

JRPP No:	2015SYE117 – 101-111 Willoughby Road and a portion of Zig Zag Lane, Crows Nest
DA No:	DA 327/2015
PROPOSED DEVELOPMENT:	Construction of a 4-6 storey mixed use building, including supermarket, public plaza and public car park
APPLICANT:	Coles Group Property Developments Pty Ltd
OWNER(S):	Coles Group Property Developments Pty Ltd & North Sydney Council
REPORT BY:	Kerry Gordon – Kerry Gordon Planning Services On behalf of North Sydney Council

Assessment Report and Recommendation



REPORT TO THE JRPP

ADDRESS: Nos. 101-111 Willoughby Road and a portion of Zig Zag Lane, Crows Nest

APPLICATION No: DA327/2015

PROPOSAL: Construction of a 4-6 storey mixed use building, including supermarket, public plaza and public car park

PLANS REF: Drawings 3844_DA034, Rev A, dated 26 May 2016, 3844_DA003, 3844_DA012-14, 3844_DA020, 3844_DA031-33, and 3844_DA051-52, all Rev B, all dated 3 February 2016, 3844_DA061 and 3844_DA063, all Rev B, all dated 23 May 2016, DA3844_DA015, Rev C, dated 15 March 2016, DA3844_DA015a, Rev C, dated 12 May 2016, 3844_DA011, 3844_DA021-22, 3844_DA041-42 and 3844_DA062, all Rev C, all dated 24 May 2016, 3844_DA010 and 3844_DA016-19, Rev D, all dated 23 May 2016, all prepared by Nettleton Tribe

OWNER: Coles Group Property Developments Pty Ltd & North Sydney Council

APPLICANT: Coles Group Property Developments Pty Ltd

AUTHOR: Kerry Gordon – Kerry Gordon Planning Services

DATE OF REPORT: 6 June 2016

DATE LODGED: 11 September 2015

AMENDED: 12/2/2016, 1/3/2016, 24/3/2016, 12/5/16, 24/5/2016, 27/5/2016

RECOMMENDATION Approval

HISTORY OF APPLICATION

The application was reported to the Sydney East Joint Regional Planning Panel meeting of 26 May 2016 with a recommendation of refusal related to internal amenity concerns with the proposed apartments within the development. The report also contained a series of suggested changes that could address the amenity concerns for the Panel's consideration in determining the application.

After completion of the report, the applicant lodged amended plans to address the amenity concerns raised which were considered prior to the meeting by the author of this report. As a result of that consideration, the Panel were verbally advised at the meeting that subject to the receipt of additional information in relation to the cross ventilation of one type of apartment, the amended plans would satisfactorily resolve the outstanding concerns and as such a recommendation for approval was verbally provided.

The Panel deferred determination of the application as follows:

1. *The Panel notes the verbal revised recommendation of the assessment planner, Ms Kerry Gordon, that the determination of the application should be deferred. This is because the proposal is generally acceptable and the amended drawings have improved the amenity of the apartments, which was the only reason for the previous recommendation for refusal. The Panel requests the applicant to submit final amended drawings by 3 June 2016 and the assessment planner to provide a supplementary report by 6 June 2016. Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means.*
2. *Should the determination be approval subject to conditions, the conditions should include the following changes to those "without prejudice" conditions prepared by Ms Gordon:*
 - a. *Condition D5(d) is deleted in view of the lack of support by the RMS for a pedestrian crossing;*
 - b. *Condition I6 (controlling the operation of the loading dock) should restrict only large articulated trucks to a delivery frequency of one per hour.*
 - c. *Condition B1 (requiring a Construction Management Program) should require that program to include a request to the Local Traffic Committee of a kerbside area of four car lengths, in front of the childcare on the other side of Atchison Street, to be restricted to 15 Minutes, with the intention that it be used by parents of children in the childcare between 8am and 9.30am and between 4.30am and 6pm on weekdays.*
 - d. *Condition C8, add to last dot point that the tree species should have a narrow spread.*
3. *The Panel notes that there are other changes to the "without prejudice" conditions, which were agreed to by the parties at the meeting.*
4. *The Panel requests Ms Gordon to verify the address of the property, which appears to be wrong on the assessment report.*

ASSESSMENT AGAINST THE DEFERRAL REASONS

In response to deferral point 1 above, the applicant submitted the requested amended plans on 3 June 2016. The amended plans were consistent with those previously submitted and provide the required additional section to show cross-ventilation to a number of the proposed studio apartments. An amended BASIX certificate has been provided for the amended plans.

In response to deferral point 2 above, the following changes have been made to the “without prejudice” conditions:

- Condition D5(d) has been deleted;
- Condition I6 has been amended to include the following clarification:
A maximum of 1 delivery for the supermarket (fixed large rigid trucks or larger) shall occur within any hour (inclusive of waste collection). Smaller trucks which can drive in a forward direction into the loading dock area are excluded from this requirement subject to the loading dock door being closed prior to the truck reversing within the internal dock area.
- Condition B1 has been amended to include the following:
A request for the North Sydney Traffic Committee to approve signposting of a four car long space on the northern side of Atchison Street outside the childcare centre for 15 minute maximum parking between the hours of 8.00am-9.30am and 4.30pm and 6pm Monday to Friday.
- The last point of Condition C8 has been amended to the following:
The 18 x Elaeocarpus Eumundi (Quandong) proposed to be planted adjacent to the dwellings fronting Atchison and Albany Streets are to be replaced with trees with a maximum maturity height of 5-6m and a narrow spread.

In response to deferral point 3, the other agreed condition changes have been made and the final set of conditions have been agreed to by the applicant.

In response to deferral point 4, a check has been made of the street address of the subject site against Council’s rating information and it has been confirmed that the site is known as Nos. 101-111 Willoughby Road and a portion of Zig Zag Lane between Albany Street and Atchison Street, Crow Nest. It is noted that the recommendation has had the Lot and DPs included for clarity.

CONCLUSION

The amended plans lodged after concerns were raised in the initial assessment addressed the majority of the concerns raised. The development is now largely compliant with the controls related to height, bulk and scale, with variations to the height controls sought for stairs, lift overrun, ventilation shaft and elements of the roof top communal open spaces (balustrades, pergolas and the like). The design of the proposal is considered to have been appropriately resolved and the urban design is supported by the assessing Urban Designer.

Amenity impacts upon adjoining properties have generally been suitably ameliorated or can be by the inclusion of appropriate conditions of consent in relation to screening devices and height of landscaping.

The impact upon the surrounding road network can be appropriately ameliorated with the provision of traffic calming devices and traffic lights and the works are supported by the Traffic Engineer and the Roads and Maritime Service.

Acoustic impacts can be appropriately ameliorated during construction and operation subject to a series of management plans and conditions recommended by the Acoustic Engineer.

The Voluntary Planning Agreement submitted with the application is considered to be appropriate in the context of the proposed development.

The remaining area of concern that was reported to the Panel in the previous report related to the amenity of a proposed apartments and their non-compliance with the Apartment Design Guide has now been appropriately addressed by further amended plans.

RECOMMENDATION

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

THAT the Joint Regional Planning Panel, approve Development Application No. 327/2015 for construction of a 4-6 storey mixed use building, including supermarket, public plaza and public car park at Lot 1001 in DP 771247, Lot 1 in DP 1265 and Lot 20 in DP 1208836, Nos. 101-111 Willoughby Road and the the portion of Zig Zag Lane between Albany Street and Atchison Street, Crow Nest subject to the attached conditions.



Kerry Gordon, Kerry Gordon Planning Services
ASSESSMENT OFFICER
