

MP08_0238 (MOD 17)

1 DENISON STREET, NORTH SYDNEY

This application has been prepared by Ethos Urban on behalf of Winten Property Group, pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent MP08_0238 relating to 1 Denison Street, North Sydney (the site).

The modification relates to alterations to the basement levels including reconfiguration of car and motorcycle parking and the Little Spring Street elevation.

The proposed modification to the development consent seeks the following:

- Basement 5: removal of one (1) commercial car parking spaces and construction of a storage room.
- Basement 4: addition of one (1) commercial car parking space and addition of three (3) motorcycle spaces.
- Basement 3: addition of one (1) commercial car parking space, addition of two (2) motorcycle spaces and addition storage room. The introduction of an additional commercial car parking space will result in the removal of the two (2) disabled car parking spaces, resulting in an increase of the commercial car parking spaces from 37 commercial spaces to 38 commercial spaces.
- Basement 2: redistribution of existing car parking spaces (including accessible spaces and associated share zone), introduction of staff amenities, clarification of basement room usages, change of use of the carpark security room into a staff room and new kitchenette adjoining the tenant security room.
- Basement 1: Addition of storeroom located at 77 Berry Street, addition of seven (7) basement storage cages, addition of car park security room and reconfiguration of some car parking spaces to accommodate these changes as well as enable two (2) disabled access spaces near the lift lobby. The new security room is proposed to north of the southern ramp and the new internal walls and doors for the storage cages will be located to the west of the northern ramp. The loss of 5 public motorcycle spaces.

The MOD applications seeks to modify only the condition identifying the approved plans. No conditions have been identified that might require modification by this application. The consent has conditions relating to the number of car spaces and the provision of public parking.

MOD 6 was approved on 24 May 2017 and included the following condition:

E27 Deed of Agreement – Public Car Park

Prior to completion and issue of interim or an Occupation Certificate, the applicant shall enter into a Deed of Agreement with Council with regard to the 42 public car parking spaces and 21 public motorcycle spaces within the basement which achieves the objectives of:

- a) enabling the public to use the paid public car parking spaces, with minimum hours being between the hours of 7am and 7pm Monday to Friday;*
- b) ensure the rights are not subject to change or variation except with the prior consent of Council; and*

c) 70% of the profit from the operation of the car park being paid to Council.

The Deed of Agreement shall be for the life of the building and not in perpetuity. The proponent shall be responsible for the management and operation of the carpark. but is entitled to 30% of the profit associated with its operation.

*The Deed of Agreement shall allow for public access and use of the car spaces at all times the car park is open, with minimum hours being between **7am** and **7pm** Monday to Friday and shall include details on the management and operation of the car park.*

The Deed must also make provision for a Covenant on title to be registered with Land and Property Information prior to the issue of any Occupation Certificate for the building. The Covenant must note the matters contained in the Deed to ensure that the car spaces are maintained as public spaces for the life of the building.

The Deed must also make provision for an annual payment to be made to Council for 70% of the profit. The annual payment is to be accompanied by an independent audit.

The Deed and any associated documentation shall be prepared, executed and registered at the sole cost of the applicant. including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the agreement. Producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

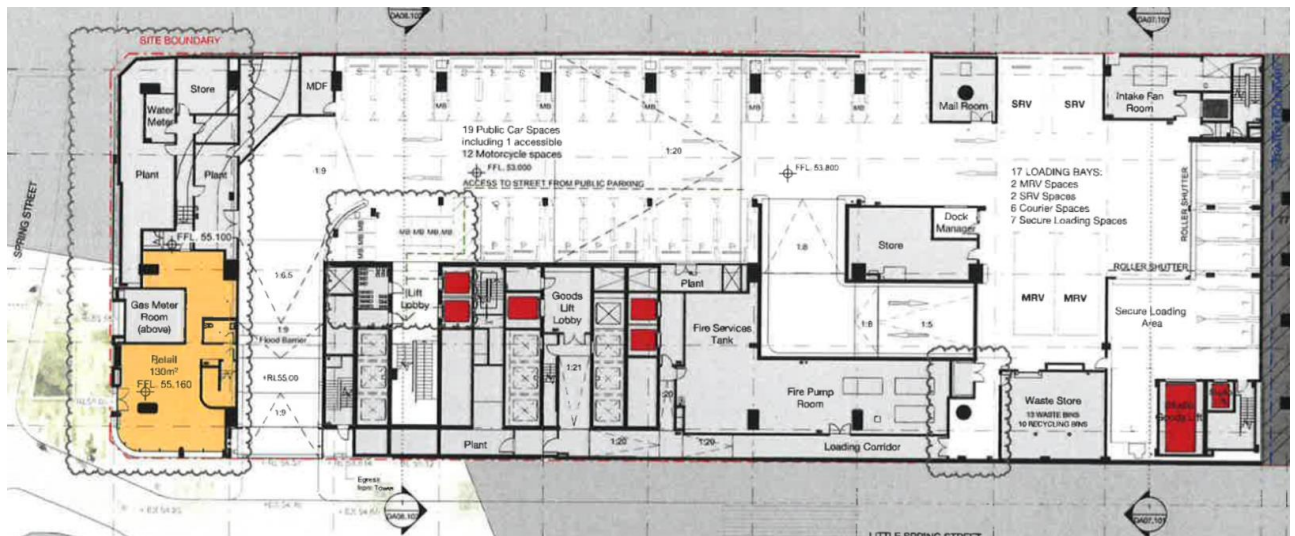
The proponent has prepared a deed of agreement in accordance with the above condition and it was executed on 3 September 2020. Public Parking Spaces is defined in the deed as the **42 public car parking spaces and 21 public motorcycle spaces** in the Car Park.

MOD 17 proposes the deletion of 5 public motorcycle spaces in basement 01. Council is strongly opposed to the loss of any public parking including motorcycle parking.

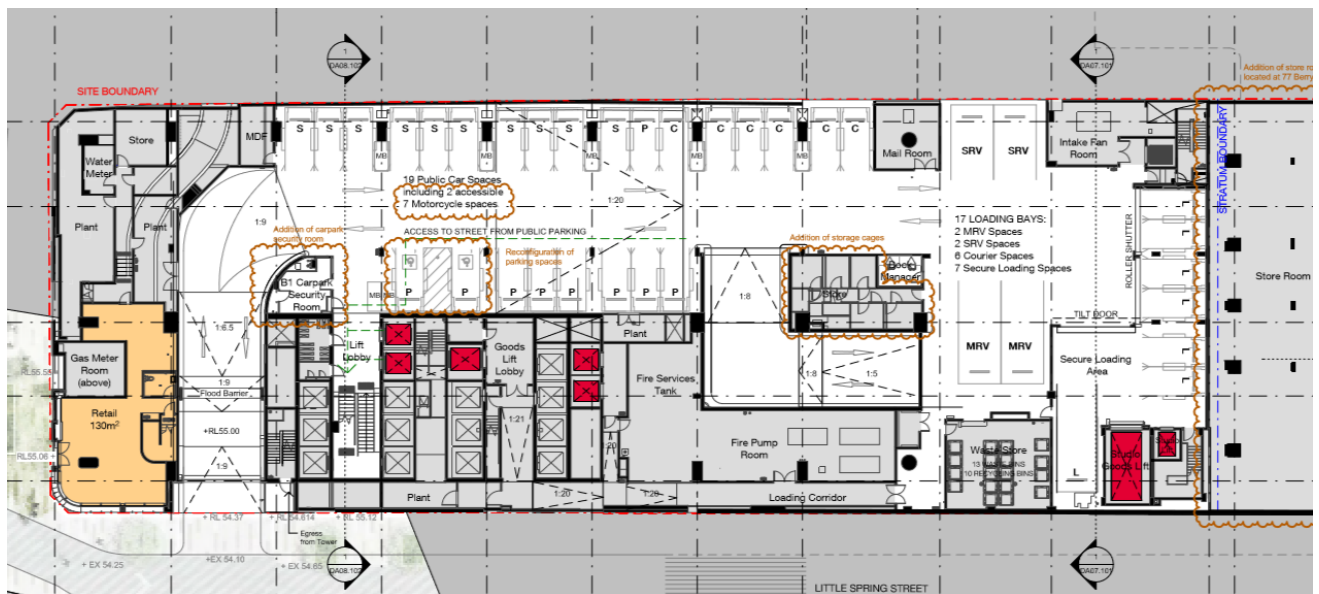
Council is not concerned with the change in materials and finishes of the Little Spring Street elevation to reduce the amount of louvres in this location and increase the stone cladding provided there is no encroachment of the street alignment/boundary. Then minor changes in the layout of parking on the other basement levels are also not a concern.

Council seeks the retention of all public parking located on basements 01 and 02 and the plans being amended before consideration is given to MOD 17. The application also needs to identify all conditions affected by the MOD.

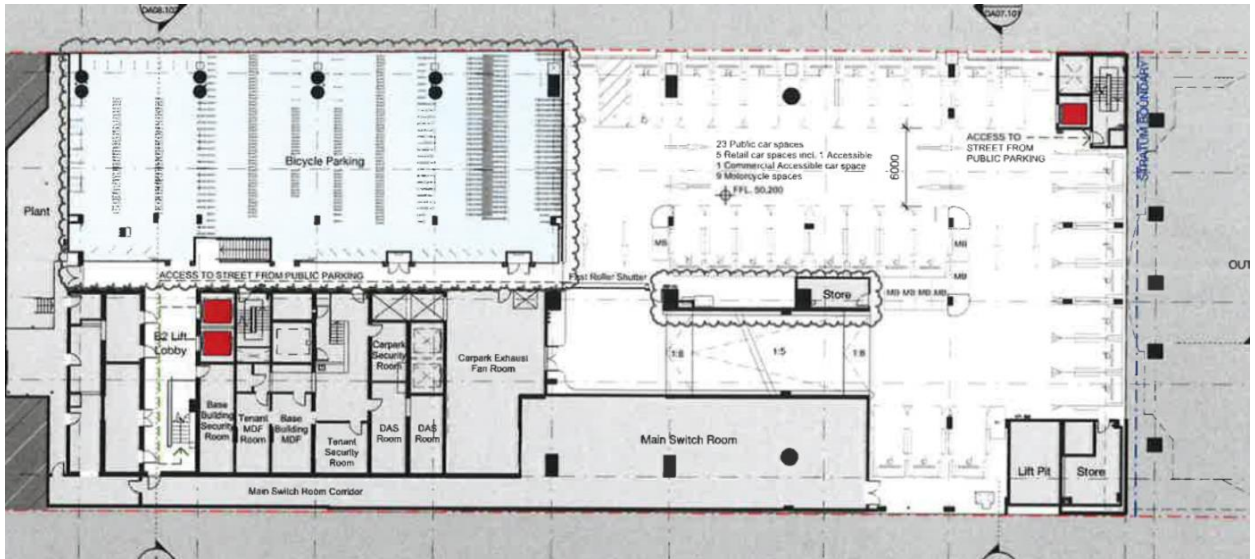
Should you have any queries with Council's position, please contact Geoff Mossemeneer, Executive Planner on 9936 8100.



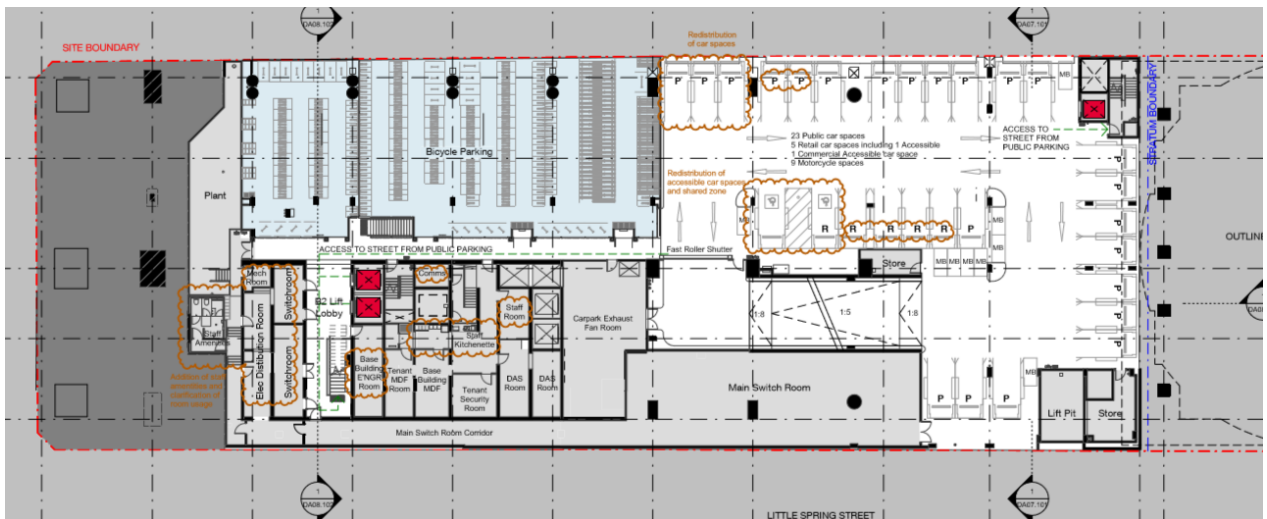
Basement 01 - Approved layout with 12 motorbike spaces



Basement 01 - MOD 17 reduction of 5 public motorbike spaces



Basement 02 - Approved



Basement 02 – MOD 17 no change to public parking cars or motorcycles