions are: <i>P1 Mixed use developments incorporating residential accommodation should aim to achieve a dwelling yield generally consistent with Council's Residential Development Strategy (2009). (footnote Dwelling yield will be ultimately determined through a development's compliance with other relevant controls contained within the LEP and DCP.)</i> The yield in the Residential Strategy is 1 dwelling/150sqm of potential residential floor space in the B4 zone (ie site area of 2,600sqm x 3 levels /150 = 52).	18	Yes
P2 Mixed use developments incorporating residential accommodation containing less than 20 dwellings must include, at least two of the following dwelling types:	Complies except in relation to studios	No – see discussion below

Provision	Comment	Complies?
(a) studio; (b) 1-bedroom; (c) 2-bedroom; and (d) 3-bedroom.		
P3 Despite P2 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.	66% one bed dwellings are proposed	No – see discussion below
P6 A minimum of 15% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.	The proposal provides for 4 adaptable dwelling (28%).	Yes
2.3 ENVIRONMENTAL CRITERIA		
2.2.3 Clean air	The car park ventilation is located adjoining the ECHC consulting rooms and close to residential neighbours. Appropriate conditions of consent will ensure that the area is appropriately treated or alternatively that the exhaust is relocated to the roof of the building.	Yes
2.3.2 Noise	The submitted acoustic report indicates that the relevant noise criteria can be met by the proposal..	Yes
2.3.6 Awnings	The proposal provides for an awning over the main entry. Given the nature of the site which is not part of continuous commercial strip, this level of weather protection is considered satisfactory.	Yes
2.3.7 Solar access		
<p><i>P2 Developments located outside of the North Sydney Centre should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:</i></p> <p><i>(a) any solar panels;</i></p> <p><i>(b) the windows of main internal living areas;</i></p> <p><i>(c) principal private open space areas; and</i></p> <p><i>(d) any communal open space areas.</i></p> <p><i>located on the subject property and any adjoining residential properties.</i></p> <p>Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.</p> <p><i>P3 Despite P2 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).</i></p> <p><i>P4 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm.</i></p>	<p>The proposal results in very minimal overshadowing of adjoining residential properties during the specified times.</p> <p>Around 77% of the proposed apartments receive the required solar access.</p> <p>The design allows good solar access to the proposed open space.</p> <p>A mixture of open space areas are provided with good solar access.</p> <p>The proposed solar panels will not be overshadowed by adjoining development.</p>	Yes

Provision	Comment	Complies?												
<p><i>P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.</i></p> <p><i>P6 Setbacks must be provided between buildings above the podium level.</i></p> <p><i>P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.</i></p> <p><i>P8 Avoid providing apartments within mixed use developments that have a sole orientation to the south. Where south facing apartments cannot be avoided, ensure that they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like).</i></p> <p><i>P9 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.</i></p>														
2.3.8 Views	The given the topography of the area and the relationship to surrounding development, it is unlikely that the proposal would result in any view loss.	Yes												
2.3.8 Acoustic privacy	<p>The original scheme resulted excessive noise impacts on residences in Langley Avenue from the significant increase in traffic on that street. The revised arrangement reduces the impact such that only two properties (a pair of semis) will be affected. These properties are used for commercial purposes and as such the impacts are not considered to be unreasonable.</p> <p>The site is not near any significant noise generating activity. The submitted Acoustic Report indicates that noise generated by the proposal including mechanical noise, traffic noise and noise from the proposed café have the potential for adverse impact. However, subject to conditions of consent, these impacts can be mitigated to ensure that all the relevant noise criteria are met.</p>	Yes												
<p>2.3.11 Visual privacy</p> <p>TABLE B-2.8: Building Sep.</p> <table> <tr> <th>Building height (metres)</th><th>Separation between habitable rooms</th><th>Separation between habitable balconies and non-habitable rooms</th></tr> <tr> <td>Up to 12m</td><td>12m</td><td>9m</td></tr> <tr> <td>12-25m</td><td>18m</td><td>12m</td></tr> <tr> <td>25m +</td><td>24m</td><td>18m</td></tr> </table>	Building height (metres)	Separation between habitable rooms	Separation between habitable balconies and non-habitable rooms	Up to 12m	12m	9m	12-25m	18m	12m	25m +	24m	18m	The proposed separation to the existing apartments at 91-93 and 95 Gerard Street does not fully comply with the 12m required in this case.	No- see discussion below.
Building height (metres)	Separation between habitable rooms	Separation between habitable balconies and non-habitable rooms												
Up to 12m	12m	9m												
12-25m	18m	12m												
25m +	24m	18m												
2.4 QUALITY BUILT FORM														
2.4.3 Setbacks – Front	The Waters Neighbourhood Character Area in which	Yes												

Provision	Comment	Complies?
	the site is located does not indicate a specific setback. However the proposal responds well to its context providing a nil setback at ground level at the corner of Parraween Road and Langley Avenue acknowledging the commercial zoning of the site. The elements closer to the proposed park are setback further. Above ground level the building is setback a minimum of 2m from the level below along the street frontages.	
Rear and Side	The adjoining land is zoned R4 and as such a building height plane controls applies. The proposal does not comply with this control as indicated in Figures 1 and 2 .	No – see discussion below.
2.4.4 Podiums	As noted above, it is not considered appropriate to provide a podium style building in this context.	Yes
2.4.5 Building design	In the B4 zone ground and first floor are to have ceiling heights of 3.3m with 2.7m above this. The proposed first floor does not comply. The proposed design satisfies the other requirements of this clause.	No – see discussion below.
2.4.6 Skyline	The proposed design achieves the objectives of this clause, providing a distinctive and well designed skyline through the introduction of visually interesting elements in the articulation and detailing of the upper levels and roofs of buildings.	Yes
2.4.7 Junction and termination of streets	The proposed design suitably responds to the corner location, by reinforcing the corner with a nil setback and providing the main entry to the building adjacent.	Yes
2.4.8 Balconies – Apartments	The design of the proposed balconies are considered appropriate.	Yes
2.4.10 Streetscape	The proposal provides appropriate activation incorporating commercial, community and café uses at ground level. The building is suitably articulated and will result in a positive contribution to the streetscape.	Yes
2.4.11 Entrances and exits	The proposed pedestrian and vehicular entry and exit points are legible, accessible and appropriately designed.	Yes
2.4.12 Nighttime appearance	Providing active uses that include late night trading will add to the atmosphere of the area at night.	Yes
2.4.13 Public spaces and facilities	The proposal provides for significant public benefit through the proposed ECHC, meeting room and public open space. These facilities and areas are well designed and will improve the quality of the public space in the area.	Yes
2.5 QUALITY URBAN ENVIRONMENT		
2.5.1 Accessibility	The proposal provides for lift access throughout the development. Compliance with the provisions contained within Part B: Section 12 - Access of the DCP will ensure that the development is suitably accessible.	Yes
2.5.2 Safety and security	The proposal has been assessed by the applicant having regard to the principles relating to Crime Prevention Through Environmental Design (CPTED). The design and appropriate conditions of consent will ensure an appropriately safe and secure environment	Yes

Provision	Comment	Complies?
	within and around the site.	
<p>2.5.4 High quality residential accommodation</p> <p><i>P1 Dwellings within mixed use buildings must be designed to provide the following minimum internal areas:</i></p> <p>(a) Studio 40m²</p> <p>(b) 1 bedroom 50m²</p> <p>(c) 2 bedrooms 80m²</p> <p>(d) 3+ bedrooms 100m²</p> <p><i>P2 Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21st.</i></p> <p><i>P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).</i></p> <p><i>P4 No more than 10 dwellings are to be accessible from a single common lobby space.</i></p> <p><i>P5 Avoid the use of double loaded corridors.</i></p> <p><i>P6 Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.</i></p> <p><i>P7 Apartments have a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.</i></p> <p><i>P8 Single aspect apartments have a maximum depth of 8m from a window.</i></p> <p><i>P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.</i></p> <p><i>P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). For apartments with no cross ventilation, ceiling fans must be provided.</i></p> <p><i>P11 Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings.</i></p> <p><i>P12 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.</i></p> <p><i>P13 Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking).</i></p>	<p>All of the proposed apartments meet the minimum size requirement. 66% cross ventilation is achieved. There is general compliance with the other provisions and the apartments have a good overall level of amenity.</p>	
<p>2.5.6 Private Open Space</p> <p><i>P1 Apartments within mixed use developments must provide the following minimum private open space areas:</i></p> <p>(a) Studio 8m²</p> <p>(b) 1 bedroom 8m²</p> <p>(c) 2 bedrooms 12m²</p> <p>(d) 3+ bedrooms 20m²</p> <p><i>Note: Best practice standard for balcony size is 15% of floor area of the apartment.</i></p> <p><i>P2 Private open spaces must provide a minimum depth of 2m and area of 8m².</i></p> <p><i>P3 Where apartments are proposed without private open space, the size of the</i></p>	<p>All of the balconies are 11sqm except those for the 3 bedroom apartments which are 17sqm. Therefore there is some minor non-compliance in this regard.</p> <p>The proposed communal rooftop space and meeting room is less than the 25-30% considered to be best practice. However in this case, given that public open space is also proposed and that each unit has a balcony, the proposed communal space is considered to be satisfactory.</p>	<p>No –see discussion below</p> <p>Yes</p>

Provision	Comment	Complies?
<p>apartment must be increased by a minimum of 8m² (i.e. reflecting the minimum private open space requirement).</p> <p>P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.</p> <p>P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction.</p> <p>Notes: It is considered best practice to provide communal areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.</p> <p>P6 Communal residential spaces:</p> <p>(a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);</p> <p>(b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, whichever is the greater;</p> <p>(c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P6(b) above), with the remainder appropriately located in the external recreation area; and</p> <p>(d) must be provided with access to natural light and not be located in basements.</p>		
2.5.7 Vehicular Access	<p>The proposal is consistent with the provisions of this section as:</p> <p>Whilst not a laneway, Langley Avenue is a secondary road and from a streetscape and integration perspective, this is a more suitable location for vehicular access;</p> <p>The commercial component is only small and it is acceptable in the circumstances that loading be on street in the proposed loading zone to Parraween Street;</p> <p>The access is limited to one location;</p> <p>The car park entry is suitably designed.</p>	Yes
2.5.8 Car Parking	Consistent with the requirements of this section, the proposal provides for adequate underground parking for the development. This is further discussed below.	Yes
2.5.9 Garbage Storage	Amended plans have provided for a waste room that can be accessed by all uses and easily accessed from Langley Avenue.	Yes
2.5.10 Site facilities Generic provisions	Whilst a communal clothes drying area is not provided, adequate site facilities are provided including storage at the specified rates.	Yes
2.6 EFFICIENT USE OF RESOURCES	An Efficient Use of Resources Commitment Table has been completed.	Yes

Provision	Comment	Complies?
	<p>A BASIX certificate has been provided for the apartments.</p> <p>A Waste Management Plan for the demolition, construction and operation of the building has been provided in accordance with Part B: Section 19 - <i>Waste Management</i> of the DCP.</p> <p>A Stormwater Management and an Erosion and Sediment Control Plan have been submitted.</p> <p>The proposal includes green roof and green wall initiatives that satisfy the requirements of this section.</p>	
Part 5 Area Character Statements – North Cremorne Planning Area 5.1 Waters Neighbourhood	<p>There are no detailed provisions of relevance to the subject site. The proposal is consistent with the stated desired future character for development such as this:</p> <p><i>Future development of high density housing must have a sympathetic relationship to other surrounding development in terms of height, bulk and scale, privacy and access to views (for example stepping down to lower height).</i></p>	Yes
10.2 PARKING PROVISION The following maximum parking rates apply to shoptop housing: 0.5 spaces per studio or 1 bed apartment 1 space per 2 or more bed apartment No visitor parking can be provided. 1 per 10 car spaces for motorcycle parking Non-resi – 1 space per 60sqm of GFA however for food and drink premises 1 per 50sqm GFA and medical centres (ECHC) is 4 per 100sqm	<p>On this basis the proposal requires a maximum of 12 residential car spaces, 8 spaces for the ECHC, 6 spaces for the meeting room/office hub and 4 spaces for the café. The proposal provides for 12 residential car spaces and 149 non-residential spaces.</p> <p>No motorcycle parking is provided.</p>	Yes – conditions will provide for allocation as required.
10.4 LOADING AND SERVICING FACILITIES Loading requirements are determined on their merits. Where more than 30 units are provided a medium rigid vehicle space is required for deliveries.	<p>Given the limited amount of non-residential space and small number of units, the use of the proposed loading zone on Parraween Street is considered acceptable for deliveries.</p>	Yes
10.5 BICYCLE PARKING AND ASSOCIATED FACILITIES 1/dwelling for residents 1/10 dwellings for residential visitors 1/150sqm commercial GFA 1/25sqm café GFA There is no specific rate for the proposed community uses however the general commercial rate should be used, consistent with the parking rates. <i>P4 Secure bicycle parking facilities are to be provided in accordance with the following:</i> (a) Class 1 or 2 facilities for occupants or	<p>On the basis of the above, the proposal requires 18 resident spaces, 2 residential visitor spaces and 11 non-residential spaces, 11 personal lockers and 2 shower/change facilities.</p> <p>The proposal provides for adequate storage for the residential units which can be used for bike parking. Non-residential spaces are provided in the form of bike racks within the open space. Appropriate showers and lockers are provided.</p>	Yes

Provision	Comment	Complies?
<p><i>residential dwellings (Class 1 is preferred);</i> <i>(b) Class 2 facilities for staff/employees of any land use; and</i> <i>(c) Class 3 facilities for visitors of any land use.</i> Note: The classes of facilities are described in detail within AS 2890.3.</p> <p><i>P11 For non-residential uses, the following facilities for bike parking are to be provided at the following rates:</i> <i>(a) 1 personal locker for each bike parking space;</i> <i>(b) 1 shower and change cubicle for up to 10 bike parking spaces;</i> <i>(c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;</i> <i>(d) 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;</i> <i>(e) Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and</i> <i>(f) Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.</i></p>		
14.2 CONTAMINATED LAND	As noted above a Preliminary Site Investigation has been undertaken.	Yes
SECTION 19 WASTE MANAGEMENT	Amended plan provides for garbage room with satisfactory access from all uses as well as easy collection from Langley Avenue.	Yes

DISCUSSION OF ISSUES

Building height

The proposal breaches the 12m height control by up to 3m. The applicant has submitted a request to allow this breach pursuant to Clause 4.6 of the LEP. This request can be supported on the following basis:

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6;
- the proposed development will be in the public interest because it is consistent with the objectives of the height standard and the objectives for development within the B4 zone,
- Council has the assumed concurrence of the Director General of NSW Planning & Environment.

In regard to b) the zone and height standards objectives are noted and commented upon below:

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.*

In this regard the proposal provides for an appropriate mix of ground level land uses with residential accommodation above. It will contribute to the vitality of the Cremorne centre and provides a high quality urban environment and a high level of residential amenity. It is sited in a highly accessible location adjacent to the main public transport route along Military Road.

4.3 *Height of buildings*

(1) *The objectives of this clause are as follows:*

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

In this regard the proposal:

- Does not impact on existing views;
- Maintains appropriate solar access to existing dwellings and the public domain;
- Maintains an appropriate degree of privacy;
- Is appropriately scaled and setback from property boundaries at the upper levels
- Has a predominant height of 4 storeys which provides an appropriate transition between the higher buildings to the south and the lower buildings to the north.

Building height plane (BHP)

The extent to which the proposal breaches the BHP is indicated in **Figures 1 and 2**.

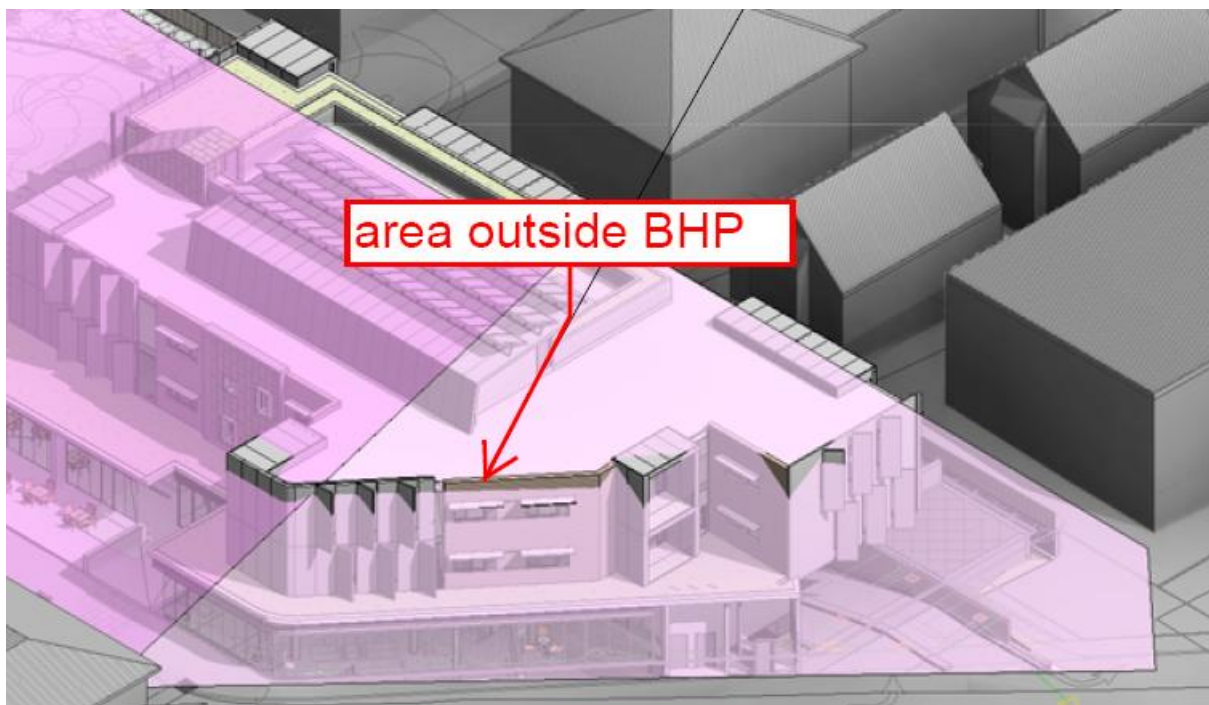


Figure 1 – area outside BHP on Langley Avenue

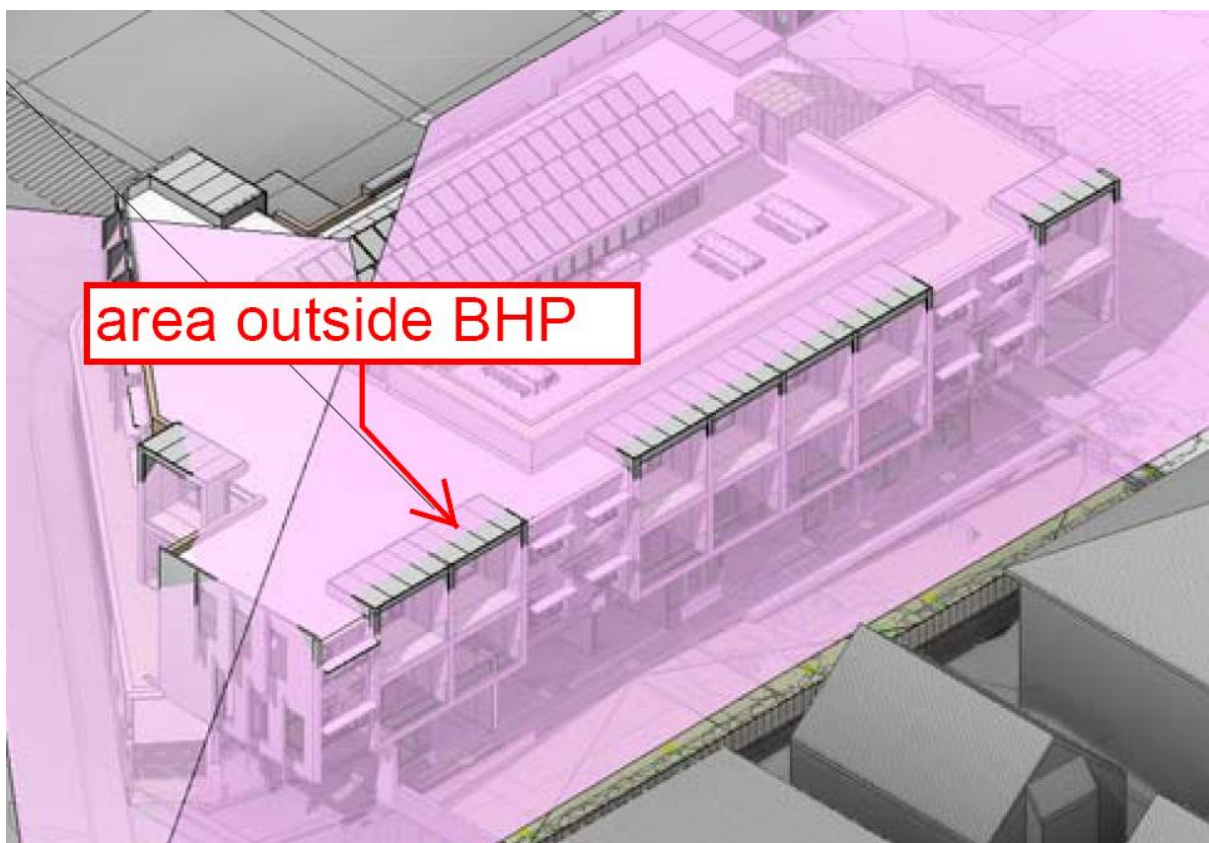


Figure 2 – area outside BHP on northern boundary

As can be seen in the above, the extent of the breach is very minor. Further it does not result in any unreasonable visual or overshadowing impacts. Given this and the

overall quality of the design, the variation is supported in this circumstance.

Provision of public parking

The proposal seeks to increase the amount of public parking on the site from 63 to 131 (an additional 68 spaces). Whilst this is contrary to DCP objectives to encourage public transport and active transport use, this needs to be balanced with other objectives such as maintaining and enhancing the viability of commercial centres. This is a policy decision for Council and in making the proposal, the benefit of the providing additional parking for visitors to the area has taken precedence.

Unit Mix

The proposal provides for more 1 bedroom units than is permitted by the DCP and no studios. However the dwellings will be used for affordable housing and the intended Manager, Link Housing, has provided details that indicate that the demand for affordable housing on North Sydney is greatest for 1 bedroom units. The site is located close to transport and is suitable for more intense development. In the circumstances, the proposed unit mix is considered to be acceptable.

Building separation/privacy

The vast majority of the proposal satisfies the 12m separation requirements to the Gerard Street properties. The extent of the non-compliance is small (0.5-1m) to some balconies. In addition, the facing windows in the existing buildings do not appear to be main living room windows and face south and there is also existing and proposed landscaping along the boundary between the properties.

An objector raised concern regarding the privacy implications arising from the removal of an existing tree and also from the proposed roof terrace. As noted above new trees are proposed along the northern boundary to provide replacement screening. In relation to the roof terrace, the trafficable area of the terrace is relatively small and is setback from the parapet by a planter box, ensuring that there will be no unreasonable overlooking.

Ceiling heights

The first floor ceiling heights do not meet the DCP requirements, however given the nature of the development and the peripheral location within the Cremorne centre, it is unlikely that commercial use of the first floor would be in strong demand.

Balcony size

The 1 bedroom apartment balcony size exceeds the requirement whilst there is a minor deficiency in relation to the 2 and 3 bedroom apartments. Further the 3 bedroom apartment area is comprised of 2 small balconies. However as there is scope to increase the size of the balcony off the living room, a condition of consent will require that this area be a minimum of 15sqm.

Given that there is a rooftop communal space and that a public park is also provided, overall the development provides adequate open space opportunities.

Traffic/traffic safety/traffic noise

This was the greatest concern raised in submissions. As a result of these concerns and the potential noise impacts from increase traffic on Langley Avenue, the proposed access arrangements have been amended to create two way traffic in the southern part of Langley Avenue between the proposed access driveway and the intersection with Parraween Street. This substantially reduces the estimated northbound traffic flows on Langley Avenue and these reduced levels will not have any unreasonable additional noise impacts. The traffic on the southern part of Langley Avenue will still be substantially increased by the proposal however two properties (a pair of semis being used commercially) will be affected. Whilst no submissions have been received from these neighbours, conditions of consent will ensure that appropriate mitigation is available, if required.

The proposed access is considered preferable to providing access in Parraween Street (where multiple crossing are presently located) for the following reasons:

Parraween Street is the main frontage of the site and this frontage faces the existing Mixed Use zoned areas on the opposite side of the street. Accordingly to maximise integration with the existing centre the proposed activation by the commercial/café and open space is focussed on this frontage. Provision of the access at this frontage would reduced the activated space and result in poorer integration.

Parraween Street is also the most pedestrianised frontage and the provision of the access at this frontage would increase pedestrian/vehicular conflict;

Langley Avenue is the secondary frontage to the site and also for the development opposite the site (which has Macpherson Street as its primary frontage). This means it is more suitable for vehicular access;

The original proposal did result in excessive traffic in Langley Avenue given that existing traffic movements are small. The introduction of the two way element in the southern part of this street, adequately addresses this issue and limits direct impacts to only two properties. There are far more properties to the west and south across Parraween Street that would be affected by having a driveway on Parraween Street.

The submitted Traffic Management Plan (TMP) concludes that the proposal will not have any unreasonable impacts on traffic flows in the area and that the Langley/Parraween intersection will continue to operate at an 'A' level of service. The TMP has the concurrence of the RMS.

Garbage trucks In Langley Avenue

For the reasons given above it is considered appropriate to allow garbage trucks to collect from Langley Avenue. The garbage room access is located away from the majority of dwellings, minimising the potential for impacts on neighbours.

Impacts of car park ventilation

The car park exhaust is to be incorporated into a sculptural element within the park.

This is well removed from the northern boundary where most of the adjoining residences are located. The exhaust will be required to meet the relevant noise and odour standards.

Loss of green space/inconsistent setbacks

The proposal will result in the loss of green space along Langley Avenue. However generally there is minimal setbacks and landscaping in this street and as the subject site is zoned B4 Mixed Use it is appropriate to building to the street alignment. The upper levels are setback to reduce visual impact and to preserve amenity. The loss of green space is more than compensated for by the provision of a new park.

Need for a café

A café is a permissible use and is considered to be an appropriate land use adjoining the proposed open space.

Adequacy of public benefit

The proposal will create a significant public benefit through the creation of additional parking which will allow greater convenience for shoppers in Cremorne town centre, a new park and provision of affordable housing.

Noise from roof terrace

A revised acoustic report would be required by conditions of consent to ensure that the required noise criteria will not be exceeded and further the permitted hours of use will be limited to 9pm.

Construction impacts

Conditions of consent can ensure that the impacts of the construction process are minimised.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions in accordance with Council's S94 plan are applicable. The Contribution is warranted for the 18 apartments and the 166sqm cafe. A suitable condition would be applied if consent is granted.

Administration	\$2,378.46
Child Care Facilities	\$10,056.27
Community Centres	\$5,003.74
Library Acquisition	\$1,890.61
Library Premises & Equipment	\$5,839.82

Multi Purpose Indoor Sports Facilities	\$1,650.85
Open Space Acquisition	\$5,376.93
Open Space Increased Capacity	\$58,477.23
Olympic Pool	\$115,911.33
Public Domain Improvements	\$5,896.46
Traffic improvements	\$5,562.16
The total contribution is:	\$218,043.86

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 |

CONCLUSION

This application has been refined to address concerns raised by the Design Excellence Panel and neighbours and is now considered a satisfactory form of development, subject to conditions of consent. The application has been assessed against the relevant statutory controls and with regard to surrounding development. The request to breach the LEP height control pursuant to Clause 4.6 of the LEP is considered to be well founded and is supported.

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

RECOMMENDATION

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

THAT the Joint Regional Planning Panel, as the consent authority, grant development consent to 2014SYE101 - Development Application No. 260/14 for the construction of a new shop-top housing development and public car park, subject to the attached conditions:

Brett Brown
CONSULTANT PLANNER

Geoff Mossemeneer
EXECUTIVE PLANNER
