

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH - 250
DA Number	DA-2013/147/F
LGA	Willoughby Council
Proposed Development	Modification of existing consent for staged concept approval regarding change to approved nominated land use replacing child care centre with commercial premises and shop top housing and alterations to building envelope regarding setbacks and height and related alterations at 2-14 Northcote Street, Naremburn NSW 2065
Street Address	2-14 Northcote Street, Naremburn NSW 2065
Applicant/Owner	Platform Project Services
Date of DA lodgement	29-JUL-2021
Number of Submissions	5
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) application which proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the Panel.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • Willoughby LEP 2012 • Willoughby DCP
List all documents submitted with this report for the Panel's consideration	Original DA plans and conditions
Report prepared by	Mark Bolduan - Senior Development Assessment Officer
Report date	07/10/2021

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 / No
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

SNPP NO: PPSSNH-250
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 2-14 Northcote Street, Naremburn NSW 2065
DA NO: DA-2013/147/F
PROPOSAL: SNPP - MODIFY EXISTING CONSENT FOR STAGES CONCEPT APPROVAL REGARDING CHANGE TO APPROVED NOMINATED LAND USE REPLACING CHILD CARE CENTRE WITH COMMERCIAL PREMISES AND SHOP TOP HOUSING AND ALTERATIONS TO BUILDING ENVELOPE REGARDING SETBACKS AND HEIGHT AND RELATED ALTERATIONS.

RECOMMENDATION: APPROVAL

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP
7. ARCHITECTURAL PLANS

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AUTHOR: MARK BOLDUAN - SENIOR DEVELOPMENT ASSESSMENT OFFICER
DATE: 07-OCT-2021

1. PURPOSE OF REPORT

A staged DA (now referred to as a concept DA under Division 4.4 of the Environmental planning and Assessment Act 1979 (EP and A Act)) for redevelopment of the site at 2-14 Northcote Street was approved by the Joint Regional Planning Panel (JRPP) on 09 October 2013.

Two stages were approved: Stage 1 on 8-14 Northcote Street and Stage 2 on 2-6 Northcote Street. The approval for DA 2013/147 included detailed design approval for the Stage 1 development. Stage 1 has subsequently been constructed.

The current application is for a Section 4.55(2) modification to the approved concept approval insofar as it relates to Stage 2 of the development. The current modification application corresponds to a separate DA 2021/230 which has been lodged with Council for detailed design for Stage 2. That Development Application will be assessed by the Willoughby Local Planning Panel.

Pursuant to the Ministerial direction dated 30 June 2020 under Section 9.1 of the EP and A Act, a Section 4.55(2) application to modify a development consent granted by a regional panel must be determined by the regional panel if the application:

...proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel.

In the original concept DA, Council's assessment report recommended the following conditions:

3. Matters not approved within the Stage 2 Development

The following items within Stage 2 are not approved and do not form part of this consent:

- (a) The layout and number of residential units, car parking spaces, the arrangement of the basement levels.*
- (b) The commercial and child care uses.*
- (c) The detailed design including services.*

(Reason: Ensure compliance)

4. Stage 2 to be contained within approved envelope

The detailed design including the location of services developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. The stage 2 design must meet the following requirements in any development application lodged:

- (a) The GFA of Stage 2 is not to exceed 5296m².*
- (b) The design of Stage 2 must be integrated and harmonious with the Stage 1 design.*
- (c) The building footprint is to be modified so that the north-western edge of the balconies which directly adjoin Stage 1 as shown in the masterplan design of Stage 2 are to be setback an additional 2.5 metres to provide a more emphasised break in the built form.*
- (d) The corner of Northcote Street and Evans Lane is to act as a gateway identifier.*
- (e) The treatment of the Evans Lane frontage is to promote passive surveillance.*
- (f) Separate lift access is to be provided for any child care use which may be approved within Stage 2.*
- (g) Separate residential and commercial (including child care, in the event of its approval) secure entrances are to be provided and clearly identified.*
- (h) Vehicular ingress/egress shall be provided from Evans Lane.*
- (i) A shared Stage 1 and Stage 2 loading bay is to be provided in the location shown on Plan DA103 dated 31.07.2013, date stamped by Council 05.08.2013, prepared by PopovBass Architects.*
- (j) Provision is to be made to rationalise garbage and loading/unloading areas with Stage 1 to minimise potential pedestrian and vehicle conflict.*
- (k) The landscaping of Level 02 shall be in accordance with Plan LPDA13-286/4 dated 29.07.2013, date stamped by Council 05.08.2013, prepared by Conzept as amended by conditions above.*

In its determination JRPP deleted the proposed Condition 3, thereby giving approval (inter alia) to the child care use.

The current application seeks to delete the child care use and replace the relevant floor space with commercial and residential floor space. This application therefore comes within the scope of the abovementioned Ministerial direction as a matter which must be assessed by the regional panel (SNPP).

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approve the development subject to the attached conditions and issue consent for the application DA-2013/147/F for modification of existing consent for staged concept approval regarding change to approved nominated land use replacing child care centre with commercial premises and shop top housing and alterations to building envelope regarding setbacks and height and related alterations at 2-14 Northcote Street, Naremburn NSW 2065 subject to conditions.

3. PROPOSED MODIFICATION

The proposed modification involves changes to the approved uses and some adjustments to the building envelope and internal layout within Stage 2 only (2-6 Northcote Street).

Changes to approved building envelope

- Addition of a roof top terrace to the rear building (Block B). This will involve increasing the height of the lift overrun by 3.95m, increasing the height of the fire stairs by 3.95m and adding a roof-top pergola, common space planters and balustrade.
- Provision of single lift core (double lift shaft) for both front and rear buildings. The lift core is to be located in the rear building (Block B).
- Minor changes to the separation between Blocks A and B.

Changes to approved uses

- The child care use is to be replaced with business/retail premises and additional shop – top housing.

Changes to configuration

- Providing business/retail premises and associated plaza to both Evans Lane frontage and Northcote Street.
- Shop top housing has increased from 4,121m² to 4,734.9m²; business/retail has increased from 497m² to 561.4m².
- The number of apartments has increased from 56 to 58.
- Reconfiguration of vehicle parking at the lower three levels. This includes the separation of vehicle circulation of Stage 2 from that in Stage 1 (in the approved Concept DA, vehicles had access between Stages 1 and 2 car parks).
- Notwithstanding the above, Stages 1 and 2 will have shared servicing and waste collection in accordance with the Concept Approval. Stage 2 will utilise the existing dock within Stage 1, which is accessed via Northcote Street.
- Vehicle access from Evans Lane has been moved toward the rear of the property.
- Relocation of fire stairs, skylights, plant, services and other minor structures.
- Communal open space is maintained on the ground level adjoining the rear boundary and on the Level 2 podium. As stated above, additional roof-top communal open space has been included on the roof-top of the rear Block B and on the Level 2 podium.

The Level drawing numbers have changed in the current plans. For ease of reference in comparing the approved plans with the proposed modifications, the following table sets out the respective plan numbers.

Level Drawing Numbers in Approved DA 2013/147 plans	Level Drawing Numbers in DA 2013/147/F modification plans (subject application)
00	-
01	B1
02	Talus Reserve Level
03	Evans Lane Level
04	Northcote Street Level
05	01
06	02
07	03
08	04
09	05
10	06
Roof	Roof

Table 1: Comparison of Levels in approved plans and proposed plans

4. BACKGROUND

Subsequent to the approval of DA 2013/146 by the Joint Regional Planning Panel (JRPP) on 09 October 2013, there have been a number of modifications approved. These have all concerned detailed design features of Stage 1 as follows.

Modification	Approval Date	Approved Amendments
DA2013/146/A	20 May 2014	Modify Stage 1 basement layout
DA2013/146/B	07 July 2014	Changes to Stage 1 apartments, car park ramps, communal lobbies
DA2013/146/C	22 August 2014	Modify Condition 85 re Stage 1
DA2013/146/D	02 July 2015	Amend Condition 41 (hours of work for Stage 1)
DA2013/146/E	N/A - Withdrawn	N/A

Table 2: Historical modifications to DA 2013/147

The approved Concept DA for Stage 2 has not been modified to date.

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

5. CONCLUSION

The Development Application DA-2013/147/F has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDGP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 5.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The subject site is located at 2-14 Northcote Street, Naremburn. The site has divided into two stages which have a legal description as follows:

- Stage 1 – 8-14 Northcote Street, Naremburn – SP 93253 (formerly Lot 4, Section 29 DP 4241 and Lot 2 DP 110095);
- Stage 2 – 2-6 Northcote Street, Naremburn (Lot 1 DP 746018, Lots 1 and 2 DP 801523, Lots 2 and 3, Section 29 DP 4241).

The site is located at the edge of the St Leonards commercial district, with boundaries to Northcote Street to the south-east (75m), Evans Lane to the south-west (43m), Talus Street Reserve to the north-west (120m) and residential flat building at 18 Northcote Street to the north-east (55m).

The total area of the subject site is 3,959.9m², consisting of the Stage 1 area (1,830.9m²) and the Stage 2 area (2,129m²).

The location of the site is indicated in Figure 1 below.

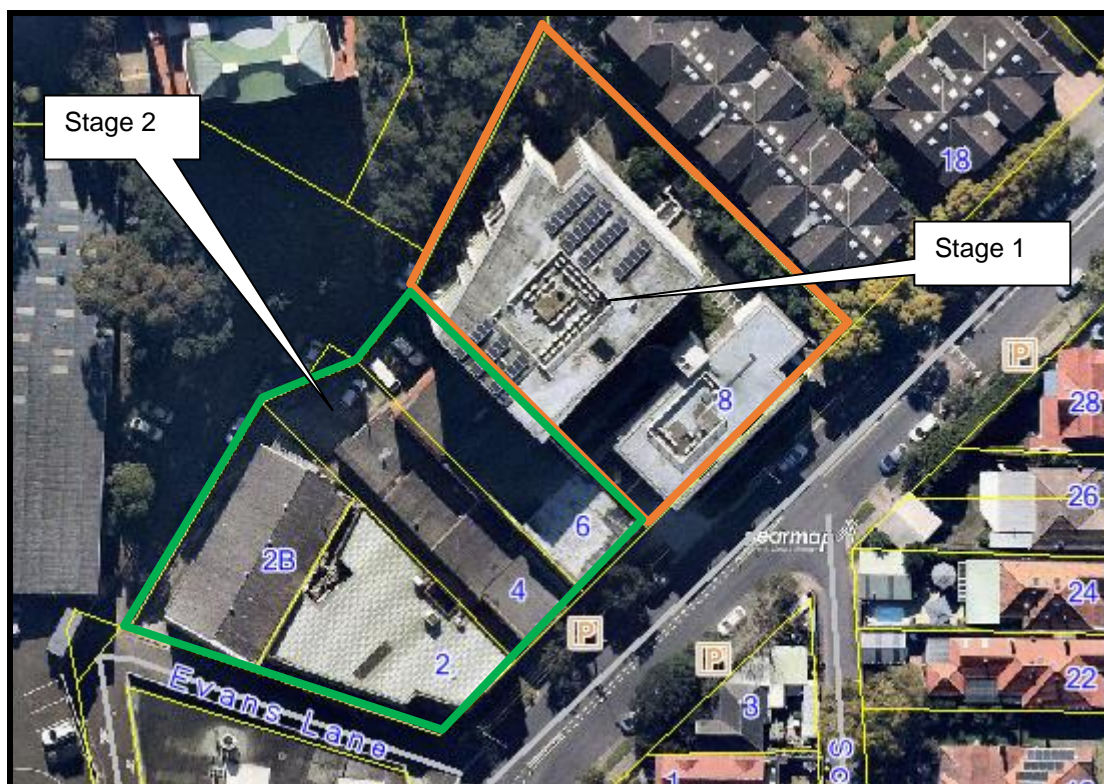


Figure 1 – Aerial view subject site

The site slopes down from Northcote Street toward the rear of the site.

The site is located at the northern edge of the B3 Commercial Core zone at St Leonards, as indicated in Figure 2 below.

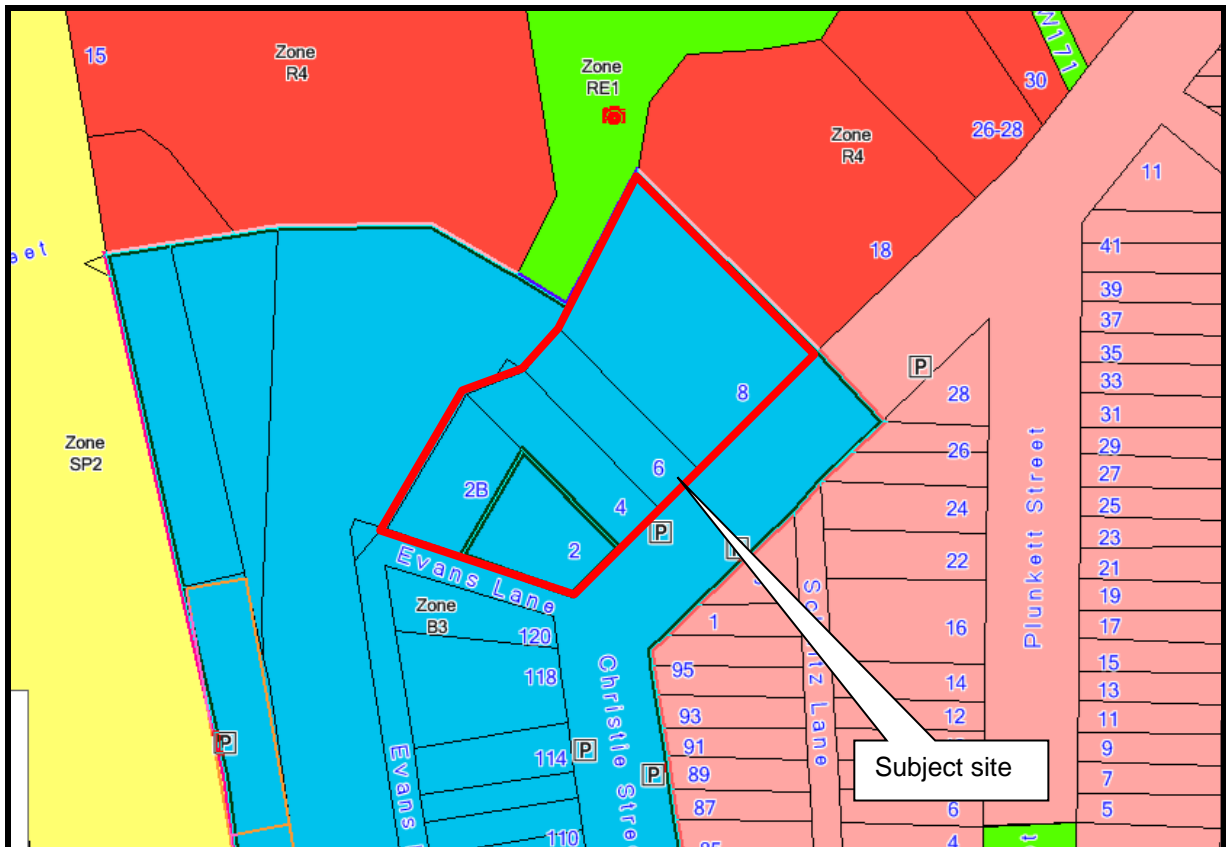


Figure 2 – Extract from WLEP 2012 zoning map

The locality context of the subject site is indicated in Figure 3 below.

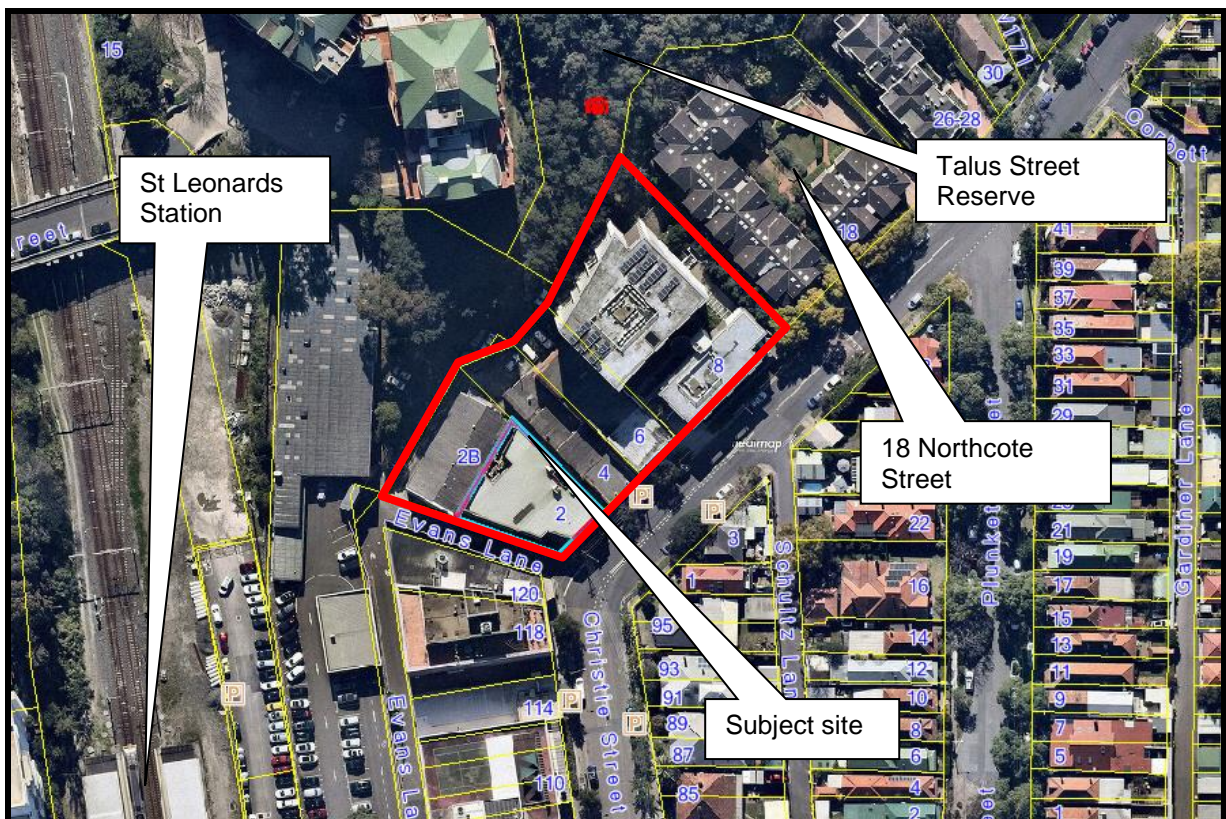


Figure 3 – Locality view

Stage 1 of the Concept DA has already been constructed on the 8-14 Northcote Street. That part of the site is occupied by a mixed use building consisting of ground floor commercial premises on the Northcote Street frontage and shop top housing (three storeys facing on the Northcote Street side increasing to nine storeys on the Talus Street Reserve side).

The property at 2-6 Northcote Street is currently occupied by one and two storey commercial buildings facing Northcote Street. The building on the corner of 2 Northcote Street and Evans Lane increases to three storeys, following the fall of the land to the rear of the site.



Figure 4 – 8-14 Northcote Street at Northcote Street frontage (Google Streetview)



Figure 5 – Subject site at Northcote Street frontage (Google Streetview)



Figure 6 – Subject site at corner Northcote Street and Evans Lane (Google Streetview)



Figure 7 – Subject site at corner Northcote Street and Evans Lane (Google Streetview)



Figure 8 – Rear of subject site



Figure 9 – Rear of subject site

Northcote Street

This property is occupied by a townhouse development. A strip of trees provides some buffer between that property and the site. As the property is located on the other side of the Stage 1 development, it will not be significantly affected by the proposed amendments to Stage 2.

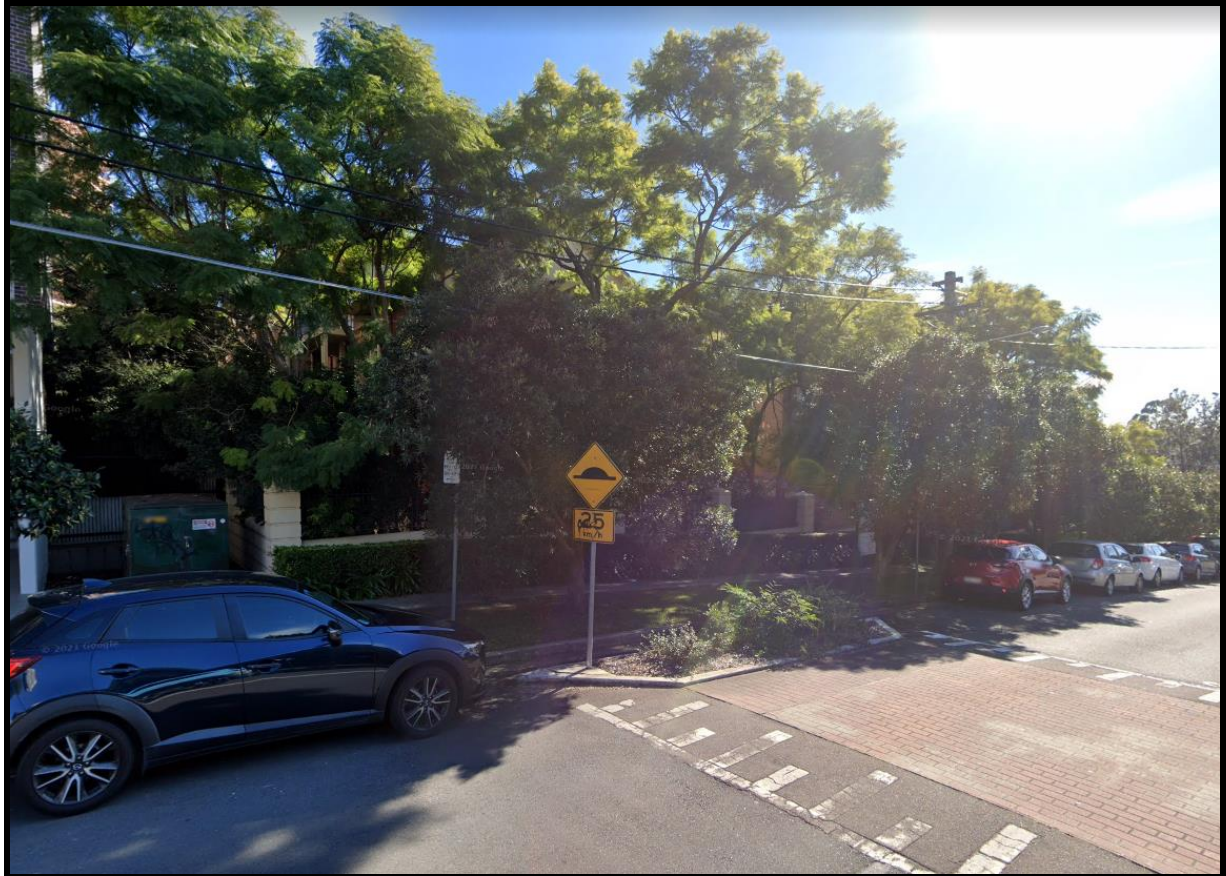


Figure 10 – 18 Northcote Street frontage (Google maps)

120 Christie Street

This property is located on the intersection of Christie Street and Evans Lane. It is occupied by a small three-to-four storey commercial building which faces across Evans Lane toward the site. Ground level parking is accessed from the rear of the site off Evans lane.

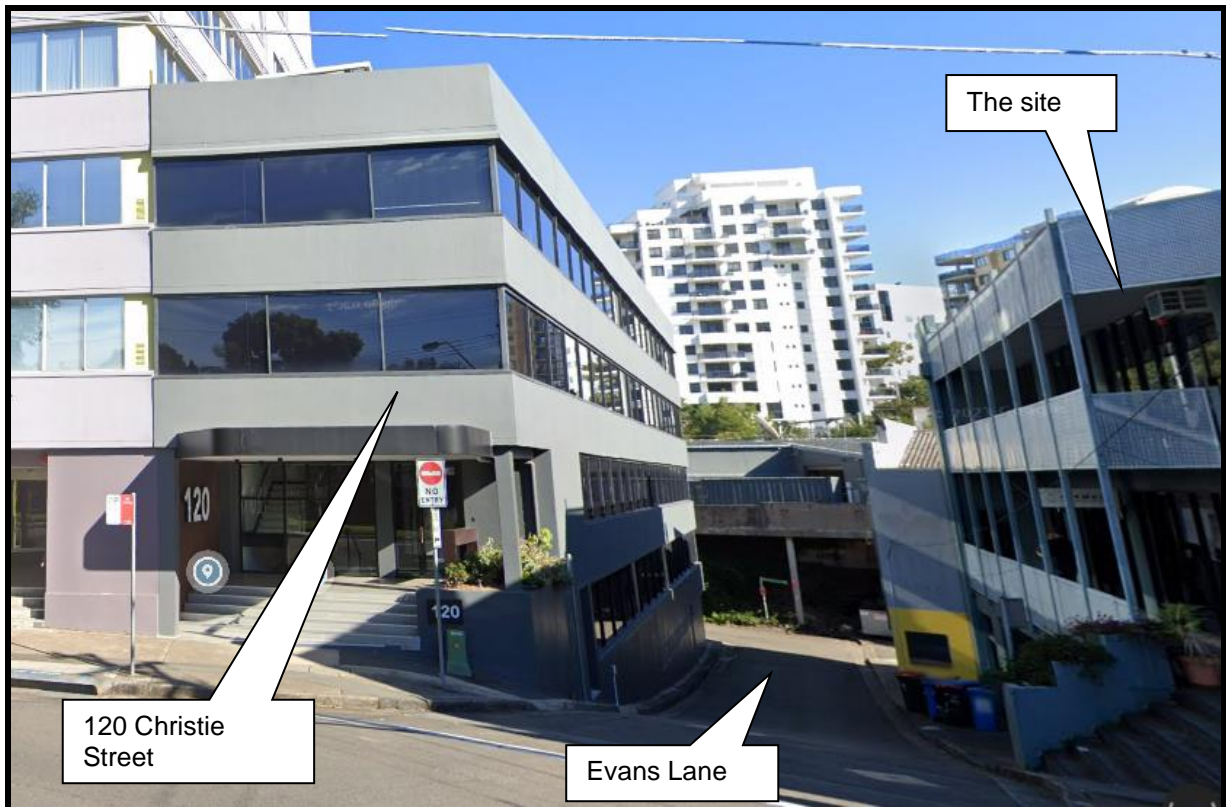


Figure 11 – 120 Christie Street

Naremburn Conservation Area

On the south-eastern side of Northcote Street (across from the site) is an area of low rise residential housing comprising the Naremburn Heritage Conservation Area (Naremburn HCA). The Naremburn HCA is described in Part H.3.9 of the Willoughby DCP.

The nature of this development is reflected in the consistency of the building stock which primarily comprises rare, single fronted, detached Federation style brick cottages. Wider fronted cottages (though still small) on amalgamated lots, and some timber construction can be found scattered throughout the otherwise homogeneous area.

The cottages directly address the street from narrow front setbacks behind small front garden plots. Individual streetscapes vary in the blending of built and landscaped elements.

The Naremburn HCA is indicated in Figures 12 and 13 below.



Figure 12 – Naremburn Heritage Conservation Area (red shading)



Figure 13 – Dwellings on Northcote Street forming part of Naremburn Heritage Conservation Area (Google Maps)

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls and Classification

WLEP 2012 Zoning:	B3 Commercial Core
Existing Use Rights	NO
Additional Permitted Use	NO
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO
Natural Heritage Register	NO
Bushfire Prone Area	NO
Flood related planning control	YES
Foreshore Building Line	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	NO (BASIX considerations will apply to detailed DA 2021/230)
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	NO
Coastal Management SEPP	NO
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Other relevant SEPPS	N/A
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDCP

Developer's Contribution Plans:

- a. **S94A/s94/7.11/7.12: No (will be applied to DA 2021/230 if approved)**

Section 4.55(2) Environmental Planning and Assessment Act 1979 (EP & A Act)

Section 4.55(2) of the EP & A Act requires that the relevant consent authority be ... *satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*

As stated above, the main features of the proposed modification are:

- Replacement of the child care centre with additional business/retail and shop top housing.
- Minor alterations to the building envelope including addition of roof top features.

The proposed modification is substantially the same as approved for the following reasons:

- Stage 1 will not be changed at all
- Stage 2 will remain a mixed use development. One use will be removed but the other two uses will remain.
- No change is proposed to the GFA.
- The two module built form of Stage 2 is retained.
- Vehicle access and parking remains similar to that approved in quantum and location.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)

Detailed assessment of apartments under SEPP 65 will take place in DA 2021/230. SEPP 65 is relevant to the current application insofar as it addresses the following building envelope issues.

Setbacks

The relocation of the lift core between Block A and Block B will result in some non-compliances with the building separation distances required in Part 3F of the Apartment Design Guide (ADG). The separation distances between Block A and Block B will range from 4.68m to 8.2m. This is considered acceptable for the following reasons:

- The 4.68m separation occurs between Block A and the lift core. The lift well presents a blank wall to Block A. Furthermore any windows in Block A will be to bedrooms, not living areas, as the living areas of both Blocks A and B will be oriented to the front and rear of the site respectively, not the central core.
- Privacy conditions can be addressed in DA 2021/230.

Common open space

Part 3D of the ADG requires common open space of 25% of the site area. The approved Concept DA included 25% of the site area. The proposed modification will bring that figure (including the roof top, Level 2 podium and the landscaped rear setback area) to 34% of the site area. This means that the addition of the roof top communal area, while adding considerable amenity to the proposed development, is not required to meet the ADG requirements.

Willoughby LEP 2012

		Approved DA 2013/147	Proposed modification	Standard	Numerical Compliance
	Site Area 3,959.9m²				-
Cl.4.3	Height (m)	Front building (Block A)	Front building (Block A)	RL 86 (to 23m from front boundary) RL 95 (from 23m from front boundary) (*see Figure below)	No (see assessment below)
		Lift overrun - RL86.70	Lift overrun – No change		
		Roof - RL86	Roof - RL85.85 to roof slab (RL86 to parapet)		
		Skylight - RL 87.00	Skylight - RL 86.125		
		Rear building (Block B)	Rear building (Block B)		
		Roof – RL95.00	Roof – RL95.00 to roof slab		
		Lift overrun – RL95.75	Lift overrun – RL 99.70		
			Fire stairs – RL98.00		
			Rooftop COS planters/ balustrade – RL96.16		
			Roof-top pergola– RL98.20		
Cl.4.4 & Cl. 4.4A	GFA (m²)	9,895m ²	No change	9,899m ²	Yes
	FSR	2.5:1	No change	2.5:1 (where site >3,900m ²)	Yes

Clause 4.3 Height of Buildings

The proposed roof top additions will add up to 3.95m to the approved building height. This will result in a maximum breach of the WLEP 2012 building height standard of 4.7m.

The compliance of the proposal with the objectives of Clause 4.3 is assessed as follows:

- (a) *to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape*

The height non-compliances will project by 4.7m above the existing development at Stage 1. The non-compliances will also increase the building bulk in relation to the low density Naremburn HCA. However, the non-compliances are confined to the rear Block B, at least 18.5m from the Northcote Street site boundary. Furthermore, the highest proposed element (the lift overrun) will be 11m wide when viewed from the Northcote Street side, as compared to the total building width of 37m on the Northcote Street frontage. The lift overrun will be 3.5m wide when viewed from the Evans Lane side, as compared to the total building width of

43m on the Evans Lane frontage. Other elements, such as the roof top balustrade, will be wider but less visually prominent.

The roof top additions will be noticeable when viewed from surrounding areas, particularly from the rear, towards the neighbouring car park, commercial building and railway. However, it is considered that the bulk and scale of those additions, when compared to the building as a whole, will be sufficiently in harmony with the building and surrounding areas.

(b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion

As the non-compliant elements are all located on the roof, there is no reasonably foreseeable interruption of views from neighbouring properties to significant view items.

The trafficable roof-top areas will be setback from the building edges and the distance of the roof top common open space from neighbouring residences properties (approximately 40m to the nearest residential boundary on the opposite side of Northcote Street) makes it unlikely that the visual privacy of neighbours will be significantly affected. It is expected that acoustic privacy concerns would be addressed by conditions imposed on the operating hours of the roof-top terrace imposed on DA 2021/230.

The shadow diagrams indicate that the non-compliances will cause minimal additional overshadowing between 9am and 3pm on 22 June and that this will only begin to affect residential neighbours at approximately 3pm. This minor additional overshadowing is considered satisfactory.

Due to the distance of the non-compliant elements from residential neighbours, any visual intrusion is considered to be minor and acceptable.

(c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores

For the above reasons, the non-compliant elements are considered to result in a satisfactorily high visual quality when viewed from surrounding areas.

(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development

As stated above, there is no reasonably foreseeable interruption of views from neighbouring properties to significant view items. The non-compliances may be marginally visible from the nearby Talus Street Reserve to the north, but the location of the Reserve between existing residential high rise buildings and its heavily vegetated character (nearest the site) means any additional bulk will not lead to loss of significant amenity.

(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping

The non-compliant elements will not cause any increase in the GFA of the development, and that GFA will comply with the development standard in the WLEP 2012.

(f) to use maximum height limits to assist in responding to the current and desired future character of the locality.

For the above reasons, the proposed roof top elements will adequately maintain the current and desired future character of the locality, particularly the zone interface between the B3 Commercial Core Zone and the R2 Low Density Residential Zone of the Naremburn HCA.

(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood

Not applicable.

(h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

For the above reasons, the proposed roof top elements will adequately maintain the current and desired future character of the locality, particularly the zone interface between the B3 Commercial Core Zone and the R2 Low Density Residential Zone of the Naremburn HCA.

Clause 6.7 Active Street Frontages

Clause 6.7 WLEP 2012 requires the provision of an active street frontage along Northcote Street. The proposed modification will retain business/retail uses along the Northcote Street frontage, and therefore complies with Clause 6.7.

Willoughby DCP

The WDCP will apply to the detailed design proposed in DA 2021/230.

Referrals

Building services	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Engineering	Recommended approval, with conditions addressing <ul style="list-style-type: none">the movement of goods and pedestrians from Evans Lane Level of Stage 2 to the truck bay in the relevant basement level in Stage 1, to be separated from garbage holding areasThe level of the access points into the basement are to be above the PMF water level.
Environmental Health	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Waste	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Landscape	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Contributions	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Traffic	Recommended approval , with no additional conditions (will be imposed on DA 2021/230)
Heritage	Recommended approval, with no additional conditions

ATTACHMENT 3: SUBMISSIONS TABLE

Property	Issues raised	Response
78/15 Herbert Street, St Leonards	<ol style="list-style-type: none"> 1. Stage 2 should be the same height as Stage 1. 2. The additional height will cause shadowing and block air flow. 3. Constructions hours should be limited to Monday to Friday only, with noise control. 	<ol style="list-style-type: none"> 1. The proposed height non-compliance is considered to be acceptable for the reasons set out in this report. 2. The overshadowing which will result from the proposal are considered to be acceptable for the reasons set out in this report. 3. Conditions addressing construction will be imposed on DA 2021/230.
75/15 Herbert Street, St Leonards	<ol style="list-style-type: none"> 1. Child care centre should be retained, as it was used as an incentive to have the original DA approved. 	<ol style="list-style-type: none"> 1. The change of uses is permissible within the B3 zone and there is no condition in the original Concept DA requiring the child care centre be retained.
Email supplied	<ol style="list-style-type: none"> 1. Stage 2 should be the same height as Stage 1, in order to prevent, overshadowing, privacy loss, blocking of air flow. 2. Development in the vicinity will cause a curtain wall effect and congestion 3. The Naremburn HCA should be retained. 4. Traffic congestion 	<ol style="list-style-type: none"> 1. For the reasons set out in this report, the proposal will have satisfactory impact on overshadowing and privacy. There is no evidence that the proposal will block air flow to adjoining areas. 2. The proposal will not increase the approved GFA and therefore will not significantly increase congestion. For the reasons set out in this report, the proposal will result in acceptable visual massing. 3. For the reasons set out in this report, the impact on the Naremburn HCA will be acceptable. 4. The proposal will not increase the approved GFA and therefore will not significantly increase traffic congestion.
Email supplied	<ol style="list-style-type: none"> 1. Child care centre should be retained. 2. The height of buildings adjoining the Naremburn HCA should be limited to four levels to ensure privacy. 	<ol style="list-style-type: none"> 1. The change of uses is permissible within the B3 zone and there is no condition in the original Concept DA requiring the child care centre be retained. 2. The height of the front Block A will not change. For the reasons set out in this report, the impact on the Naremburn HCA will be acceptable.
Naremburn Progress Association	<ol style="list-style-type: none"> 1. Roof top additions will cause loss of privacy for neighbours 2. Child care centre should be retained. 	<ol style="list-style-type: none"> 1. For the reasons set out in this report, the proposal will have satisfactory impact on overshadowing and privacy. 2. The change of uses is permissible within the B3 zone and there is no condition in the original Concept DA requiring the child care centre be retained.

ATTACHMENT 4: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.4.15 (79C) EP&A Act
Considered and Satisfactory ✓ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal breaches the WLEP 2012 height standard but this is considered to be satisfactory for the reasons set out in this report.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal achieves the objectives of the WDCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	N/A
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: These matters will be addressed in the assessment of DA 2021/230.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The impacts of the proposal on adjoining or nearby properties are considered to be reasonable.	

Matters for Consideration Under S.4.15 (79C) EP&A Act**Considered and Satisfactory ✓ Not Relevant N/A**

(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The proposal is consistent with the surrounding locality for the reasons set out in this report.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: 5 submissions were received from neighbours. The proposal satisfactorily addresses the submissions made by the public.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

CONCLUSION

Assessment has shown that likely adverse effects to the present and likely future amenity of the locality are not of such an extent as to warrant refusal.

The Section 4.55 application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP and other relevant codes and policies. Based on the assessment above, the proposed modification is considered to be acceptable and approval is recommended.

OFFICER'S RECOMMENDATION

That DA 2013/147/F for modification of existing consent for staged concept approval regarding change to approved nominated land use replacing child care centre with commercial premises and shop top housing and alterations to building envelope regarding setbacks and height and related alterations at 2-14 Northcote Street, NAREMBURN NSW 2065 be approved subject to the attached conditions.

ATTACHMENT 5: SCHEDULE OF CONDITIONS

SCHEDULE 1

CONDITIONS OF CONSENT

Development Consent 2013/147 is modified as follows:

A. Conditions Nos. 2 and 3 are to be amended to read as follows:

2. Approved Plan/Details – Stage 2

The Stage 2 development approval is limited to the proposed land uses, building envelope and general arrangement of those land uses within the Stage 2 development, being basement level car parking, ~~business/retail commercial and child care uses Level 03 and Level 04~~ and residential development, in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	DA100	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA102A	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA103	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA104	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA105	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA106	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA107	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA108	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA109	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA110	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA111	B	31.07.2013	05.08.2013	PopovBass Architects
Architectural	DA112	B	31.07.2013	05.08.2013	PopovBass Architects
Landscape	LPDA13-286/4	A	29.07.2013	05.08.2013	Conzept

Type	Plan No.	Revision/ Issue No	Plan Date	Prepared by
Architectural	TP10.01	DA Issue	12.10.20	Rothelowman
	TP10.02			
	TP10.03			
	TP10.04			
	TP10.05			
	TP10.06			
	TP10.07			
	TP10.08			
	TP10.09			
	TP10.10			

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(Reason: Information and ensure compliance)

3. Stage 2 to be contained within approved envelope

The detailed design including the internal layout of the separate land uses, the basements, car parking and the location of services developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. The Stage 2 design must meet the following requirements in any development application lodged:

- (a) The GFA of Stage 2 is not to exceed 5296m².
- (b) The design of Stage 2 must be integrated and harmonious with the Stage 1 design.
- ~~(c) The building footprint is to be modified so that the north-western edge of the balconies which directly adjoin Stage 1 as shown in the masterplan design of Stage 2 are to be setback an additional 2.5 metres to provide a more emphasised break in the built form.~~
- (d) The corner of Northcote Street and Evans Lane is to act as a gateway identifier.
- (e) The treatment of the Evans Lane frontage is to promote passive surveillance.
- ~~(f) Separate lift access is to be provided for any child care use which may be approved within Stage 2.~~
- (g) Separate residential and commercial ~~(including child care, in the event of its approval)~~ secure entrances are to be provided and clearly identified.
- (h) Vehicular ingress/egress shall be provided from Evans Lane.
- (i) A shared Stage 1 and Stage 2 loading bay is to be provided in the location shown on Plan DA103 dated 31.07.2013, date stamped by Council 05.08.2013, prepared by PopovBass Architects.
- (j) Provision is to be made to rationalise garbage and loading/unloading areas with Stage 1 to minimise potential pedestrian and vehicle conflict.
- (k) The landscaping of ~~Level 02 Talus Reserve Level~~ shall be in accordance with Plan LPDA13-286/4 dated 29.07.2013, date stamped by Council 05.08.2013, prepared by Conzept as amended by conditions above.
- (l) A lift / good hoist shall be installed adjacent to the access doors between Stage 2 Evans Lane Level and Stage 1 basement . The lift / hoist shall be capable of lifting all movements of all goods (including garbage bins, furniture and deliveries to and from commercial and residential premises on the site) between the relevant floor levels of Evans Lane Level of Stage 2 and the relevant basement level of Stage 1. Alternatively, an access ramp is to be provided between the two levels.
- (m) Stairs or an access ramp shall be installed to allow pedestrian access between the relevant floor levels of Evans Lane Level of Stage 2 and the relevant basement level of Stage 1.
- (n) Access for all movement of goods between Evans Lane Level of Stage 2 and the relevant basement level of Stage 1 shall be separated from (separate rooms and/or corridors) and unobstructed by any garbage storage areas or temporary garbage holding areas.
- (o) Access shall be provided between the Stage 1 loading bay and Stage 2 for delivery of goods to both residential and commercial units and for removalist vehicles. Access shall be readily available. Alternatively, access for a MRV is to be provided within the Stage 2 parking area, to be used for removalist vehicles and delivery / courier vehicles.
- (p) The level of the access points into the basement are to be above the PMF water level.

and as amended by the conditions of this consent.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(Reason: Information and ensure compliance)

- B. Comply with all other conditions of the original development consent.

ATTACHMENT 7: ARCHITECTURAL PLANS

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=400482>