



CF/MR
14190
8 February 2016

Lisa Foley
Regional Panels Secretariat
Sydney East Joint Regional Planning Panel
23-33 Bridge Street
SYDNEY NSW 2001

Dear Ms Foley

2015SYE162 - AWNING RESPONSE (DA443/14/2)
100 MILLER STREET, NORTH SYDNEY

This letter has been prepared by JBA on behalf of Cromwell Property Group who own 100 Miller Street, North Sydney (the site) and are the applicant for the subject Section 96(2) modification being considered by the Panel on 11 February 2016. This letter provides a response to the single unresolved issue in Council's assessment regarding the provision of the awning at the corner with Miller Street and the Pacific Highway.

Council's contentions with the awning are that it does not extend over the public footpath at the entrance and that the awning proposed will not provide adequate cover and shelter. Council has suggested an amended Condition B3 which requires that the awning:

- be no higher than half way between the Pacific highway awning and the Miller Street awning with overlaps for weather protection; and
- follow the street boundary to provide a consistent width over the public footpath.

The design of the proposed awning is the outcome of extensive design investigations that seek to balance the objective of providing weather protection, street activation and design excellence at one of the key focal points in the North Sydney CBD.

The suggested condition, which effectively requires a reduction in the height of the awning and an increase in its width may potentially improve weather protection, but will also fundamentally undermine the urban design, architectural and activation considerations which must also be considered for such an important corner.

Accordingly this letter explains the reasons why increasing the width and lowering the height of the awning is not the correct response in this instance, and requests that the Panel delete Conditions B2 and B3 and approve the awning as proposed. An awning and precedent study has also been prepared by HDR to accompany the letter.

1.0 WIDTH OF THE AWNING

The proposed awning width of 2.2m currently exceeds the 2m minimum width in Council's DCP by 10%, thus providing protection in excess of Council's requirements. However, it is in certain locations more than 1.1m from the kerb line as a result of the setting the building back at the

corner. Council has requested that despite the width of the awning complying it must follow the street boundary and not the building boundary.

The 'shards' architectural response of the building which splits at the corner to provide an enhanced public domain by giving back a large area of the building owners land is a fundamental component of the approved and proposed design. The design provides much needed relief to pedestrians at the corner as well as street activation to each frontage and has been recognised by Council and its Design Excellence Panel as being a significant public benefit.

However, because the building sets back at the corner it means that an awning that follows the street boundary will have other adverse design and structural implications. The structural engineer's comments in regards to the implications that were previously submitted to Council are also attached for information.

In Council's assessment report it refers to the current awning on the building at the corner and that the redevelopment should achieve the same level of protection. However, in making this assessment, Council does not acknowledge that the design response at the corner is now vastly improved and completely different from the existing. In addition to the benefits the proposed design provides for pedestrians, the existing building turns its back to the corner with a solid facade, which results in no street activation both at the corner and along Pacific Highway and presents a safety issue with over-crowding of pedestrians at the crossing. Whilst the existing design allows the awning to rap the street corner it is, on balance, a far less desirable urban outcome.

The objective of the awning control in the DCP is:

*O1 To provide **adequate** weather protection for people using streets and other public spaces.*
(our emphasis)

It is important to note the use of the term 'adequate'. The proposed development provides an awning of a width that complies with Council's minimum requirements and whilst it does not follow the street boundary by virtue of the building setback it still achieves **adequate** weather protection and therefore achieves the objective of the control. Further modifications to the design to achieve better weather protection beyond adequate need to then be considered in the context of their other implications highlighted in this letter.

Finally, we note that as part of the Panel's determination of 177 Pacific Highway, North Sydney, Council at that time wanted the building to provide an awning 1.1m from the kerb boundary of Berry Street, however its controls also required an 8m building setback from the kerb boundary. This produced a comparatively wide awning with significant adverse design and structural implications. In its determination of that DA the Panel resolved that the widened awning was not necessary and that the proposed awning within the property was sufficient. We would implore that the Panel be consistent with its approach to this DA and not require the extended awning.

2.0 HEIGHT OF THE AWNING

The awning is currently proposed at 'Level 9', which is approximately 6.6m above the footpath level.

Council has imposed a condition that requires the awning to be moved to the middle between Levels 8 and 9.

As illustrated in the HDR Awning Study, if the awning was set at this height it would result in a large band running through the eye level height of the restaurant tenancy, blocking the outlook of the patrons and significantly impacting on the amenity. Compromising the quality of this space is likely to jeopardise the likelihood of it being successful and therefore would undermine one of the key objectives of the design to activate the corner and Pacific Highway as well as support

Council's ambitions to continue to activate the North Sydney CBD (particularly after hours) with the improved amenity that would be provided by way of the restaurant offering.

It is noted that the awning would ideally be structurally supported by the building floor slab and providing the awning supported by a glass curtain wall presents a significant range of structural issues with associated cost implications.

Therefore the only lower alternative height to that proposed is for the awning to be at Level 8. However, because of the change in topography at the corner this would result in the awning being as low as **2.3m above the footpath level**. At a height of 2.3m the awning would not comply with the minimum height required in the DCP of 3.2m and would be even less than the BCA minimum floor to ceiling height. It is likely that at such a height there would also be a high potential for vandalism and pedestrian injuries and therefore an awning at this height is considered completely inappropriate.

Further, an awning at this height would create an unpleasant enclosed space between the shards that would undermine the intent of the design to provide a generous extension to the public domain.

In summary, the awning would not be safe at Level 8, halfway between Levels 8 and 9 is not structurally reasonable or desirable from an urban design perspective, which means the only possible height for the awning is at the proposed level, Level 9. In light of this, it is requested that the Panel not require any reduction to the height of the awning.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or mrowe@jbaurban.com.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Michael Rowe', with a horizontal line underneath.

Michael Rowe
Associate