

Relevant Information for Local Planning Panel

FILE: D/2017/1518 **DATE:** 30 January 2019

TO: Local Planning Panel Members

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 3 – Development Application: 39A Elizabeth Bay Road, Elizabeth Bay

Recommendation

That the Local Planning Panel note the information contained in this memo.

Background

Three further written submissions in response to the assessment report for D/2017/1518 have been received prior to the application being considered by the Local Planning Panel.

The submissions are provided at Attachment A.

The matters raised have been addressed in the assessment report which is on the agenda and where not considered in the assessment report and addressed in this memo. This information is provided to the Local Planning Panel for review and consideration in determining of the application.

The written submissions pertain to the following matters:

- a) heritage impact on 'Brent Terraces' of Roslyn Gardens due to height in stories exceedance;
- b) overshadowing impact on 'Brent Terraces' as shown in Drawing DA 19F and Drawing DA 22D "is significant";
- c) waste collection is not possible at the rear as the site is landlocked. Transport Officer needs to revisit the site;
- d) how is waste, laundry pickup, other commercial deliveries to be handled/stored; Hours? Anticipated volume of waste?;

- e) where are bike parking facilities to be accommodated and accessed?;
- f) smoking bin outside and potential noise concerns;
- g) request to view Noise Management Plan and Waste Management Plan;
- h) clarify stair access discussed in Point 81;
- i) 96 (e) 96 (o) and 96(w) – Servicing and loading plans. How do conditions address these issues? Is there a condition that this is NOT to be a backpackers hostel?;
- j) basement usage – noise issues with alcohol and socialising 24 hours in this space;
- k) number of staff proposed (10-15) is more than the likely amount on site at night;
- l) no leaf blowers should be used;
- m) terrace should be closed 9.00 – 7.00am so staff are not talking/smoking;
- n) hotel will fail and the business will take guests from departments of family services and prisoners on bail;
- o) party guests will disturb residents;
- p) I would like this building to be used as permanent housing instead; and
- q) heritage impact of modern addition to vintage building.

These issues are addressed in the various sections of the assessment report as outlined below.

- a) The proposal has been reviewed by the City's Heritage Specialist who raised no concerns with regards to the application's impact on the properties along Roslyn Gardens.
- b) Discussed under Point 71 where it states 'overshadowing impacts to the roofs of these properties only and not to the rear windows or private open spaces, demonstrating compliance in accordance with the DCP'. Shadow impact in Drawing 19 F is to the roofs of terraces as shown in Drawing 22 D which is not considered a non-compliant impact in accordance with the DCP 2012.
- c) The Waste Management Plan submitted with the application says that collections will occur on Elizabeth Bay Rd. The City's Transport Officer was asked to comment on the appropriateness of the proposal given their previous comment that there appeared to be vehicle access to the rear. The City's Transport Officer has confirmed it is acceptable to collect waste from Elizabeth Bay Road subject to the provision of a bin room 10m from the kerb. The proposal has a bin room at ground floor level approximately 5m from the kerb.
- d) Estimated generated garbage and recycling volumes have been provided in a Waste Management Plan which has been submitted and is supported by the City's Waste Management and Transport Officers. Conditions 52 to 54 relate to waste management and it is considered that waste can be appropriately managed via conditions of consent but in general the proposal complies.

- e) Bicycle parking is required to be provided to the ground floor or basement by recommended Condition 17.
- f) Smoking on a public street is not a relevant planning concern and it is not associated with the current planning application. There is no requirement for the applicant to provide a smoking area within the premises. The proposed use with three more rooms than the current premises which is used as student accommodation would not likely result in additional amenity impacts with regards to smoking on the street.
- g) The Noise Management Plan and Waste Management Plan are provided in Attachments B and C;.
- h) The stair access is addressed under Point 92 in the report.
- i) The submitter appears to be referring to Point 106, not Point 96. In regards to Point 106(e) - Conditions 13 and 60 address servicing and loading during construction.

In regards to Point 106(o) – Conditions 52 – 54 cover waste management, and the issue is further discussed in the report (Point 3.14, 4.2.6 and 106(o)).

In regards to Point 106(w) – the application seeks consent for the use of the premises as a hotel. If approved and the consent is acted upon a further consent would be required to use the premises as a back packers which is defined separately in the LEP. As such a condition is not required.

- j) Condition 5 restricts the use of the basement area between 7am and 8pm Mondays to Sundays only.
- k) The application is assessed on its merits and the information presented. The Plan of Management has been reviewed and is adequate in terms of management at the site.
- l) It is not considered necessary to condition the use of leaf blowers in relation to this application which seeks consent for the conversion of the premises to a hotel. Should a leaf blower be used and cause a nuisance noise complaints can be reported to council who will investigate.
- m) Condition 2(d) requires the roof terrace to not be trafficable except for maintenance.
- n) The commercial viability of the hotel is not a matter for consideration in the assessment of the application. If the use is proposed to be changed to a boarding house or similar it will require the submission of a further development application.
- o) Any noise or anti-social disruptions can be reported to reported to council who will investigate.
- p) The application has been assessed on its merits as a proposed hotel use, which is a permitted use in the B4 Mixed Use zone.
- q) The heritage impacts of the proposal are discussed in the LPP Report and assessed against the relevant controls of the DCP and LEP. Although modern the proposed addition is considered to have acceptable heritage impacts and is supported by Council's heritage specialist.

Prepared by: Amy-Grace Douglas, Specialist Planner

Attachments

Attachment A. Written Submissions (Confidential)

Attachment B. Plan of Management and Noise Management Plan

Attachment C. Waste Management Plan

Approved

A handwritten signature in black ink, appearing to read 'Louise Kerr', with a long horizontal flourish extending to the right.

LOUISE KERR

Acting Director City Planning, Development
and Transport