

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH044
DA Number	173/18
LGA	North Sydney
Proposed Development	Alterations and additions to a commercial building
Street Address	73 Miller Street, North Sydney
Applicant/Owner	Colliers International Project Management Pty Ltd
Date of DA lodgement	8 June 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value (CIV) of greater than \$30 million
List of all relevant s4.15(1)(a) matters	North Sydney LEP 2013 • Zoning – B3 Commercial SEPP 55 – Contaminated Lands SREP (Sydney Harbour Catchments) 2005 North Sydney DCP 2013
List all documents submitted with this report for the Panel's consideration	• Conditions • plans
Report prepared by	Lara Huckstepp, Executive Planner
Report date	29 February 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The proposed development seeks to increase commercial and retail floor space, improve the ground floor interface to the public domain and upgrade the environmental performance of the building. The above works will result in:

- An increase in GFA of 5,597sqm (from existing 15,354sqm to 20,942sqm)
- Increase in building mass (keeping within current building envelope controls)
- A loss of 24 car spaces, in order to accommodate the new EOT facilities, bike store and new waste room
- Improved building ratings – PCA Grade A, 5 Star NABERS Energy rating and 5 Star Greenstar rating.

The Council's notification of the proposal attracted no submissions.

The proposed development has been assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit based outcomes, development standards and prescriptive controls of various State Environmental Planning Policies, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. Other plans and policies were also considered such as the North Sydney Section 7.11 Contributions Plan.

Council's Design Excellence Panel generally supports the development application.

It is noted that at the time of lodgement, NSLEP 2013 identified an adjacent site at No.5 Blue Street as a 'special area'. At this time, Clause 6.3 NSLEP 2013 (building heights and massing) provided that any additional overshadowing of the special areas, which included No.5 Blue Street, was prohibited. At this time, Clause 6.5 NSLEP 2013 (Railway Infrastructure – Transitional arrangements) required a monetary contribution for a new commercial floorspace within the North Sydney CBD. The application was submitted on the basis that a draft amendment to Clause 6.3 and 6.5 NSLEP 2013 had been granted gateway and was considered to be imminent.

On 26 October 2018, LEP amendment No.23 was gazetted which:

- Amended Clause 6.3 NSLEP 2013 including removing No.5 Blue Street, North Sydney as a special area.
- Deleted Clause 6.5 NSLEP 2013 removing the requirement for the payment of railway contributions associated with new commercial floor space in the North Sydney CBD.

Accordingly, the proposed development will not result in overshadowing of a special area and the proposal is permissible under the NSLEP 2013. Railway contributions are also no longer required.

Following assessment of the plans, development application is recommended for approval.

DESCRIPTION OF PROPOSAL

The proposed development as described by the applicant as:

The proposed works seek to increase commercial and retail floor space, improve the ground floor interface to the public domain and upgrade the environmental performance of the building. Specifically, development for which approval is sought includes:

- Extended floor plates on Ground Level and Levels 1-11, via infilling of existing balconies and terrace areas;
- Additional commercial floorspace atop the existing roof levels/ terraces of levels 12 and 13;
- Upgraded amenities and services, involving reconfiguration of the existing central core;

- New End of Trip (EOT) facilities (including change rooms, showers and lockers) and bike store;
- New waste room;
- Modified ground plane, including landscape works and new front and rear stairs;
- Additional commercial/retail area to Ground and Level 1;
- New retail uses addressing Gas Lane and the pedestrian lane along the eastern boundary of the site;
- New street awning; and
- Associated demolition works.

The above works will result in:

- An increase in GFA of 5,597sqm (from existing 15,354sqm to 20,942sqm)
- Increase in building mass (keeping within current building envelope controls)
- A loss of 24 car spaces, in order to accommodate the new EOT facilities, bike store and new waste room
- Improved building ratings – PCA Grade A, 5 Star NABERS Energy rating and 5 Star Greenstar rating.



STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013

- Zoning - B3 – Commercial Core
- Item of Heritage -No
- In Vicinity of Item of Heritage – Yes (building adjoins State Heritage Item I0892 'Greenwood')
- Conservation Area - No

Environmental Planning & Assessment Act 1979

Section 7.11 Contributions

SEPP No. 55 - Contaminated Lands

SREP (2005)

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013.

CONSENT AUTHORITY

The Sydney North Planning Panel is the consent authority for the development application as the Capital Investment Value (CIV) for the development is greater than \$30 million.

DESCRIPTION OF LOCALITY

The site is located at 73 Miller Street, North Sydney and is legally defined as Lot 38 DP868462. The site has an area of 2,327m² is bound by Gas Lane to the north, Blue Street to the south, Greenwood Plaza to the east and Miller Street to the west. The site is currently occupied by a 12-storey commercial building with a maximum height of RL 108.9 comprising three (3) levels of basement car parking, ground floor retail, low rise plant rooms, eleven (11) levels of commercial space and roof plant. Completed in the 1990s, the building has a stepped, ziggurat form with a series of triangular balconies and angular roof terraces addressing Blue Street. The applicant advises that the existing building has a gross floor area (GFA) of 15,354m². Main entry to the building is at the intersection of Miller and Blue Street, with vehicular access to basement levels from Blue Street and pedestrian access also available from Gas Lane. There is an existing pedestrian thoroughfare along the eastern boundary of the site linking Gas Lane and Greenwood Plaza to North Sydney Station. The northern building setback provides for a pedestrian thoroughfare adjacent to Gas Lane.

The site is located diagonally opposite the entrance to North Sydney Station and is within the North Sydney Central Business District. Surrounding development comprises mostly commercial buildings.

Subject site – Corner of Miller Street and Blue Street



Eastern setback – looking south to Blue Street



Northern setback – looking east towards the Greenwood Hotel



BACKGROUND

The subject **Development Application DA173/2018** was lodged on 10 June 2018.

At the time of lodgement, NSLEP 2013 identified an adjacent site at No.5 Blue Street as a 'special area'. At the time of lodgement, **Clause 6.3 NSLEP 2013 (building heights and massing)** provided that any additional overshadowing of the special areas, which included No.5 Blue Street, was prohibited. At this time, **Clause 6.5 (Railway Infrastructure – Transitional arrangements)** required a monetary contribution for new commercial floorspace located within the North Sydney CBD.

The application was submitted on the basis that a draft amendment to Clauses 6.3 and 6.5 NSLEP 2013 had been given gateway and was considered to be imminent.

On 26 October 2018, LEP Amendment No. 23 was gazetted which:

- Amended Clause 6.3 NSLEP 2013 including removing No.5 Blue Street, North Sydney as a special area
- Deleted Clause 6.5 NSLEP 2013 removing the requirement for the payment of railway contributions associated with new commercial floor space in the North Sydney CBD

Accordingly, the proposed development no longer resulted in overshadowing of a special area and railway contributions are also no longer required. There is no applicable savings provision which links these provisions with the date of the application.

On 19 December 2018 the applicant submitted amended plans responding to Design Excellence Panel comments. These plans proposed building design changes to the façade, and also propose the infilling of balconies, resulting in an increase in floor space to 5,597 (originally proposed was 4,058sqm).

The proposed development was re-notified to adjoining properties between 25 January 2019 – 8 February 2019. The proposal was been referred back to the Design Excellence Panel on 12 February 2019 wherein the Panel suggested further amendments.

Further amended plans were received on 26/2/2019 which are considered within this assessment report.

REFERRALS

BUILDING

The application has not been assessed in respect of the National Construction Code (NCC), however the Act requires that Council impose a condition of consent requiring compliance with the NCC. Should significant amendments be needed to achieve compliance with the NCC or to obtain a Construction Certificate, a Section 4.55 modification may be required.

However, Council's Senior Building Surveyor has reviewed the proposed development and provides the following advice:

The proposal is for the alterations and additions to the existing fourteen (14) storey commercial office building to accommodate offices, retail tenancies, and car parking at the above-mentioned location. Additionally, these alterations and additions will result in an increase in floor area the premises. The development application has been supported by Building Code of Australia Capability Statement prepared by Brett Clabburn of Group DLA dated 30 May 2018, proposed Fire Safety Schedule prepared by Group DLA and Fire Safety Engineering Letter of Support prepared by Nabeel Darwish of LCI (Australia) Pty Ltd dated 23 May 2018. Following an assessment of the plans provided and supporting information the proposed works are likely able to comply with the requirements of the NCC BCA 2016, Volume 1 via a combination of meeting the deemed-to-satisfy provisions and a number of performance solutions prepared in accordance with A0.5 of the BCA. A detailed assessment of compliance with the Building Code of Australia 2016 will be undertaken by an appropriately accredited certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate. Furthermore, due to the nature and scale of the proposed development an upgrade of the building is required to ensure the building is brought into

conformity with Sections C, D & E of the NCC BCA 2016. This upgrade is required in accordance with Clause 94 of the Environmental Planning & Assessment Regulation 2000.

Given the above, the following Standard Conditions are recommended being:

Standard Condition "F1". Building Code of Australia

Standard Condition "C42". Upgrade of existing building

Standard Condition "C72". Provision of Accessible Paths of Travel

ENGINEERING/STORMWATER/GEOTECHNICAL

Council's Development Engineer (Z.Cvetkovic) assessed the proposed development and advised that the proposed development can be supported subject to imposition of a number of standard and site specific conditions relating to damage bonds, dilapidation reports, construction management plan and stormwater management.

TRAFFIC/PARKING

Council's Traffic Engineer provided the following comments:

I have assessed Traffic and transport component of this DA submission and please find below my comments:

- *Traffic does not have any objection in principal to the proposal despite the number of proposed bicycle spaces does not comply with the Council's DCP.*
- *The report prepared by LFA (Pacific) Pty Ltd dated 1 June, page 21 states that there will be storage for 182 bikes. However the submitted plans prepared by Fitzpatrick and partners indicates 136 racks on Basement level P1. The applicant is required to clarify this.*

Should Council approve this development it is recommended that the following conditions be imposed:

- *That a Construction Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*
- *That all aspects of the car park and Bicycle spaces comply with the Australian Standard AS2890.1 Off-Street Parking.*
- *Proposed Number and size of loading bays located on Basement level P1 shall not differ to the current number and size.*

It is noted that the loss of two loading bays in Basement Level P1 to accommodate the End of Trip facilities are offset by the provision of 2 new loading bays replacing car parking spaces. These are detailed on the plans.

HERITAGE

Council's Heritage Officer provided the following advice:

73 Miller Street is not identified as an item of environmental heritage in Part 1, Schedule 5 of North Sydney LEP 2013, nor located within a heritage conservation area. The property is however, adjacent to the NSW State and locally significant item known as Greenwood (former North Sydney Technical High School) identified being listing no. I0892, in Part 1, Schedule 5 of NSLEP. The inventory sheet for the heritage item provides the following statement of significance:

Important local school and the first government school established on the North Shore. Seminal institution from which many other local schools were developed and a major landmark both historically and physically. The buildings are fine examples of their types which also relate well to each other. Some interest also as an example of conservation of historic buildings in a major development.

The eastern elevation of the subject property has an interface with the Greenwood site.

2. The property

The existing building comprises a 12 storey commercial building that was completed in the 1990s. The building has its main entrance on the corner of Miller and Blue Streets and correspondingly, the buildings two primary elevations address Miller and Blue Street. The building has a stepped ziggurat form with a series of triangular balconies and angular roof terraces addressing Blue Street.

3. The proposal

It is proposed to modify the building envelope involving alterations that will expand commercial floor space, ground floor retail floor space and upgrade its environmental performance to best practice standards. Most relevant in terms of heritage impact relate to the removal of the terrace structures at levels 1 and 2 along the eastern boundary of the site.

4. Heritage Assessment and Recommendations

The proposed works have been assessed in relation to Part 5 Clause 5.10(5) Heritage assessment of NSLEP 2013 and Section 13 Heritage and Conservation of the NSDCP 2013, in particular section 13.1.3 When does this section of the DCP apply?

The SEE states that the DA submission does not include a HIS on the basis that the proposed development relates to an existing building. The accompanying SEE further adds that the proposed upgrading works will enhance the setting of the adjacent heritage item. However, the outcome of this development should seek to achieve a high quality design outcome so that it can improve its contemporary contribution to the existing road pattern connecting the subject site and the adjacent State Heritage listed site, Greenwood. The proposed removal of the terrace structures at Levels 1 and 2 along the eastern boundary of the site is supported as this will free up space around the existing Moreton Bay Fig tree and improve visibility and connectivity towards Greenwood.

Conclusion and Recommendations

The proposed upgrade works will not adversely impact on the heritage significance of Greenwood. The proposal therefore satisfies the objectives of Clause 5.10 Heritage conservation of NSLEP 2013 and Section 13 Heritage and Conservation of the NSDCP 2013.

Referral to the NSW Heritage Division should be considered to address any issues that may be pertinent as the site is in the vicinity of Greenwood being a State Heritage item.

Opportunities to improve the setting of the subject site and that of Greenwood along Gas Lane and the pedestrian connection along the edge of Greenwood Plaza should be optimised to enhance the fine grain character of the location.

It is recommended that dialogue be opened with Greenwood for future improvements to upgrade the connections between the buildings to improve access to and from the State heritage item.

DESIGN EXCELLENCE PANEL

The Design Excellence Panel considered the proposed development at their meeting held on 10 July 2018 and provided the following minutes:

Originally submitted façade design June 2018



Panel Comments

The Panel's comments relate to the key issues or concerns with the proposal. The reconfiguration of the plans to gain additional floor area, resulting in some increase to the visual bulk building was considered to be supportable in principle, although there was some reservation as to whether the stated objective of the applicant regarding the 'Wellspring of Potential' as "...a strong solid underpinning to a new platform of experiences..." had been achieved in the design.

The Panel strongly recommends continuity of cover for the awning with overlaps and vertical connection particularly around the often very windy corner of Miller and Blue Streets.

The Panel raised a number of concerns with regard to the façade and massing of the building and in particular, the Blues Street elevation. Above street level, the existing building is characterised by a horizontal banded facade uniformly applied to all elevations. A series of setbacks in plan and variations in height articulate and "stagger" the massing thus reducing the perceived bulk of the whole. The articulated massing of the existing above street level is considered a positive attribute to be enhanced.

The proposed infill of setbacks and enlarged area of sheer street wall to Blues Street reduces building articulation and depth in the façade. The apparently 'applied' glass enclosure to the additional floors at the upper levels does not appear to be integrated with the architectural character of other parts of the facade. The Panel recommends reconsidering the architectural expression to enhance building articulation.

Notwithstanding the above, the proposed infill of undercroft areas at street level and level 2, is generally supported as potentially improving street activation and address to the public domain.

The Panel felt that the façade appears as though it is reverse engineered to address the overshadowing of the special area. The appearance of the corner of the building that people see when coming out of the station is important. The black edging to the façade and awning is not supported.

The Panel also raised concerns with safety of the laneway. There is a need to resolve issues at the ground level more widely – include Council and adjoining properties. The Panel noted the potential for improved quality of publicly accessible open space with co-operation between the subject site and Greenwood plaza to better integrate existing laneway and plaza.

The proposed must better address safety and activation, connectivity to surrounding spaces. 1:50 scale street elevations should be provided along the lane and access to Blue Street. The "hole in the wall" openings, as well as increased façade articulation and detailing on the ground level are strongly supported by the Panel.

The Blue Street entry should be more open – more readily visible from the station to make people want to walk at grade instead of below ground through Greenwood as is the current preferred pedestrian thoroughfare.

Detailed design should reduce the impacts of the wind particularly on corner.

Conclusion

The Panel considers further refinement necessary before support could be given to proposal.

Amended plans were submitted on 29 November 2018 and were considered by the Design Excellence Panel at their meeting on 12 December 2018. The following comments were provided:

Amended façade design December 2018



The Panel's comments relate to the key issues or concerns with the proposal.

The Panel acknowledged the challenges with the massing of the building and the internal layout constraints. However, the Panel felt that the design was unrelenting and consideration should be given to introducing more articulation to break up the massing, in particular the southern portion of the building where there is new infill and the opportunity to articulate this mass and distinguish it from the existing mass where the blue glazing is being retained. The Panel noted that the existing building facades are more articulated, and the Panel felt that the site presented an opportunity for a high quality design. The Panel noted that further detailing of materials may assist.

The Panel suggested that a south-east render should be provided from Blue Street with the large tree omitted.

The Panel raised concerns that there continued to be limited interaction with the street on all facades, considering over 80% of ground level walls were blank walls. The two "holes in the wall" are desirable in terms of activation, however the overall activation is inadequate.

The Panel felt that the applicant should explore more opportunities to integrate seating within the site. Consideration could be given to providing cut outs or setbacks for seating in the façade, particularly in the eastern pedestrian access to provide outward looking seating. The thickness of the walls within some facades may be able to be modified to including seating elements.

The Panel felt that the location of the proposed seating on Miller Street was unlikely to be used and should be reconsidered. Its location may present an obstruction to pedestrian access past the site which is a busy thoroughfare. Seating should be designed to bring people in to the site and not be designed around the periphery.

The Panel felt that the design of the stairs and ramping on the Miller Street and Blue Street corner could be reconsidered, noting that the stairs on the eastern end appear steep.

The Panel felt that the bicycle parking along Gas Lane was not well located and noted that it was perpendicular to the lane in plans and parallel in the Gas Lane elevation. These structures may obstruct pedestrian access. The Panel would like to see more landscaping in this location.

The Panel felt generally, more landscaping is required on the site and a revised landscape plan should be provided. Consideration should be given to providing more street trees, with at least two on the Gas Lane frontage, two on the Miller Street frontage and two on Blue Street.

The proposed low level awning over the eastern pedestrian laneway should be reconsidered or modified to a fine glass awning to ensure that it would retain the important vista from the northern end of the plaza towards the open space adjoining the Zurich building.

Conclusion

The Panel considers further refinement necessary before support could be given to proposal.

Amended plans were submitted to Council on 22 December 2018. These were referred back to the Design Excellence Panel to their meeting held on 12 February 2019 and the following comments were provided:-

Amended Façade Design January 2019



The Panel's comments relate to the key issues or concerns with the proposal.

The public domain and proposed green walls are acceptable and do not require any further work. The matter of additional street trees can be determined by Council. The Panel strongly recommends that council consider the addition of a new street tree on Miller Street to improve pedestrian amenity as well as increasing tree canopy in the CBD consistent with Greener Places.

It was suggested that the terraces or part thereof on levels 11, 12 and 13 could be green, for reasons of both environmental sustainability, and increased amenity to the adjoining commercial tenancies.

The timber element of the entrance awning needs to be integrated with the material pallet of the adjacent awnings to achieve a unified presentation to the public domain. As clarified by the architects, the timber soffit is an extension of the interior lobby ceiling. Hence perhaps only the awning soffit is detailed in timber with a metal fascia made consistent with the rest of the awning.

The separate awnings need to overlap or be vertically connected to ensure weather protection particularly with regard to wind and driving rain.

The main concern remains with the treatment of the façade and massing which should be resolved to provide a building in the round, contributing to the public domain and addressing environmental performance. These items require more consideration.

The Panel acknowledges the challenge of developing a relatively squat large footprint mass. While it is not the Panel's role to provide design advice, the following observations are set out below.

- The design strategy needs to be more clearly articulated.*
- The current scheme appears to attempt to articulate the principal elevations with longer facades as screens that sail past the shorter walls. The screens lack conviction, with the horizontal spandrels stopping short to maximise views and further the junction at the podium unresolved.*
- The commercial brief however seeks to create the most transparent façade which conflicts with the desire to articulate screen walls.*

- *There needs to be more vertical emphasis. The horizontal banding appears to make the building visually squat.*
- *Vertical expression of panels and mullions on the splayed corner facades contrasting with horizontal spandrels on the four main street facades is an option that might be explored.*
- *Consideration should be given to introducing articulation that responds to context, specifically solar control to articulate the massing.*
- *The curtain wall needs to be crafted – it was noted that exemplary facades including Lumiere and the John Andrews Octagonal building in Parramatta, while very different are carefully articulated skins.*

The Vertex Diagonal building -Barcelona by OAD architects (Carlos Ferrater) is an example of using splayed depth.

The architect is encouraged to explore alternative concepts which address:

- *Mitigation of the bulk and squat proportions of the building massing by way of architectural strategies, such as façade articulation and use of depth to achieve an improved presentation to the public domain.*
- *Application of a façade system which provides a cohesive design framework to manage the differing environmental conditions of each elevation.*

The Panel can provide comment on alternative concepts without the need to attend further meetings of the Panel.

Conclusion

The other issues raised at previous Panel meetings are considered to now be acceptable in principle, whilst the facades still require resolution to ensure a high quality design.

Final amended plans were submitted electronically to the Design Excellence Panel for comment and the Panel indicated general support for the final design. The façade and materials are considered to have been satisfactorily resolved. Seating has been integrated into the site links. The awning over the eastern pedestrian thoroughfare has been removed. Council has recently undertaken public domain works to upgrade the paving adjacent to the site and has appropriately provided for the desired street trees adjacent to the site. The timber element of the awning has been limited to the of the awning soffit. The final design can be seen below:

Final Façade Design – February 2019



NOTIFICATION / SUBMISSIONS

Adjoining properties and the CBD Precinct were notified of the proposed development between 22 June 2018 – 6 July 2018. A notice was placed in the Mosman Daily on 21 June 2018. No submissions were received in relation to the Development Application.

Amended plans were received on 22 December 2018. These plans proposed additional floor space and were required to be notified to surrounding properties. Adjoining properties and the CBD Precinct were notified of the proposed development between 25 January 2019 – 8 February 2019. A notice was placed in Mosman Daily on 24 January 2019. No submissions were received.

Further modifications responding the Design Excellence Panel were not considered to result in any material or different impacts to surrounding development and therefore were not required to be renotified.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

SEPP 55 AND CONTAMINATED LAND MANAGEMENT ISSUES

The subject site has been considered in light of the Contamination Lands Management Act and it is considered that given the site's history of use, potential for contamination is unlikely.

SREP (SYDNEY HARBOUR CATCHMENT) 2005

The site is located within the Sydney Harbour catchment and is subject to the provisions of the SREP. The site will not be readily visible from the Harbour other than limited distant views to the North Sydney skyline and there are considered to be no other impacts thereupon Sydney Harbour. The application is considered acceptable with regards to the aims and objectives of the SREP.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

Permissibility within the zone:

The site is zoned B3 Commercial Core under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of alterations and additions to an existing commercial building is permissible with the consent of Council. Demolition is permissible with consent pursuant to clause 2.7 of the LEP 2013.

Zone Objectives

Clauses 2.3 and the Land Use Table contained in NSLEP 2013 provide for the particular objectives of the Commercial Core zone being to:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling
- To prohibit further residential development in the core of the North Sydney Centre
- To minimise the adverse effects of development on residents and occupiers of existing and new development.

It is considered that the proposed development satisfies the provisions as it will increase commercial floor space in the commercial core and encourage a range of future retail uses.

Suspensions of Covenants, agreements and similar instruments (Clause 1.9A)

Clause 1.9A of NSLEP 2013 provides that any covenant, agreement or similar instrument that restricts the carrying out of the proposed development does not apply, to the extent necessary to serve that purpose.

Council is not aware of any existing covenants, agreements or similar instruments that would fetter or preclude the proposed development which is proposed wholly within the subject site.

Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 2,352m ²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size	No change	Minimum 1,000sqm	YES
Clause 4.3 – Heights of Building	RL 113.25 (lift shaft) RL 111.8 (roof)	RL115 (southern portion of site) RL128 (Northern portion of site)	YES

Height of buildings (Clause 4.3)

The proposed development complies with the maximum building height of RL 115 (southern portion) and RL128 (northern portion) pursuant to Clause 4.3 NSLEP 2013.

LEP Building Height Map



Council's Minimum subdivision Lot Size (Clause 4.1)

There is no change proposed to the lot size. The subject site in any case complies with the minimum lot size applicable under the NSLEP 2013.

Heritage Conservation (Clause 5.10)

The proposal has been assessed against the requirements of Clause 5.10 of NSLEP 2013 and is considered to be satisfactory with regard to any impact to the adjoining heritage item.

Objectives of Division (Clause 6.1)

The objectives of this Division are as follows:

Objective	Consideration
<i>(a) to maintain the status of the North Sydney Centre as a major commercial centre,</i>	The proposal will increase gross floor area on the site by 5,597sqm.
<i>(b) to maximise commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre,</i>	The proposal maximises commercial floor space capacity within the existing building.
<i>(e) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,</i>	The proposal will improve the quality of commercial floor plates within the building.
<i>(g) to prevent any net increase in overshadowing during winter months of any land in Zone RE1 Public Recreation (other than Brett Whiteley Plaza) or any land identified as "Special Area" on the North Sydney Centre Map,</i>	There is no net increase in overshadowing to Greenwood Plaza special area or any land zoned RE1 Public Recreation.
<i>(h) to ensure that any land within a residential zone is afforded a reasonable amount of solar access,</i>	There are no material solar access impacts to surrounding residential zones.
<i>(i) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.</i>	The existing northern and eastern building setbacks are maintained which provide for pedestrian access.

Building heights and massing (Clause 6.3)

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

(a) (Repealed)

(b) to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation in the North Sydney Centre or land identified as "Special Area" on the [North Sydney Centre Map](#) or on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,

Comment – The proposal will comply with the maximum building height control and will not result in any net increase in overshadowing to any RE1 zoned land, any of the Special Areas or Don Bank Museum.

(c) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land that is located outside the North Sydney Centre,

Comment – The proposal is considered to minimise overshadowing to surrounding areas, resulting in no material overshadowing to surrounding residential areas or land outside the North Sydney Centre.

(d) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,

Comment – The scale of building will be generally maintained. The form and massing of the proposed development is considered to result in reasonable impacts.

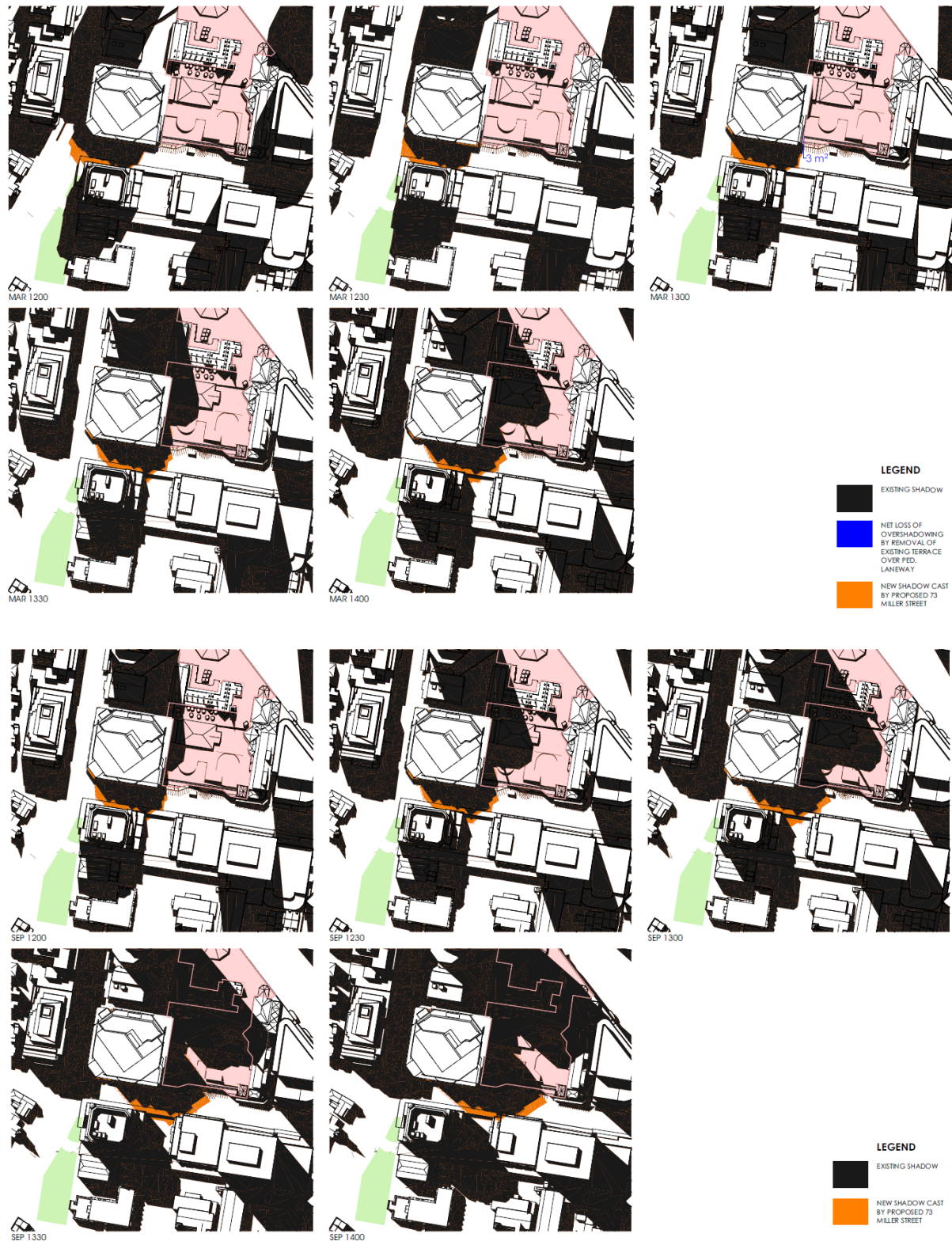
(e) to encourage the consolidation of sites for the provision of high grade commercial space.

Comment – The site is over 1,000sqm and the proposed works will upgrade the commercial floor plates.

(2) Development consent must not be granted for the erection of a building on land to which this Division applies if:

(a) the development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as "Special Area" on the [North Sydney Centre Map](#), or

Comment – Submitted plans detail that the new building elements will overshadowing some elements of the Greenwood Plaza, being a special area identified within NSLEP 2013.



The applicant provided the following response to overshadowing:

'With respect to overshadowing, the modification of the building mass from a stepped form to a fuller building outline will result in:

- *No net increase in overshadowing impacts on Greenwood Plaza Special Area between 12pm and 2pm from the March equinox to the September equinox (inclusive)*
- *Very minor additional overshadowing to the rear of the North Sydney Station building and rear of St Francis Xavier Church during mid-winter.*

Greenwood Plaza Special Area

The shadow diagrams indicate that on 21 March at 1pm, there is a reduction in overshadowing on Greenwood Plaza Special Area land of approximately 3sqm. From 1.30pm and 2pm, there will be very minor overshadowing. However, as demonstrated in the composite image in Figure 6, the shadows are cast over an existing Moreton Bay Fig tree which itself casts shade into the Greenwood Plaza Special Area land.

On 21 September between 12pm and 1.30pm on 21 September, very minor shadows are cast over the existing Moreton Bay Fig tree which itself casts shade onto the Greenwood Plaza Special Area land.

On 21 September between 12pm and 1.30pm, very minor shadows are cast over the existing Moreton Bay fig (refer to Figure 6). At 2pm, very minor shadowing beyond the Fig Tree canopy is apparent, and is less than 3sqm.

NSLEP2013 Clause 6.3(2) states:

Development consent must not be granted for the erection of a building on land to which this Division applies if:

(a) the development would result in a net increase in overshadowing between 12pm and 2pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as 'Special Area' on the North Sydney Centre Map.

Accordingly, it is considered that the development proposal will result in no net increase in overshadowing impact on Greenwood Plaza Special Area land between March and September equinox.

North Sydney Station / St Xavier Francis Church

Minor overshadowing to the North Sydney Station building and the rear of Xavier Francis church is considered negligible, given that they are non-residential buildings and are currently impacted by overshadowing stemming from other properties.

The applicant's justification for overshadowing is supported in this instance. The submitted shadow diagrams detail that there is no net increase in overshadowing to the Greenwood Plaza special area. The shadow impacts caused by the existing Morgan Bay Fig are not likely to change in the foreseeable future. The additional overshadowing to St Xavier Francis Church is considered to be minimal and given it is zoned Special Use SP2 and is not a residential building, overshadowing in any case is not prohibited. On merit, the proposal will ensure a reasonable level of overshadowing to adjoining properties, in accordance with Section 6.3(2) NSLEP2013 and can be supported.

(b) the development would result in a net increase in overshadowing between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Donk Bank Museum, or

Comment – There is no overshadowing to the Donk Bank Museum.

(c) the site area of the development is less than 1,000 square metres and any building resulting from the development would have a building height greater than 45 metres.

Comment – The existing site has an area greater than 1,000sqm and is not greater than 45m in height.

(3) The consent authority may grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the [Height of Buildings Map](#) if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving:

(a) if it received 2 hours or more of direct sunlight immediately before the commencement of [North Sydney Local Environmental Plan 2013 \(Amendment No 23\)](#)—less than 2 hours of direct sunlight, or

(b) if it received less than 2 hours of direct sunlight immediately before the commencement of [North Sydney Local Environmental Plan 2013 \(Amendment No 23\)](#)—less direct sunlight than it did immediately before that commencement.

Comment – The proposed development does not exceed the height of buildings (Clause 4.3).

(4) Brett Whiteley Plaza Development consent may be granted to development on land at 105–153 Miller Street, North Sydney, known as the MLC Building, that would result in a net increase in overshadowing of the land known as Brett Whiteley Plaza that is within Zone RE1 Public Recreation from the March equinox to the September equinox (inclusive).

Comment – N/A

(5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following:

(a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre

Comment – The proposed development is acceptable with regard to its scale within the context of the locality.

(b) whether the proposed development preserves significant view lines and vistas

Comment - There are no significant views that will be lost due to the proposed development.

(c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments

Comment – The proposed development will enhance the streetscape with the materials and external treatments are supported by the Design Excellence Panel.

Consideration of time of lodgment of Development Application and LEP Amendment

Council initially provided Pre-lodgment advice to the applicant requesting that the lodgment of a development application relying upon the amendment of Clauses 6.3 and 6.5 NLSEP 2013, should be withheld until after the proposed amendments has been gazetted. However, the applicant lodged to the Development Application prior to its finalisation, resulting in the proposal as lodged only becoming permissible following the gazettal of the amendment. Legal advice was sought by the applicant and Council subsequently supported this approach. The prohibition was caused by an amendment external to the site, and involved no change in zoning to the subject site. No savings provision exists which requires the application to be determined using the controls applicable at the time of lodgment.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial and Mixed Use Development		
	<i>complies</i>	<i>Comments</i>
2.2 Function		
Diversity of Activities	Yes	The proposal provides a mix of ground level retail uses (subject to future Development Applications) and office buildings on the upper levels. The proposal contributes to the diversity of activities within North Sydney.
Maximise Use of Public Transport	Yes	The development is located within 100m of North Sydney Railway Station and bus interchange. The proposal includes End of Trip basement facilities.
2.3 Environmental Criteria		
Clean Air	Yes	Conditions will be imposed to require mechanical plant to comply with relevant standards.
Noise	Yes	Conditions will be imposed to require mechanical plant to comply with relevant standards.
Wind Speed	Yes	A Wind Impact Report (Pedestrian Wind Study) has been prepared by rwdi to assess the impacts on pedestrian wind environments. The report's executive summary provides the following consideration on the pedestrian environment: <i>The wind conditions in and around the existing and proposed development are generally found to meet the wind criterion used to assess the pedestrian wind safety throughout the year as it ranges from sitting to walking. Relatively windier conditions are predicted around the site during winter due to the west southwesterly and northwesterly winds.</i> <i>The entrances to the proposed development are predicted to have sitting or standing conditions which are appropriate for the intended pedestrian use.</i> <i>The thoroughfares around the proposed development are found to have acceptable conditions for pedestrian use during summer and winter.</i>
Reflectivity	Yes (condition)	The Solar Reflectivity Assessment Report was prepared by Cermak Peterka Petersen, dated May 2018 to assess and ascertain any potential of the building's facades to produce traffic disability solar reflectivity glare events onto surrounding roadway locations. The report provides a number of recommendations including: - Ensure that exterior elements on the facades will have specular reflectivity coefficient of 20% or less - All non-glazed surfaces should adopt low lustre, non-glossy, textured or matte finishes and have an external specular reflectivity coefficient of less than 20%. - Limit external reflectivity coefficient to 10% for glazing on the south-west façade The report outlines that subject to these recommendations, it is expected that the proposed development will not produce significant disability glare onto motor vehicles travelling toward

		the development along the adjacent public roadways. A condition is recommended to ensure these requirements are complied with as part of the detailed design.
Artificial Illumination	Yes	Light spill from the office levels are not considered likely to adversely impact on surrounding residential uses.
Awnings	Yes	An awning is proposed to the Miller and Blue Street elevations. The amended plans detail these awnings overlapping and are considered to provide adequate weather protection and an acceptable height above ground level.
Solar Access	Yes	As set out in the LEP discussion, the proposed development complies with the height and overshadowing requirements contained with Clause 4.3 and Clause 6.4 NSLEP2013.
Views	Yes	The Character Statement for the North Sydney sets out important views and vistas to be maintained as:- (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge. (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district. (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east. (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street. The proposed development will not impact on these view corridors and will not remove important views from these public spaces. With regards to views from private properties, the proposed development will comply with the relevant Building Height control and is not proposed to be higher than the existing building. Any loss of views resulting from surrounding commercial or distant views from residential development is considered to be a reasonable impact of a generally compliant development.
Vibration	Yes	The building is an existing building. The surrounding railway is below ground and the site is not located adjacent to a freeway.
Visual Privacy	N/a	There is no existing or proposed residential development within the building.
2.4 Quality built form		
Context	Yes	The proposed development is contextually appropriate.
Site consolidation	Yes	The DCP Character Statement does not outline a minimum lot frontage. Clause 6.3 2c LEP 2013 requires a minimum site area of 1,000sqm for any building over 45m in building height. The subject site is greater than 1,000sqm.
Setbacks	Yes	The DCP Character Statement requires ‘ <i>P7 - Buildings must be setback to conserve views to, and the setbacks and setting of, heritage items at 86 and 146-50 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168-172 Pacific Highway and 1-7 Napier Street’.</i> The subject site is located adjacent to 36 Blue Street

		(Greenwood). The proposed development will remove existing terrace structures at levels 1 and 2 within the eastern setback, creating a greater setback to the Greenwood site than presently exists. Council's Conservation Planner was consulted and raised no concerns with infilling of the balconies on the upper levels on this basis. The existing ground level northern building setback to Gas Lane will be generally retained.
Podiums	No (merit)	The DCP Character Statement requires a maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium. However, Provision P12 states '<i>podium height may be reduced to that part of the building devoted to commercial use in mixed use buildings</i>'. The existing building does not provide a 5 level podium. However, the proposed development will infill existing balconies and will reduce the building's articulation. The applicant provided the following response with regards to the podium non-compliance: <i>'The existing building does not comply with the DCP requirement for a 5 storey podium with weighted 5m setback above the podium. The existing building is vertically articulated in zig-zag pattern (as seen in plan view) and steps back from Miller Street at Level 2, then progressively steps back from Level 7 to roof level. Given that the existing building form will be retained with the balconies infilled, the proposed development does not comply with the podium requirement. Notwithstanding, the proposed new façade has been designed to better articulate the base, middle and top of the building.'</i> Section 2.4.4 NSDCP 2013 outlines '<i>Podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential</i>'. It can be seen surrounding buildings in Blue Street do not provide a complying 5 storey podium. The Design Excellence Panel supported the proposed design, including setbacks and podiums. For reasons set out above, the provision of no podium and setback above, is supported in this instance.
Building Design	Yes	The proposed floor levels are existing throughout the building. Other than a reconfiguration at ground and upper levels, floor levels are not proposed to change. Floor to floor heights range between 3.2m and 3.8m, and therefore would fail to meet the minimum floor to ceiling heights. However, given these are existing, and that the proposed additions will increase the size and improve the quality of the floorplates on each level, the proposed non-compliance is supported. A reasonable level of amenity will

		continue to be provided to all levels of the building. The proposed design will provide adequate articulation and utilise high quality materials, supported by the Design Excellence Panel. Existing ground level setbacks to the north and east are retained. The ground level design and public domain interface are supported. Council's Conservation Planner has not raised objections with regards to the impacts upon the setting of the adjacent heritage listed Greenwood Plaza. The building is considered to respond to the public domain, providing activation where possible having regard to the constraints of the existing building design.
Skyline	Yes	The proposal will comply with the maximum building height on the site. The roof plant will be concealed behind screening. The building will positively contribute to the skyline of the North Sydney CBD.
Junction and Termination of Streets	Yes	The building has been designed to emphasize the street corner on Miller Street and Blue Street, with the design being supported by the Design Excellence Panel.
Through Site Pedestrian Links	Yes	There is no DCP requirement for a through site pedestrian link on the property. The existing northern and eastern setbacks are proposed to be maintained and a condition is recommended to ensure pedestrian access is maintained within these setbacks at all times.
Streetscape	Yes	The site proposes to activate the frontages where possible having regard to the constraints of the existing basement levels. Amended plans have replanned the primary entry on the corner of Miller Street and Blue Street to rationalise the extent of stairs and ramps that were originally proposed. The design of the ground level facades on all levels including the introduction of landscaping is considered to result in visually interesting facades.
Entrances and Exits	Yes	The proposed development will maintain the existing continuous accessible path of travel to the front entry on the corner of Miller Street and Blue Street. An Access Review has been undertaken prepared by Morris-Golding Accessibility Consulting which provides advice and strategies to maximise reasonable provisions of access for people with disabilities. Conditions will be imposed to require the proposal to meet all relevant requirements at the detailed design stage.
Nighttime appearance	Yes	The proposed development is considered likely to result in a reasonable night time appearance.

Public Spaces and facilities	Yes	The building will have a positive impact on the streetscape and public realm. The proposed rear courtyard has been designed to interact with the public realm. The re-planning of the primary entry has rationalised the stairs and ramping, to improve its function and appearance.
2.5 Quality Urban Environment		
Accessibility	Yes	Equitable access will be provided, including entry foyer, lifts, WC's and car parking. Conditions of consent will be imposed to ensure the detailed design incorporates relevant requirements.
Safety and Security	Yes	The proposed development raises no known issues of safety and security. The design seeks to maximise passive surveillance by increasing activation to the eastern pedestrian thoroughfare. Safety and security will be a matter for building management.
Illumination	Na	No building illumination or signage is proposed under this development application.
Vehicular Access	Yes	The existing vehicular access location from Blue Street remains unchanged.
Car Parking	Yes	The existing building has 153 car parking spaces which exceeds the maximum identified in NSDCP 2013. A maximum of 52 car parking spaces are required under current controls. The proposal seeks to reduce the number of car parking spaces by 24 parking spaces, resulting in 129 spaces. This is to provide End of Trip facilities. There is no increase in car parking on the site and on the basis of the positive impacts of providing End of Trip facilities, the proposal can be supported.
Garbage Storage	Yes	A waste room is proposed within Basement Level P1.
2.6 Efficient Use of Resources		
Energy Efficiency	Yes	The existing building is categorised as a Grade B building (as defined by the Property Council of Australia) with a NABERS Energy rating of 4.5 stars and NABERS water rating of 3 Stars. The proposed upgrade of the building will result in improved building ratings, with the applicant targeting PCA Grade A, 5 Star NABERS Energy rating and 5 Star Greenstar rating.
Water Conservation and Stormwater Management	Yes	CJ Arms & Associates have prepared a Stormwater Management Plan which outlines: <i>Ecologically Sustainable Development (ESD) is key to the redevelopment and as such it is being benchmarked against the Green Star rating tool. Site stormwater systems will capture roof runoff, sustainably manage the frequent smaller rainfall events, and effectively manage flows generated during the critical 100 y ARI storm event. Water Sensitive Urban Design (WSUD), including rainwater reuse, has been incorporated into the Development's site stormwater management systems. A high level of water efficiency, conservation and reuse is included in the redevelopment.</i>
Waste Management and Minimisation	Yes	An Operational Waste Management Plan has been prepared by Great Forest Australia Pty Ltd providing guidance on effectively managing waste and recyclable materials in compliance with current legislation and best practices, Green Star Waste from Operations criteria, and the relevant requirements of North Sydney Council. The applicant is targeting a 50% diversion of

		waste from landfill and 10% reduction in total materials generated, within the first 12 months of operation.
Adaptive Reuse of Buildings	Yes	The existing building is being reused and expanded.
2.7 Public Domain		
Street Furniture, Landscaping Works, utilities and equipment	Yes	The proposed development provides a range of measures to respond to Council's plans and enhance the public domain around the site, including: • Provision of seating on the edge of the footpath on Miller Street and within the eastern setback. • Retention of ground level setbacks that allow for pedestrian circulation along the northern and eastern setbacks. • Landscape improvements around the site's perimeter. • Plaza area in the north-east corner will continue to interact with the public domain • Bike storage is proposed within the northern setback.
Paving	Yes	Paving surrounding the site has been recently upgraded by Council in accordance with the North Sydney Centre Public Domain Strategy. The northern and eastern setbacks on the site presently allow for important pedestrian circulation. The applicant proposes to utilise Council's paving within these pedestrian circulation areas, which is supported.

Public access to periphery

The existing building has a ground level set back to its northern and eastern boundaries. The setback to the northern boundary extends to the existing kerb and gutter, with this setback providing the primary pedestrian access. These setbacks are to be maintained.

Setback along eastern elevation, between Blue Street and Gas Line which provides a high level of public access



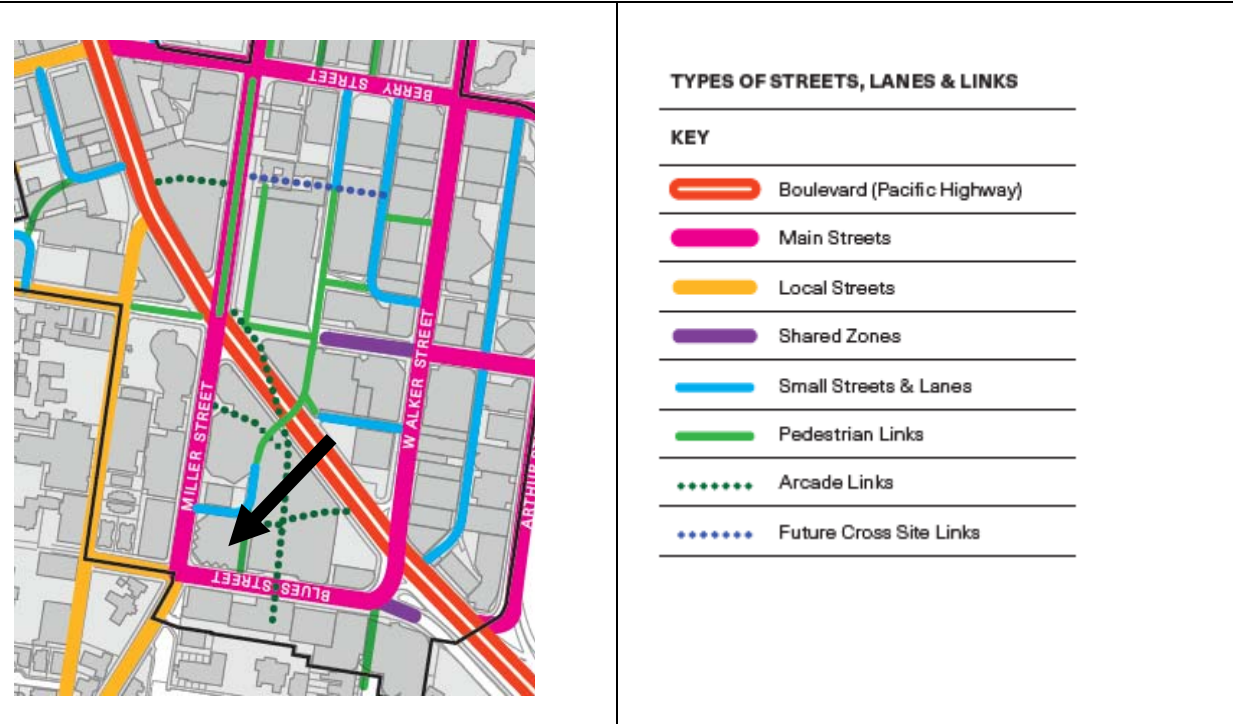
The setback to the eastern boundary provides an important pedestrian connection between Gas Lane / Greenwood Hotel and Miller Street, and further to North Sydney Station. This setback is currently subject to a 1.5m drainage easement in favour of Council and is required as an overland flow path.

Setback along northern elevation adjacent to Gas Lane



Both of these important pedestrian thoroughfares are identified within North Sydney Council's Public Domain Strategy – Stage 1, and detailed to be retained and provided with landscaping.

Extract – North Sydney Public Domain Strategy – Place Book, Stage 1



Ideally, an easement formalizing public access should be provided however there is no appropriate mechanism to require this. Such an easement would need to be volunteered by the owner. A condition is recommended to ensure pedestrian access is maintained for a width of 1.5m along the length of each frontage, in these setback areas at all times. Such a condition merely reinforces what is proposed.

DEVELOPMENT CONTROL PLAN 2013

NORTH SYDNEY CENTRE PLANNING AREA / CENTRAL BUSINESS DISTRICT

The subject site is within the Central Business District which falls within the North Sydney Centre Planning Area.

The proposed development is considered to be generally consistent with the desired character of the locality, consistent with DCP controls. The proposal maintains the commercial use of the building and increases the provision of commercial floor space. An activated frontage is provided which will improve the pedestrian environment.

Issues of views, subdivision, built form, building design, awnings, podiums, setbacks and heritage have been addressed with this report and are considered to be consistent with the desired character of the locality.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions are warranted on the basis of the increase in commercial floor area. The proposal provides for an additional 5,597sqm commercial floorspace and contributions have been charged accordingly.

A	B (\$)
Administration	12,822.73
Child Care Facilities	54,290.90
Community Centres	31,262.04
Library Acquisition	6,374.98
Library Premises & Equipment	19,379.61
Multi Purpose Indoor Sports Facility	7,337.67
Open Space Acquisition	23,367.48
Open Space Increased Capacity	46,320.77
Olympic Pool	23,896.39
North Sydney Public Domain Improvements	524,248.60
Traffic Improvements	31,656.63
The total contribution is	<u>\$ 780,957.80</u>

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 Carparking 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

The development application has been assessed against all applicable environmental planning instruments and Council policies and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013, subject to conditions of consent. The development application would promote the orderly and economic use and development of land and would also promote good design and amenity of the built environment.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979, the application is considered to be satisfactory, subject to conditions of consent, as detailed in the assessment report. The application is recommended for approval.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the Sydney North Planning Panel, as the consent authority, grant consent to Development Application DA173/2018 (**2018SNH044 – North Sydney**) for alterations and additions to a commercial building at No.73 Miller Street, North Sydney, subject to the attached conditions.