

**Report to General Manager**

Attachments:

1. Gateway Determination
2. Planning Proposal – As Exhibited
3. Draft Voluntary Planning Agreement
4. North Sydney Development Control Plan – Proposed Amendment
5. Summary of Public Submissions Table

SUBJECT: Planning Proposal No. 1/18 - 23-35 Atchison Street, St Leonards - Post Exhibition Report

AUTHOR: Joanne Chan, Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 25 June 2018, Council resolved to forward a Planning Proposal (PP1/18) to the Department of Planning, Industry and Environment (DPIE) to allow exhibition of the Planning Proposal to amend the planning controls relating to 23-35 Atchison St, St Leonards. In particular, the proposed amendments include:

- increasing the maximum building height from 20m to 56m;
- increasing the minimum non-residential floor space ratio (FSR) from 0.6:1 to 1.5:1; and
- imposing a total maximum floor space ratio of 6.3:1.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA), which includes the dedication of a 5-metre wide strip for the purpose of a linear park along Oxley Street, provision of a publicly accessible 6-metre wide laneway from Atchison Street to Albany Lane along the western boundary of the site, and a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park.

Council also resolved to exhibit an amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) which seeks to facilitate a 6m two ground level setback along Atchison Street extending up to two storeys in height.

The Planning Proposal, amendment to NSDCP 2013 and Voluntary Planning Agreement were placed on public exhibition from Thursday 4 April to Thursday 2 May 2019. A total of 56 submissions were received. Of these submissions, 4 supported the proposal (including 1 from a Precinct Committee), 51 objected to the proposal and 1 neither supported nor objected to the Planning Proposal.

Whilst it is acknowledged that the proposal has attracted a significant number of objections relating to amenity impacts (in particular overshadowing and traffic impacts), it needs to be recognised that the precinct is undergoing significant change and there is an opportunity to manage growth through the delivery of the desired objectives and outcomes within the endorsed

St Leonards Crows Nest Planning Study – Precincts 2 & 3.

The issues raised, such as scale of development, overshadowing, view loss and traffic congestion, when critiqued against this study and the broader context of St Leonards/Crows Nest, are not considered sufficient to warrant an amendment to the Planning Proposal. Concentrating appropriate height and density near highly accessible mass transit nodes, employment and services is more sustainable and desirable than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.

Condition 5 of the Gateway Determination required that prior to finalisation, the Planning Proposal be updated to demonstrate consistency with any available findings of the St Leonards/Crows Nest strategic investigations being undertaken by the DPIE. The Planning Proposal was updated on 17 January 2019 addressing the *St Leonards and Crows Nest Draft 2036 Plan*. Given that no further updates have been made to the draft Plan, no further amendments to the Planning Proposal are required in this regard.

It is recommended that Council resolves to forward the Planning Proposal to the DPIE with a request that the Plan be made. It is also recommended that Council endorses the amendments to NSDCP 2013 in order to facilitate the 6m two storey ground level setback associated with the proposal.

FINANCIAL IMPLICATIONS:

Should the draft VPA be executed, it will result in various in-kind and monetary contributions to Council, including:

- the dedication of a 5-metre wide strip for the purpose of a linear park along Oxley Street;
- provision of a publicly accessible 6-metre-wide laneway from Atchison Street to Albany Lane along the western boundary of the site; and
- a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park or public open space within the North Sydney Local Government Area.

RECOMMENDATION:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal (Attachment 2) to the Department of Planning, Industry and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

2. THAT Council finalise the Voluntary Planning Agreement with the view to have it in force prior to the gazettal of the LEP amendment.

3. THAT Council write to the Minister for Planning seeking an undertaking to exempt this site, in the same manner that the Minister acted for 617-621 Pacific Highway, from the application of any Special Infrastructure Contributions (SIC) on the basis of the delivery of defined public benefits within this Voluntary Planning Agreement.

4. THAT in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, Council adopts the amendments to North Sydney Development Control Plan 2013 forming Attachment 5 to this report.

5. THAT in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendments to North Sydney Development Control Plan 2013, along with this Council report and resolution be forwarded to the Planning Secretary

of the Department of Planning, Industries and Environment.

6. THAT Council notify all submitters of Council's decision.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- | | |
|------------|--|
| Direction: | 1. Our Living Environment |
| Outcome: | 1.4 Public open space and recreation facilities and services meet community needs |
| Direction: | 2. Our Built Infrastructure |
| Outcome: | 2.2 Vibrant centres, public domain, villages and streetscapes
2.3 Sustainable transport is encouraged |
| Direction: | 3. Our Future Planning |
| Outcome: | 3.1 Prosperous and vibrant economy |
| Direction: | 4. Our Social Vitality |
| Outcome: | 4.1 North Sydney is connected, inclusive, healthy and safe |
| Direction: | 5. Our Civic Leadership |
| Outcome: | 5.1 Council leads the strategic direction of North Sydney
5.2 Council is well governed and customer focused |

BACKGROUND

St Leonards Crows Nest Planning Studies

The *St Leonards/Crows Nest Planning Study – Precincts 2 & 3 (SLCN Planning Study)* was adopted by Council in May 2015 following significant community consultation. The study was prepared as a direct response to manage the high level of development interest near St Leonards Station, protect jobs and deliver much needed public domain and services throughout the study area. It also identifies the site the subject of this planning proposal as capable of accommodating a 16 storey building subject to certain design principles being met.

Chronology and Milestones of the Planning Proposal Process to Date

9 March 2017 – the applicant first met with Council officers to discuss their intentions on progressing a Planning Proposal to enable a 16 storey building on the subject site, in accordance with Council's *SLCN Planning Study – Precincts 2 & 3*.

14 March 2017 – the applicant supplied Council with a preliminary concept proposal for the subject site seeking a 2 storey departure to the recommended heights in the *SLCN Planning Study – Precincts 2 & 3* to develop an 18 storey mixed use building.

5 April 2017 - Council provided comments in relation to the concept proposal and requested further considerations to *NSLEP 2013*, *NSDCP 2013*, St Leonards/Crows Nest Planning Study – Precincts 2 & 3 (*SLCN Planning Study – Precincts 2 & 3*), Crows Nest Placemaking and Principles Study (CNPP Study), Draft Public Domain Upgrade Report – St Leonards and the Apartment Design Guide (ADG).

16 August 2017 – the proposal was reviewed by the Design Excellence Panel (DEP). The panel was generally supportive of the type of development and recognised it as a positive contribution to the revitalisation of St Leonards. Notwithstanding, the panel raised strong concerns regarding the proposal's impact of surrounding buildings in relation to height and the departure from the 16 storey height limit identified in Council's Planning Study, overshadowing, tower and podium setbacks, site isolation of 21 Atchison street and public benefits.

16 January 2018 – Council received a Planning Proposal for the subject site which generally responded to the DEP's comments. This included a 16 storey building, detailed solar analysis, amended distance separation, four storey podium as per Council's study and the provision of a potential future redevelopment scheme at 21 Atchison Street.

13 June 2018 – The North Sydney Independent Local Planning Panel considered the proposal and recommended to Council that it be supported.

25 June 2018 – Council resolved to forward the Planning Proposal to the Minister for Planning in order to receive a Gateway Determination subject to the amendment of the proposal to Council's satisfaction, addressing certain issues such as amending the maximum height of buildings to reflect 56 metres and the satisfactory negotiation of the contents and detailed terms of the draft VPA.

21 December 2018 – A Gateway Determination was issued allowing Council to publicly exhibit the Planning Proposal subject to conditions (see Attachment 1). Council was not authorised to undertake plan making functions as the site is located in the St Leonards Crows Nest Planned Precinct.

17 January 2019 – Council received an updated Planning Proposal package addressing Condition 1 within the Gateway Determination.

4 April 2019 to 2 May 2019 – Council placed the updated Planning Proposal, DCP amendment and draft VPA on public exhibition after addressing Condition 2 of the Gateway Determination. (Condition 2 required consultation with four (4) aviation authorities prior to public exhibition).

St Leonards / Crows Nest Planned Precinct

In July 2016, the Minister for Planning announced the strategic planning investigation of the St Leonards and Crows Nest Station Precinct (refer to Figure 1).

On 1 June 2017, the DPIE announced the investigation area as a Planned Precinct.

On 15 October 2018, the DPIE released the *SLCN Draft Plan* which was placed on public exhibition until 8 February 2019. The exhibition material included:

- *St Leonards & Crows Nest Draft 2036 Plan;*
-

- *St Leonards & Crows Nest Draft Green Plan;*
- *St Leonards & Crows Nest Draft Local Character Statement;*
- *Draft Special Infrastructure Contribution; and*
- *Draft proposed rezoning for the Crows Nest Metro station site.*

The package provides a draft strategic planning framework to guide future development in the area and infrastructure delivery over the next 20 years.

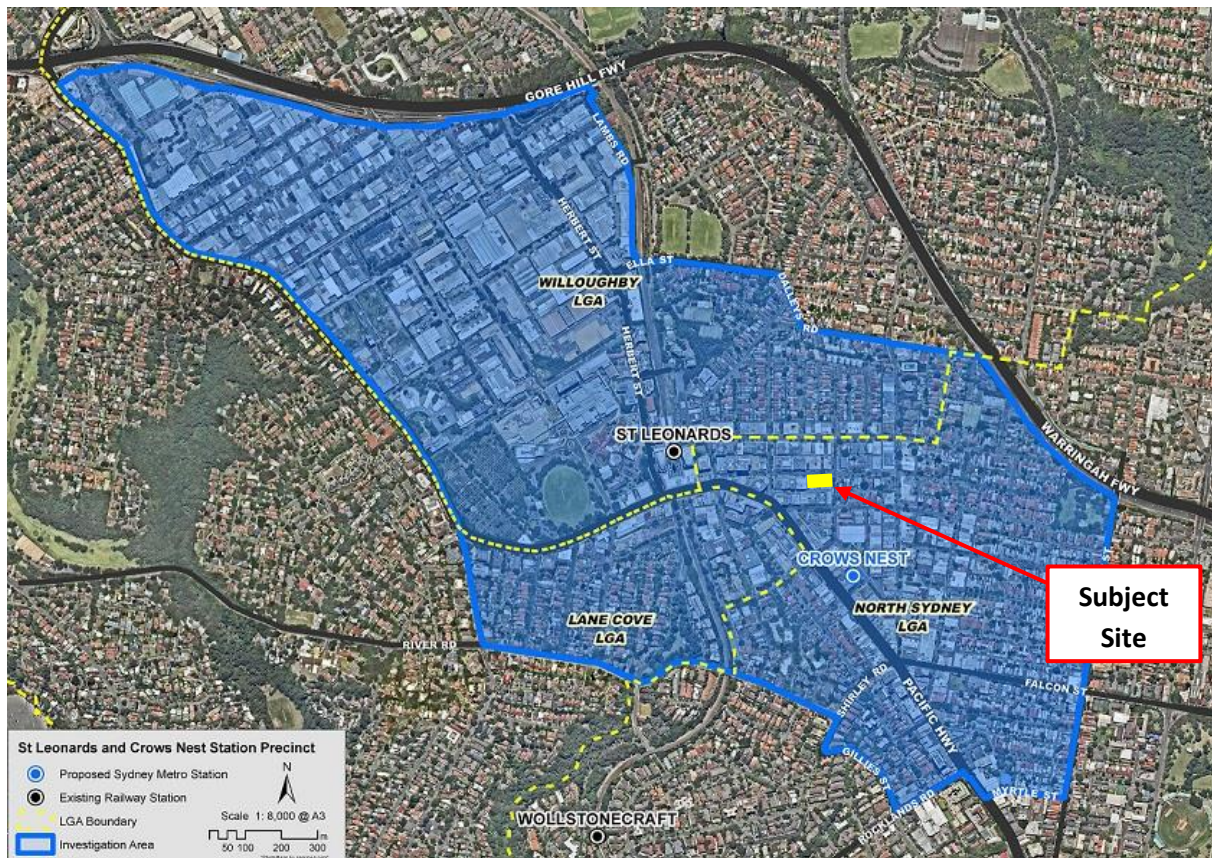


Figure 1: Boundary of draft SLCN Plan Source: DPIE

In accordance with Condition 1(c) of the Gateway Determination, the Planning Proposal was amended to include an assessment against the *Draft 2036 Plan*. This is provided in Section 8.2.5 of the Planning Proposal.

CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol and the relevant conditions of the Gateway Determination.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

1. Assessment against Gateway Determination Conditions

Seven (7) conditions were imposed on the Gateway Determination (refer to Attachment 1) and have been addressed in the following subsections.

1.1 Revision of Planning Proposal

Condition 1 of the Gateway Determination required that:

Prior to community consultation, the Planning Proposal is to be updated to:

- (a) amend the project timeline to reflect the anticipated time frames for the plan-making process;*
- (b) include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of a draft or final special infrastructure contribution for the St Leonards and Crows Nest Station Precinct; and*
- (c) address the St Leonards and Crows Nest 2036 Draft Plan, particularly the area-wide design principles, design criteria and proposed planning controls relevant to the site and justify any inconsistencies.*

Council received a revised Planning Proposal on 17 January 2019 which satisfactorily addressed the three requirements of this condition. In particular, Condition 1(a) was addressed within section 11, 1(b) was addressed within sections 6.2 and 7.3 and Condition 1(c) was addressed within section 8.2.5 of the Planning Proposal.

1.2 Pre-community Consultation

Condition 2 of the Gateway Determination required that pre-community consultation be undertaken with several aviation authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant Section 9.1 Directions prior to public exhibition. The following public authorities/organisations were consulted:

- Federal Department of Infrastructure, Regional Development and Cities;
- Airservices Australia;
- Civil Aviation Safety Authority; and
- Sydney Airport Corporation.

Council received responses from the following authorities:

- Airservices Australia;
- Civil Aviation Safety Authority; and
- Sydney Airport Corporation.

A summary and a response to the comments is provided below.

1.2.1 Airservices Australia

Airservices Australia did not specifically object or endorse the outcomes of the Planning Proposal. However, it did advise that:

“We recommend that Sydney Airport be consulted to evaluate this development in the first instance. Sydney Airport will determine if this development needs to be referred to Airservices for assessment.”

Comment: Council was advised by Sydney Airport (refer to subsection 1.2.3 of the report) that they had no intention to forward the proposal to other authorities (including Airservices Australia) as the proposal did not penetrate the Obstacle Limitation Surface (OLS), and therefore would not require comment from other aviation authorities. As such, it is considered that Airservices Australia’s submission does not prevent the Planning Proposal from progressing, nor require its amendment.

1.2.2 Civil Aviation Safety Authority

CASA did not specifically object or endorse the outcomes of the Planning Proposal, however it did advise that:

“At a height of 56m Above Ground Level, or approximately 140m, CASA has no issues with the proposal and no recommendations. It will not be a controlled activity under the Airspace Regulations. As you are no doubt aware, the cranes will be a controlled activity if they are above 156m AHD (the Outer Horizontal Surface for Sydney Airport).”

Comment: Noted. It is acknowledged that the proposal is not considered to pose any issues to CASA. Should there be any cranes erected at the future construction stage, clause 6.15 of *NSLEP 2013* will require these matters to be taken into consideration when assessing a Development Application (DA).

1.2.3 Sydney Airport Corporation

Sydney Airport Corporation indicated that they had no objection to the maximum height of buildings sought under the Planning Proposal. They advised that:

“The application sought approval for the PROPERTY DEVELOPMENT to a height of 142.6 metres Australian Height Datum (AHD).”

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 142.6 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed this height a new application must be submitted.”

Comment: Noted. It is acknowledged that Sydney Airport Corporation have no issues with the proposed maximum height of buildings under the Planning Proposal. Consequently, the submission does not prevent the Planning Proposal from progressing, nor requires its amendment.

Given the above, it is considered that Condition 2 has been satisfactorily addressed, enabling the Planning Proposal to be placed on public exhibition.

1.3 Public Exhibition

Condition 3 of the Gateway Determination required that the Planning Proposal (Attachment 2) be placed on public exhibition for a minimum of 28 days. In accordance with this condition, the proposal was placed on public exhibition for 28 days from Thursday 4 April 2019 to Thursday 2 May 2019 in line with the notification requirements of Planning Proposals as set out in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

1.4 Consultation with Public Bodies

Condition 4 of the Gateway Determination required that the Planning Proposal be referred to the following public bodies and be provided the opportunity to comment within 21 days:

- Transport for NSW;
- Roads and Maritime Services; and
- Ausgrid.

A copy of the Planning Proposal and all public exhibition material was forwarded to the above public authorities and given 28 days within which to comment.

Council received responses from the following authorities:

- Transport for NSW; and
- Ausgrid.

A summary and response to their comments are contained within subsections 2.3.1 to 2.3.2 of this report.

1.5 St Leonards Crows Nest Strategic Investigations

Condition 5 of the Gateway Determination required the Planning Proposal to be updated to demonstrate consistency with any available findings of the St Leonards Crows Nest strategic investigations being undertaken by the Department prior to the finalisation of the amendment.

In accordance to Condition 1 of the Gateway Determination, the proposal has been updated to address the *St Leonards and Crows Nest Draft 2036 Plan*. Given that the Department has not released a revised or final St Leonards and Crows Nest Plan, no further changes to the proposal will be required at this stage in the process.

1.6 Public Hearing

Condition 6 did not require the undertaking of a public hearing in accordance with s.3.34(2)(e) of the Act.

1.7 Timeframes

Condition 7 requires that the completion of the Local Environmental Plan (LEP) be made within 12 months of the issuing of the Gateway Determination (or by 21 December 2019). Should Council resolve to recommend the making of the LEP, it will leave about three (3) months to make the LEP, which is achievable.

2. Consideration Submissions

A total of 56 submissions were received in response to the public exhibition of the Planning Proposal, which comprised the following:

- 54 public submissions (including one from a Precinct Committee); and
- 2 public authority submissions.

A summary and response to all public submissions received are located in the attached Submissions Summary Table (refer to Attachment 5). A complete copy of all submissions has been made available to Councillors via the submissions folder placed in the Supper Room.

These submissions are further discussed in the following subsections.

2.1 Public Submissions

Of the 54 public submissions:

- 3 supported the proposal (one of these was from a Precinct committee); and
- 51 objected to the proposal (approximately 52% of these were from owners/occupiers of the Aria building at 38-46 Albany Street and further south at 7-19 Albany Street).

The key issues raised in the public submissions are discussed in detail in the following subsections. Most of the issues relate to height, overdevelopment, overshadowing, bulk and scale, traffic and parking impacts, view loss and other concerns relating to site isolation and public benefits.

2.1.1 Height

A large number of submissions stated that the height of the proposal was excessive and would be incompatible with the surrounding area as it would break the transition of heights from the higher buildings along the Forum/Pacific Highway ‘stepping down’ towards lower buildings along Willoughby Road. Some submissions suggested that the proposal would lead to an unacceptable precedent.

Comment:

The proposal seeks to apply a height of 56m and includes a concept plan for a 16-storey mixed use development. This was supported by the North Sydney Local Planning Panel (NSLPP) and is consistent with the desired outcomes of the Council and community endorsed, *SLCN Planning Study – Precincts 2 & 3*. In particular, the proposal is largely consistent with the recommendations for a mixed-use development comprised of a maximum of 12 storey residential tower over a 4-storey podium for the site.

It is worthwhile to note that unlike *SLCN Planning Study – Precinct 1*, the relevant study moves away from the ‘stepping down’ of heights for precincts 2 & 3. This was based on the principle of concentrating height and density around mass public transport, employment and services as being able to more sustainably support population growth with the lowest levels of traffic generation and the ability to more likely deliver well-located public benefits to support any additional population. As such, it is not considered that the proposal would unacceptably break the transition of heights from the Pacific Highway to Willoughby Road.

Furthermore, in response to the preparation of *SLCN Planning Study – Precincts 2 & 3*, the DEP highlighted that a height of 16 storeys on the subject site could assist in defining the ‘edge’ of St Leonards and delineate between West Oxley Street ‘creative quarter’ and the Crows Nest residential precinct to the east (refer to Figure 2).

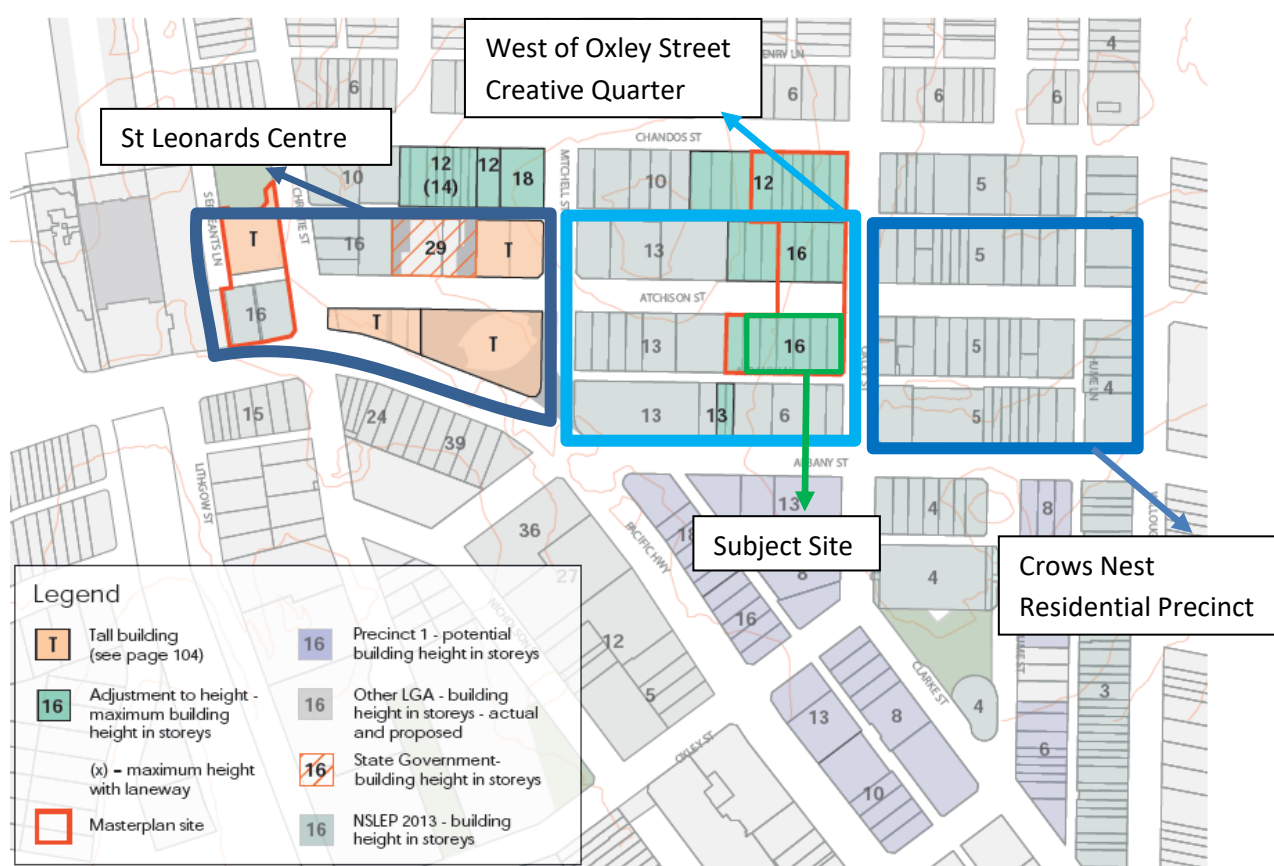


Figure 2: Building heights (in storeys) & future character under Council's SLCN Planning Study – Precincts 2 & 3 Source: North Sydney Council

In terms of the potential to cause an unacceptable precedent, State Government's draft plans for the area (*St Leonards Crows Nest Draft 2036 Plan*) has also identified the site as capable of accommodating a building up to 16 storeys in height (refer to Figure 3 below). Given this, and the proposal's consistency with the community endorsed *SLCN Planning Study – Precincts 2 & 3*, it is not considered that the proposal would result in the creation of an unacceptable precedent. Moreover, the proposed height of 16 storeys will sit appropriately within the future context of St Leonards/Crows Nest as envisaged under both Council and the Department's plans for St Leonards/Crows Nest.



Figure 3: Building heights (in storeys) in accordance with DPIE's St Leonards/Crows Nest Draft 2036 Plan

Source: Department of Planning, Industry and Environment

Note: S denotes "Significant Site" and the numbers denotes proposed height of buildings in storeys

2.1.2 Overdevelopment

A number of submissions suggested that the proposal constitutes overdevelopment of the site and within the locality, as well as destroy the 'village' character and atmosphere of Crows Nest. Some submissions also highlighted that there is no additional demand for more high-rise developments, whilst other submissions stated that there is an inadequate supply of infrastructure to support any increased population.

Comment:

St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal is estimated to deliver a total of 102 apartments, this makes up only 3.4% of the 5-year housing target of 3,000 dwellings in the North Sydney Local Government Area (LGA), and only 1.3% of the 7,525 additional dwellings to be delivered across the whole St Leonards Crows Nest Planned Precinct as identified by the DPIE's *St Leonards/Crows Nest Draft 2036 Plan*. The proposal is considered to appropriately assist Council with providing housing and employment targets in close proximity to mass public transport, services and facilities.

In terms of the proposal and its relationship with the 'village' character and atmosphere of Crows Nest towards the east of the subject site, certain design measures have been incorporated such as the 5m whole of building setback to contribute to the Oxley Street linear park and the 7m above podium setback along Oxley Street. This well-sized landscaped setback is considered to be an appropriate form of separation and measure to help alleviate perceived building scale and impacts on the 'village' atmosphere of Crows Nest. This is also consistent with the built form strategy of the community endorsed *SLCN Planning Study – Precincts 2 & 3*, where

“landscape controls will protect the catchment function of the Crows Nest Residential Precinct.” These built form setbacks combined with the proposed height of 16 storeys will also assist in defining the ‘edge’ of St Leonards and are considered to be a positive contribution in the revitalisation of the area.

With regards to the provision of infrastructure, the Planning Proposal is accompanied by a VPA that seeks to provide a number of public benefits that are generally consistent with the desired outcomes prescribed in Council’s *SLCN Planning Study – Precincts 2 & 3*. These items are considered as commensurate public benefits in relation to the proposed additional development capacity on this site and within St Leonards/Crows Nest - Precincts 2 & 3. Further details of these benefits and their intended purposes are discussed in subsection 2.1.6 of this report.

It is noted however, the DPIE’s *St Leonards/Crows Nest Draft 2036 Plan* identifies further residential growth than anticipated in Council’s plans. Council has made a submission to the DPIE regarding this and have raised various matters for consideration, in particular, the need to refine the infrastructure list associated with the proposed Special Infrastructure Contributions (SIC) to ensure future growth in the St Leonards/Crows Nest area is well supported by infrastructure and that the funding is allocated accordingly. Despite this, the DPIE’s plans could well proceed, including the amended planning controls for the subject site, without the VPA benefits outlined in this report. It is recommended that Council write to the Minister requesting that this particular site be exempt from the SIC levy to ensure that the important negotiated public benefit outcomes for this site are delivered in an orderly fashion. This is further discussed in subsections 2.1.6 and 3.1.1 of this report.

2.1.3 Overshadowing

One of the most common objections related to the extent of overshadowing that the proposed increase in height would create to the surrounding locality and properties. The majority of these submissions were from owners/occupiers from the subject site’s south at 38-46 Albany Street (Aria building) and further south at 7-19 Albany Street (refer to Figure 4 below). The submissions were concerned that the proposal would:

- adversely impact upon the solar access to the living rooms, balconies and the communal rooftop terrace of the Aria apartments;
- adversely impact upon the solar access to the apartments on 7-19 Albany Street; and
- adversely impact upon the solar access to the general streetscape especially on Atchison Street and Albany Lane.

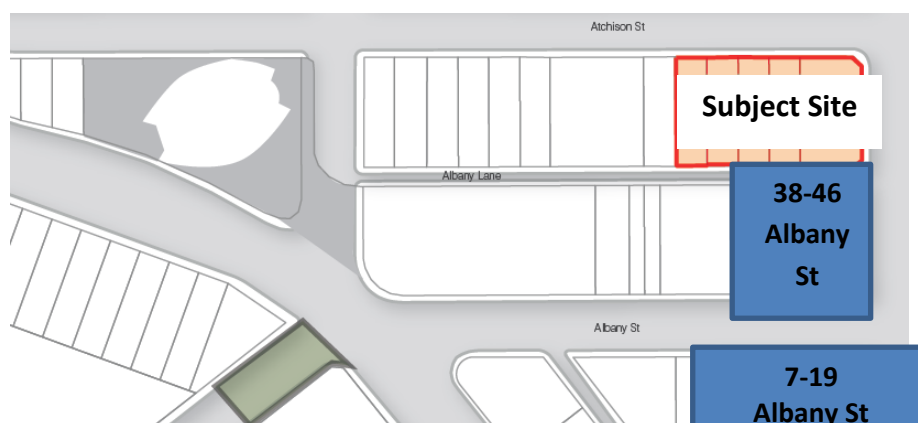


Figure 4: Site locations Source: AJ+C

Comment:

In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the *SLCN Planning Study – Precincts 2 & 3*, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility. Council also received considerable support for the study by the community to unlock additional development capacity within the precinct, provided commensurate public benefits are delivered to meet the needs of the community and efforts are made to limit impacts of new buildings.

The proponent has provided a number of public benefits in line with the community endorsed *SLCN Planning Study* (refer to subsection 2.1.6 of the report), as well as incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments especially at 38-46 Albany Street and 7-19 Albany Street. This has been demonstrated in the concept design through:

- increased setbacks to the podium of Albany Lane from 1.5m to 2m;
- the provision of a 6m wide open to sky laneway between Atchison Street and Albany Lane;
- the provision of two storey cutouts in the podium form along Albany Lane; and
- the provision of 2.5m deep cutouts in the tower form (levels 5-8) along Albany Lane.

The above design considerations result in better solar performance for the abovementioned properties than compared to a compliant building form in accordance with the community endorsed *SLCN Planning Study – Precincts 2 & 3*. A comparison of the solar performance over the two schemes are available in sections 6.3 to 6.6 of the accompanying Urban Design Report.

In terms of overshadowing of the communal rooftop terrace at 38-46 Albany Street, the solar studies supplied as part of the Planning Proposal indicate that the north-eastern portion of the subject rooftop terrace will receive some morning sun from approximately 9am to 10:30am during the winter solstice and almost three hours during the equinox. The ADG identifies a preferred minimum percentage (70%) of apartments and private open space (in this case, the communal rooftop terrace) being able to receive at least 2 hours of sunlight during the mid-winter solstice. Whilst this is an accepted industry goal, in a dense urban environment undergoing renewal, it is acknowledged that it is not always able to be met.

The State Government's plans for St Leonards/Crows Nest also recommends a maximum building height of 16 storeys on the subject site (refer to Figure 3). Therefore, the solar impacts are an expected outcome as part of any redevelopment on the subject site under Council or State Government's strategic plans for St Leonards/Crows Nest. Nevertheless, additional design and architectural considerations can still be explored at the DA stage to ensure overshadowing impacts are further mitigated to the abovementioned properties and surrounding areas of the public domain.

Given the above and the broader context of St Leonards/Crows Nest in its role as a 'Health and Education Precinct', the issue of solar access is not sufficient planning grounds to warrant the delay of the progress of the Planning Proposal.

2.1.4 Scale of Development

A number of submissions suggested that the proposal was of an inappropriate scale and would result in a visually dominating building that would be incompatible with the existing density and future character of the locality. Some suggested that the design of the building was too ‘boxy’ and would be unsuitable to sit with the existing new buildings.

Comment:

As mentioned earlier, the proposal is consistent with the future heights and density envisaged under Council’s *SLCN Planning Study – Precincts 2 & 3*, as well as the Department’s plans for St Leonards/Crows Nest. In particular, the proposed height of 16 storeys for the site will tie in with the opposite sites along Atchison Street where a height of 16 storeys is also envisaged (under both studies). Together, these sites will help define the ‘edge’ of St Leonards.

The bulk and the scale of the building has been designed to ensure it is appropriate to the character of the surrounding street and buildings as the proposal:

- adopts a zero podium setback along Atchison Street which is consistent with the built forms to the west along 21 and 15 Atchison Street;
- adopts a 6m double storey ground level setback along Atchison Street to accommodate widened footpaths and active ground level uses;
- provides a 5m setback along Oxley Street to contribute to the Oxley Street linear park and acts as a transition towards the Crows Nest residential precinct;
- provides a 6m wide pedestrian laneway to the site’s west to enable better accessibility in St Leonards, better address the site isolation issue at 21 Atchison Street and help mitigate impacts on dwellings south of Albany Lane;
- provides a 2m whole of building setback along Albany Lane and a 3m above podium setback along Atchison Street consistent with the community endorsed *SLCN Planning Study – Precincts 2 & 3*; and
- provides a 4-storey podium along Atchison and Oxley Street which continues the 4 storey podium alignment and configuration along these street frontages.

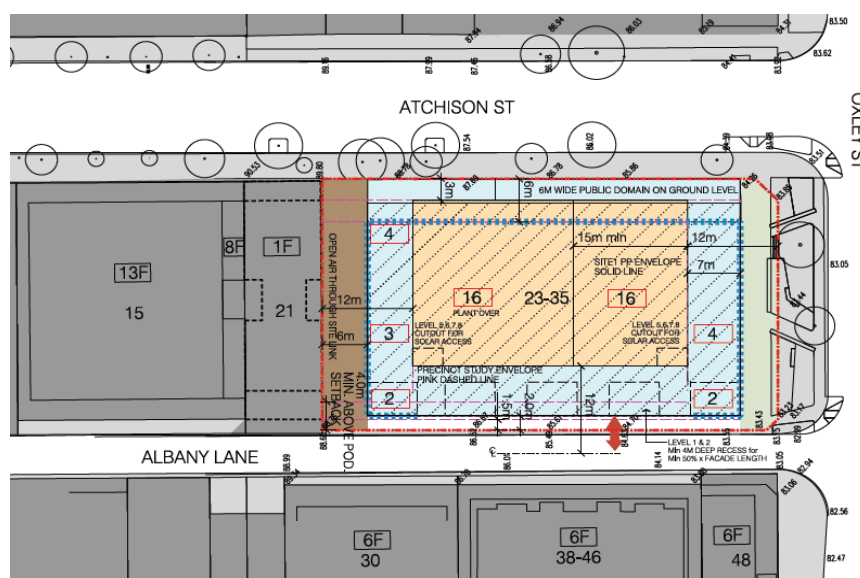
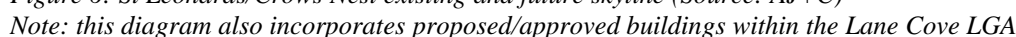


Figure 5: Concept design (Source: AJ+C)



It is highlighted that the site is located in an area set to undergo significant transformation, this is indicated in both Council and the DPIE's strategic plans for St Leonards where changes to height and density are envisaged. As such, from a Council planning perspective, there is an expectation that views may be impacted upon. The precise extent of any view impacts cannot be determined until such time as a DA has been made on the subject site. However, an analysis of the potential impact of the proposal on views to the abovementioned properties is provided below.



Figure 7: Views and Vistas (Source: AJ+C)

15 Atchison Street (Nexus building)

15 Atchison is located to the proposal's west and currently accommodates a 13-storey high mixed-use building. The building currently enjoys some regional views to the north-east and some Sydney CBD views to the south. The proposal will potentially affect district views currently enjoyed by the Nexus building, however, access to such views are already restricted as the majority of the eastern façade of this building consists of a blank wall, with the exception of the top four floors (refer to Figure 8 below). The highly valued views to the North Sydney CBD and the Sydney CBD will unlikely be affected as the proposal is located east of the Nexus building and separated by the 6m wide open to sky laneway along Atchison Street and Albany Lane.

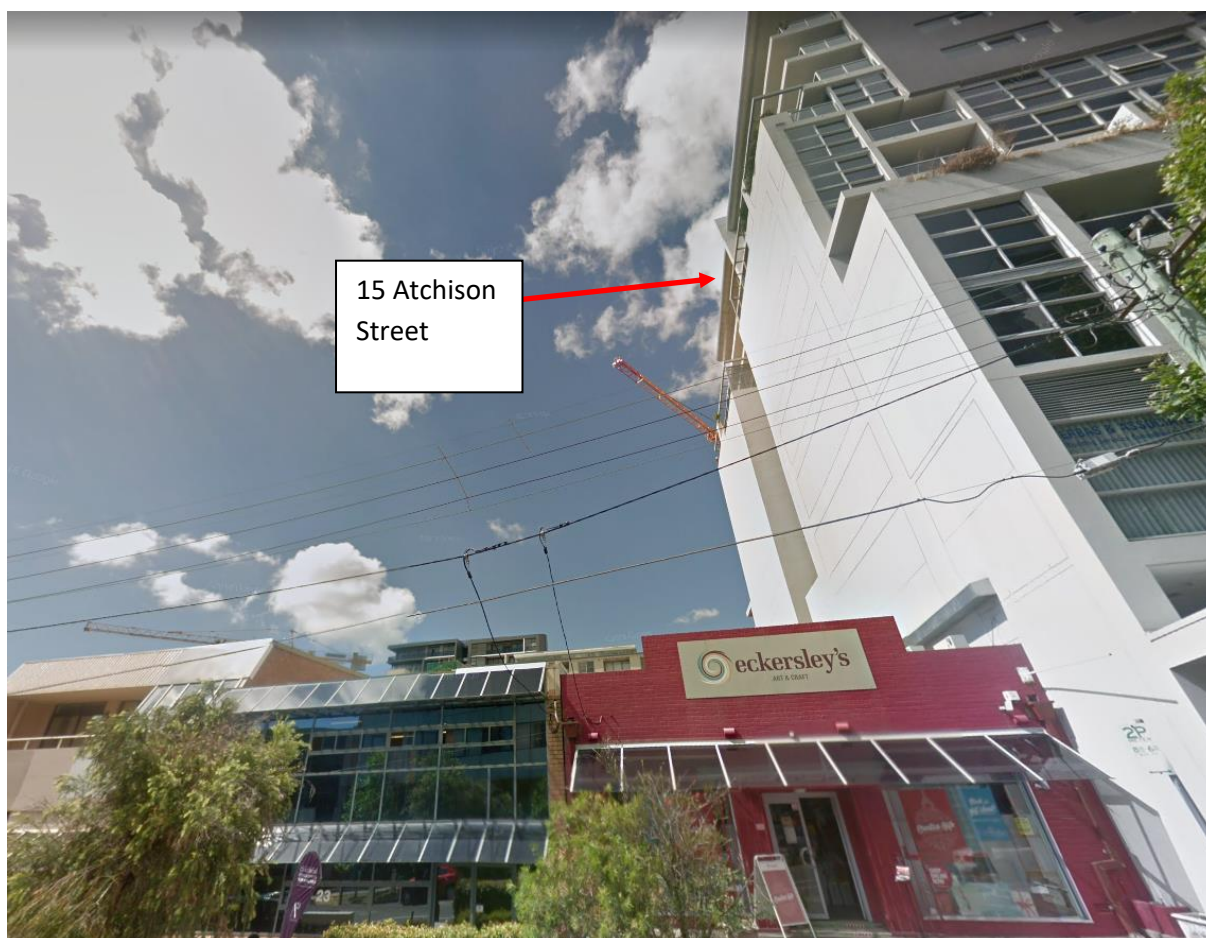


Figure 8: Eastern façade of 15 Atchison Street (Source: Google Maps)

38-46 Albany Street

38-46 Albany Street is located immediately to the proposal's south and currently accommodates a 6-storey mixed use building. The upper levels of the building currently enjoy some regional views comprised of the Chatswood CBD to the north. Whilst the Planning Proposal may reduce these views, should a building be erected on 23-35 Atchison Street under the current maximum height of buildings of 20m, any views to the Chatswood CBD would also be heavily restricted.

7-19 Albany Street

7-19 Albany Street currently accommodates a 10-storey mixed use building. Similar to 38-46 Albany Street, the Planning Proposal may reduce some of the regional views currently enjoyed comprised of the Chatswood CBD from the northern façade of the upper levels.

Impact on views

Whilst the proposal is likely to affect some regional views currently enjoyed by the upper levels of residential properties within 38-46 Albany Street and 7-19 Albany Street, these views are accepted as likely to be interrupted by future heights of 16 storeys envisaged under Council's *SLCN Planning Study – Precincts 2 & 3*, and the DPIE's *St Leonards/Crows Nest Draft 2036 Plan* on sites located along Atchison Street and Atchison Lane. Nevertheless, the proposal will unlikely affect city views of the North Sydney CBD and Sydney CBD enjoyed by these properties due to the subject site's location. Given this, the proposal's consistency with the community endorsed *SLCN Planning Study – Precincts 2 & 3*, the broader context of St Leonards and its role to satisfy state targets for housing and employment, amendments to facilitate the retention of regional and district views are not considered to be reasonable.

2.1.6 Public Benefits

Voluntary Planning Agreement

A few submissions objected to the public benefits as a trade-off for allowing an increase in building height and stated that the proposal did not make a positive contribution to the surrounding community. Despite this, it is worthwhile to note that two submitters (including one from a precinct committee) specified their support of the proposal especially due to the contributions identified under the VPA.

Comment:

The *SLCN Planning Study – Precincts 2 & 3* prescribes a set of public benefits that were considered critical to support height and density increases within the precinct. The public benefits offered as part of the VPA are largely consistent with the items identified in Council's study and will help meet the needs of the community.

These include:

- a 5m setback along Oxley Street dedicated to Council as public open space – This will contribute to the Oxley St linear park envisaged under the *SLCN Planning Study – Precincts 2 & 3*;
- a 6m setback along the site's west to create a publicly accessible through site link between Atchison and Albany Lane – This enables the potential for laneway activation and better site permeability; and
- A monetary contribution of \$2,800,000 to go towards Hume St Park – this will assist with Council's plans for the regionally significant Hume St Park upgrade.

These are considered to be commensurate public benefits that will support the increased development capacity in an appropriate manner and help 'offset' any impacts caused by the Planning Proposal. Refer to subsection 3.1.1 of the report for more details.

There were some specific concerns regarding some of the above items. These concerns are addressed below:

Oxley St Linear Park

Some submissions stated that the 5m setback did not provide enough space and could not be described as a 'park'. One particular submission suggested that the 5m should be increased to 10m.

Comment:

The provision of a 5m whole of building setback along Oxley Street is required to help facilitate a part of the Oxley Street linear park and is consistent with the requirements identified in the community endorsed *SLCN Planning Study – Precincts 2 & 3* and Council's NSDCP 2013. The total amount of area provided for the portion of the Oxley Street linear park equates to approximately 173.4sqm. This is considered to be a reasonably well sized public open space and is especially desirable given the lack of public open space within the St Leonards/Crows Nest area. Additionally, it was acknowledged in the *SLCN Planning Study – Precincts 2 & 3*, that given Oxley Street's north/south orientation, a good level of sunlight could be achieved down the linear parks, supporting new trees and the fall towards the east also enables water sensitive urban design to occur, therefore making it an ideal location for a linear park.

Through site link

One particular submission indicated that the public benefits associated with the laneway between Atchison Street and Albany Lane was limited as it did not connect to any other links.

Comment:

It is intended that the laneway between Atchison Street and Albany Lane will be publicly accessible 24/7 and open to sky. This is considered to help contribute to achieving a finer, coherent network of laneways within the St Leonards Crows Nest Precinct and is consistent with the *SLCN Planning Study – Precincts 2 & 3*. Additionally, a laneway along the west of 50-56 Atchison Street (located north of the subject site) is currently being negotiated between Council and a separate proponent. If this occurs, there is potential for a new north-south pedestrian link between the laneway under this Planning Proposal and the one currently under discussion. These links are highly desirable to help improve the permeability of the area, enable more publicly accessible spaces and improve the vibrancy of the area as noted in the community endorsed *SLCN Planning Study – Precincts 2 & 3*.

2.1.7 Traffic Congestion

A number of submissions identified that the proposal would result in an increase in traffic congestion which is unacceptable given that the locality is already heavily congested and the streets within the area are too narrow. Some submissions stated that the reduction of parking resulting in reduction of traffic was unrealistic.

Comment:

The Traffic Impact Assessment (TIA) prepared by the proponent states that through the provision of parking consistent with the maximum parking rates for the St Leonards/Crows Nest Precincts 2 & 3 identified in the NSDCP 2013, there is an *'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing site uses.'* This is largely due to the reduction of the higher traffic generating commercial uses from 3,829sqm GFA to 3,165sqm GFA as well as the removal of the existing car repair business located on 31 Atchison Street which generates a significant amount of vehicle movements with the drop off/pick up of vehicles.

The TIA suggests that a future DA will provide no greater than 49 car spaces (44 residential and 5 non-residential), in accordance with the DCP. The provision of a compliant number of parking spaces and the measures detailed in the applicant's draft green travel plan will assist in encouraging sustainable methods of transport and increase the uptake of walking, cycling and public transport, consistent with the 'no net increase in traffic generation' approach within the *SLCN Planning Study – Precincts 2 & 3*.

The proposal also seeks to consolidate five existing driveways along Albany Lane and Atchison Street into one single driveway accessed via Albany Lane at the southern boundary of the site. This will assist on reducing the number of vehicular movements along both streets and improving the safety of pedestrians along these streets. Furthermore, by locating the driveway onto Albany Lane, it will support Atchison Street in its role as a civic 'high street' and enable a more pleasant focal point for residents and visitors in St Leonards.

The submitted documentation is considered to be satisfactory for the purpose of assessing the traffic implications of the proposal. Further attention to detail of future vehicular accessway and basement design will be required at the DA stage.

Additional Traffic Infrastructure and Parking

A few submissions stated that more measures were needed to resolve traffic congestion (i.e. widening of Albany Lane) in order to cope with additional residential capacity and highlighted that the proposal would further exacerbate the lack of parking already occurring within the vicinity, resulting in significant street parking on surrounding streets.

Comment:

The request for the widening of roads and more parking is inconsistent with the objectives of the *SLCN Planning Study – Precincts 2 & 3*, which is to achieve a zero net increase in traffic generation. There is a clear relationship between parking and road infrastructure supply and traffic generation as described in the Roads and Maritime Services' *Guide to Traffic Generating Development*. Providing new parking and traffic infrastructure to “accommodate” parking demand and traffic growth results in induced traffic demand, increased congestion and reduced uptake of walking, cycling and public transport and other associated traffic externalities. The provision of additional traffic infrastructure and parking spaces is not considered an appropriate form of public benefit as it would further exacerbate traffic congestion within the area

2.1.8 Site Isolation

A number of submissions highlighted their concerns for the proposal and its potential to isolate the adjacent site at 21 Atchison Street. These submissions suggested that 21 Atchison Street would be immediately dwarfed by taller buildings and result in restricted development potential of the site. In particular, one submission from the representatives of the owner of 21 Atchison Street highlighted that their client's site would remain under the current maximum height of buildings of 20m under the existing *NSLEP 2013*, whilst the surrounding sites to the east and west would benefit from greater building heights. They also highlighted that, contrary to the proponent's claims, the owner of 21 Atchison Street was willing to enter into discussions to sell/work with the proponent to potentially arrive at a better planning outcome.

Comment:

Following the receipt of the above submissions, Council contacted the proponent regarding this matter. The proponent stated that they had recommenced dialogue with the owner of 21 Atchison Street and were unable to reach an agreement. Prior to this, the proponent had provided documentation indicating the numerous attempts made between 2015-2018 to purchase the property, but despite all efforts, were unsuccessful in doing so. Given this, it is considered that the proponent has satisfactorily demonstrated that a reasonable number of attempts have been made to acquire 21 Atchison Street over the course of four (4) years.

Moreover, it is of Council's understanding that the site amalgamation may not possibly drive the best outcome given the substantial amount of submissions regarding overshadowing received from owners/occupiers of properties south of the subject site. Should the proposal incorporate 21 Atchison Street, it is likely a building of greater width would be sought resulting in greater levels of overshadowing on the southern properties when compared to the current scheme under the Planning Proposal.

In order to address potential site isolation issues, the proponent has provided an appropriate number of design considerations including:

- a potential redevelopment scheme for the site at 21 Atchison Street to accommodate an 8-storey mixed use building;
- shared basement parking access between 21 Atchison Street and 23-35 Atchison Street; and should any development of No 21 be pursued in the future;
- the required building separation of 6m at the podium level and 12m above podium along the western boundary of 23-35 Atchison Street, enabling 21 Atchison Street to be able to be built up to its boundary.

The above was considered at the DEP meeting in 2017 and Council's meeting dated 25 June 2018. This was considered an acceptable outcome in ensuring that 21 Atchison Street could be appropriately redeveloped on its own. Additional design considerations and planning mechanisms can be investigated at the DA stage to mitigate any amenity impacts for this site.

A letter of commitment from the proponent was also submitted to Council on 28 August 2019 to further provide assurance regarding the delivery of a future shared basement access between 21 Atchison Street. This letter was accompanied by advice from TTPP Transport Planning outlining how this could occur at the DA stage for 21 Atchison Street. Of particular note, is the provision of a right-of-way and a break out panel along the west of the proposed underground car park of 23-35 Atchison Street to help facilitate a future shared basement connection to 21 Atchison Street. This will assist on the reduction of loading bays/vehicular access points along Albany Lane and a more efficient basement layout within any future basement within No 21.

Given the above, it is considered that the proponent has satisfactorily demonstrated that 21 Atchison Street can be redeveloped on its own, and thus, the issues of site isolation is not sufficient planning grounds to warrant the delay of the progress of the Planning Proposal.

2.2 Consideration of Precinct Committee Submissions

Council received a submission from the Holtermann precinct outlining their overall support of the proposal due to the associated public benefits provided as part of the VPA. However, they raised concerns with the potential for the \$2,800,000 monetary contribution being spent on other public open space within the North Sydney LGA, due to the form of words used to describe components of the VPA, namely, "*a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park or public open space within the North Sydney LGA*". It was requested that Council ensure that the \$2,800,000 monetary contributions be spent on the Hume Street Park project.

Comment:

Whilst the draft VPA includes Clause 5.1(d) which stipulates that "*in the event that Council determines not to acquire the land for the purposes of establishing the Hume Street Park, the Council agrees the contributions made under this Agreement will be applied towards the embellishment and maintenance of other land for the purposes of public open space and recreation within the North Sydney Local Government Area.*", it is Council's intention that the monetary contributions be allocated to the Hume Street Park project as evident in Clause 5.1(c) of the draft VPA document which explicitly states:

5.1 Monetary Contributions

(c) The Council must, on receipt of the Monetary Contribution paid by the Developer in accordance with clause 5.1(b) and within a reasonable time, use that Monetary Contribution as it sees fit to:

- (i) acquire land for the improvement of the Hume Street Park, as required;*
- (ii) carry out the embellishment of the Hume Street Park; and*
- (iii) care for and maintain the Hume Street Park.*

The purpose of Clause 5.1(d) is to provide for some degree of future flexibility within the context of a legal agreement should other circumstances arise and due to the St Leonards/Crows Nest area being potentially subject to further change depending on the contents of the future *St Leonards/Crows Nest 2036 Plan* released by the DPIE. Nevertheless, it is Council's intentions that the monetary contribution be used to fund the Hume Street Park upgrade as set out in the prescribed list of public benefits to be delivered in accordance with the Council and community endorsed, *SLCN Planning Study – Precincts 2 & 3*.

2.3 Consideration of Public Authority Submissions

Council received submissions from the following public authorities:

- Transport for NSW; and
- Ausgrid.

An assessment of these submissions is provided in the following subsections.

2.3.1 Transport for NSW

Transport for NSW (TfNSW) did not specifically object or endorse the outcomes of the Planning Proposal. However, they did advise that:

The supporting documents have been reviewed and no specific comments are provided at this stage of the development

Comment:

It is noted that TfNSW has been consulted and raises no concerns. The contents of their submission does not warrant the delay of the progress of the Planning Proposal to the next stage.

2.3.2 Ausgrid

Ausgrid did not specifically object or endorse the outcomes of the Planning Proposal. However, they did advise that:

Ausgrid consents to the abovementioned development subject to the following conditions:-

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in 23-35 Atchison St.

SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in 23-35 Atchison St, those transmission cables locate in front of the road near the property side. Beware of that any excavation work within 2 meters from transmission assets, need Ausgrid spotter in the work site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

SafeWork Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Comment:

Whilst Ausgrid has provided conditions of consent for the proposal which is generally applicable at the DA stage, it is demonstrated that a taller building constructed to the height limit of 56m can be developed without adverse effects on existing Ausgrid infrastructure subject to the imposition of conditions. If required, this can be dealt with at the DA stage. As such, the

contents of their submission does not warrant the delay in progressing the Planning Proposal to the next stage.

OTHER MATTERS

3. St Leonards Crows Nest Planned Precinct

On 15 October 2018, the DPIE released a package of documents relating to the draft St Leonards Crows Nest Plan (*SLCN Plan*) for public comment. This package comprises:

- the St Leonards Crows Nest Draft 2036 Plan (referred to as the *draft 2036 Plan*);
- the St Leonards & Crows Nest Draft Local Character Statement;
- the St Leonards Crows Nest Draft Green Plan;
- the St Leonards Crows Nest Proposed Special Infrastructure Contributions; and
- the Crows Nest Sydney Metro Site Rezoning Proposal.

The public exhibition for the abovementioned Plan concluded on 8 February 2019. Following the exhibition, the DPE will consider all submissions and make changes where appropriate and then submit the revised documents to the Minister for Planning for determination. At this stage, no further changes and updates have been made to the draft *SLCN Plan*. Therefore, the assessment of the proposal against the *Draft 2036 Plan* in Section 8.2.5 of the Planning Proposal is still applicable and has demonstrated that the proposal is generally consistent with the DPIE's plans for St Leonards/Crows Nest.

In particular:

- providing a desired widened street setback on Atchison Street to enhance and promote walking, cycling and access to public transport;
- widening of Oxley Street frontage to enable landscaped setbacks;
- providing consistent built form outcomes with respect to height in storeys and FSR;
- providing a level of employment floorspace which will contribute to meeting employment targets of 63,500 jobs under the Sydney Region and North District Plans;
- protecting and strengthening the Precinct's commercial role through the provision of improved levels of employment floor space;
- enabling a mixed-use development to encourage revitalization of St Leonards; and
- encouraging social interaction through improved street activation and provision of social infrastructure.

3.1.1 Voluntary Planning Agreement

As part of the DPIE's draft *SLCN Plan*, a draft SIC plan for funding towards district level infrastructure (such as regional roads, schools and district open space) has also been developed. This contribution is paid to DPIE following the approval of a DA.

The infrastructure schedule as part of the draft *SLCN Plan* does not identify specific projects associated with 23-35 Atchison Street. However, the most relevant one is highlighted below:

Project	Cost estimate
<i>R5 Signalised pedestrian improvements: Albany Street at Pacific Highway</i>	<i>\$172,000</i>
<i>Total:</i>	<i>\$172,000</i>

The proposed Special Contribution rate is calculated as:

Special Contribution Rate	Number of apartments	Total
<i>Proposed contribution rate: \$15,100 per additional dwelling</i>	<i>102</i>	<i>\$15,100 x 102 = \$1,540,200</i>

As evident above, should the SIC be imposed, there will be limited improvements to the immediate vicinity of the subject site when compared to the contributions proposed under the VPA and the potential loss of important public benefits (being the 6m wide publicly accessible laneway between Atchison Street and Albany Lane, the 5m wide setback along Oxley Street to contribute towards the Oxley Street linear park, and the monetary contribution of \$2,800,000 to go towards the Hume Street Park upgrade) to support the additional development capacity associated with the Planning Proposal.

It is Council's understanding that the draft *SLCN 2036 Plan* has been informed by the significant level of strategic planning work that Council has already undertaken and endorsed in the locality with some further refinements to take into account the proposed Metro Station at Crows Nest.

The VPA is consistent with Council's *SLCN Planning Study – Precincts 2 & 3* and will help meet current and future recreational needs of the community. Therefore, the VPA should be recognised as a contribution towards infrastructure identified in the future *SLCN Plan*. It is recommended that Council seek assurances from the DPIE to ensure that the in-kind and monetary contributions associated with the VPA are not undermined by any future SIC as part of the future *SLCN Plan*, prior to the LEP being made.

3.1.2 North Sydney Development Control Plan 2013

At its meeting on 25 June 2018, Council also resolved to place an associated draft amendment to NSDCP 2013 on public exhibition concurrently with the Planning Proposal which seeks to introduce a 6m ground level setback along the Atchison Street portion of the site. During the public exhibition process, no objections were received regarding this matter. As such, it is recommended that Council endorse the amendments to NSDCP 2013 associated with the Planning Proposal.

4. Conclusion

The Planning Proposal as publicly exhibited sought to amend *NSLEP 2013* by:

- increasing the maximum building height from 20m to 56m;
- increasing the minimum non-residential floor space ratio (FSR) from 0.6:1 to 1.5:1; and

- imposing a total maximum floor space ratio of 6.3:1.

The Planning Proposal is also accompanied by a draft VPA, with an offer to provide a 6m wide publicly accessible laneway along Atchison Street and Albany Lane, 5m wide setback along Oxley Street to contribute to the Oxley Street linear park, and a monetary contribution of \$2,800,000 to go towards the Hume Street Park upgrade.

The key issues raised during the exhibition period mainly relate to height, overshadowing, views, bulk and scale, overdevelopment and traffic impacts. These are largely in relation to amenity impacts and have been carefully considered and addressed within this report. These impacts also need to be considered in the context of the broader strategic direction of St Leonards and its designation as a ‘Health and Education Precinct’.

The precinct is undergoing significant change and North Sydney Council, Lane Cove Council, TfNSW and the DPIE have proactively sought to manage this change appropriately through significant planning work. Of particular note is Council’s *SLCN Planning Study – Precincts 2 & 3*, which received considerable amount of support from the community, local businesses and landowners.

Given the above and the proposal’s consistency with the desired objectives and outcomes with the council and community endorsed planning study, it is recommended that the Planning Proposal be forwarded to the DPIE with a request that the plan be made under the EP&A Act. In order to facilitate the outcomes of the proposal, it is also recommended that the amendments to NSDCP 2013 be adopted by Council.



Gateway Determination

Planning proposal (Department Ref: PP_2018_NORTH_003_00): to increase the maximum building height and minimum non-residential floor space ratio and introduce a maximum floor space ratio for the site at 23-35 Atchison Street, St Leonards.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan (LEP) 2013 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) amend the project timeline to reflect the anticipated time frames for the plan-making process;
 - (b) include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of a draft or final special infrastructure contribution for the St Leonards and Crows Nest Station Precinct; and
 - (c) address the St Leonards and Crows Nest 2036 Draft Plan, particularly the area-wide design principles, design criteria and proposed planning controls relevant to the site and justify any inconsistencies.
2. Prior to community consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
 - federal Department of Infrastructure, Regional Development and Cities;
 - Airservices Australia;
 - Civil Aviation Safety Authority; and
 - Sydney Airport Corporation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW;
- Roads and Maritime Services; and
- Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with a revised draft or final St Leonards and Crows Nest 2036 Plan, if available.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *21st* day of *December* 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

PLANNING PROPOSAL

23-35 ATCHISON STREET, ST LEONARDS

FEBRUARY 2019 (AS AMENDED)
SA7090
FINAL
PREPARED FOR TWT

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen White
Consultant	Dayle Bennett
Project Code	SA7090
Report Number	Planning Proposal

TABLE OF CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	Report Structure.....	1
2.	Site and Surrounding Context.....	3
2.1.	The Site.....	3
2.2.	Surrounding Context.....	4
2.3.	St Leonards Development Trends.....	6
2.4.	Royal North Shore Hospital	7
3.	Existing Planning Controls	8
3.1.	North Sydney Local Environmental Plan 2013	8
4.	Concept Proposal	11
4.1.	Indicative Concept Scheme	11
4.2.	Design Considerations.....	11
4.3.	Public Benefit Offer	13
5.	Planning Proposal Assessment	15
6.	Part 1 - Objectives & Intended Outcomes	16
6.1.	Objectives	16
6.2.	Intended Outcomes	16
7.	Part 2 - Explanation of Provisions.....	17
7.1.	Building Height.....	17
7.2.	Floor Space Ratio	17
7.3.	State infrastructure Contributions	17
8.	Part 3 - Justification	18
8.1.	Need for the Planning Proposal.....	18
8.2.	Relationship to Strategic Planning Framework.....	18
8.3.	Environmental, Social and Economic Impact	34
8.4.	State & Commonwealth Interests	38
9.	Part 4 - Mapping	39
10.	Part 5 - Community Consultation.....	41
11.	Part 6 - Project Timeline	42
12.	Conclusion	43
	Disclaimer	45

Appendix A	Economic Impact Assessment
Appendix B	Preliminary Site Environmental Assessment
Appendix C	Traffic Assessment
Appendix D	Waste Management
Appendix E	Design Report

FIGURES:

Figure 1 – Aerial Photograph of the Site	4
Figure 2 – Land Use Context Plan	5
Figure 3 – Subject Site in Existing and Planned Context.....	7
Figure 4 – NSLEP 2013 Zoning Map.....	9
Figure 5 – NSLEP 2013 Height of Buildings Map	9

Figure 6 – NSLEP 2013 Minimum Non-Residential FSR Map	10
Figure 7 – Photomontage of the Proposed Podium	12
Figure 8 – Photomontage of the Proposal from Atchison Street	13
Figure 9 – Concept Plans for 21 Atchison Street	35
Figure 10 – Proposed Height of Buildings Map (NSLEP 2013)	39
Figure 11 – Proposed Maximum FSR	40
Figure 12 – Proposed minimum non-residential FSR	40

TABLES:

Table 1 – Property Description and Existing Development	3
Table 2 – Local Development (Major New Projects)	6
Table 3 – Key Features of the Proposal	11
Table 4 – Existing Controls and Proposed Amendments	17
Table 5 – Planning Proposal Response to the <i>Greater Sydney Region Plan</i>	19
Table 6 – North District Plan Assessment	22
Table 7 – Draft 2036 Plan	24
Table 8 – Consistency with State Environmental Planning Policies	26
Table 9 – Consistency with Regional Environmental Plans	28
Table 10 – Section 9.1 Compliance Table	30
Table 11 – Indicative Project Timeline	42

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of TWT (“the proponent”) to initiate the preparation of an amendment to North Sydney Local Environmental Plan 2013 (NSLEP 2013) pertaining to land at 23-35 Atchison Street, St Leonards (the site).

The site is currently zoned B4 Mixed Use under NSLEP 2013. The current applicable built form controls that apply to the site include:

- Height of buildings: 20 metres (maximum).
- Minimum non-residential FSR: 0.6:1
- Maximum Floor space ratio: Not applicable.

The proposal seeks to amend the above controls applying to the site to facilitate a redevelopment of the site into a mixed-use retail/commercial and residential building, as follows:

- Increase the building height control to 56 metres, equivalent to 16 storeys;
- Increase the minimum non-residential FSR control to 1.5:1; and
- Establish an overall maximum Floor Space Ratio (FSR) control for the site to 6.3:1.

1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment (DPE) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

It includes the following:

- Description of the site and its context;
- Overview of the strategic context of the site;
- Summary of the local planning controls;
- Description of concept proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provision of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the expected community consultation process; and
- An approximate project timeline.

The Planning Proposal is accompanied by the following supporting documents:

- Concept Design Report - prepared by AJ+C Architects, incorporates a Landscape Concept prepared by Aspect Studio;
- Economic Impact Assessment – prepared by Urbis;
- Traffic and Transport Advice – The Traffic Planning Partnership;
- Preliminary Site Environmental Assessment – prepared by WSP;
- Waste Management Plan – prepared by Elephants Foot.

2. SITE AND SURROUNDING CONTEXT

2.1. THE SITE

The site comprises an amalgamation of 5 properties known as 23-35 Atchison Street, St Leonards.

The site boundary interfaces are described as follows:

- The northern boundary fronts Atchison Street
- The southern boundary fronts Albany Lane.
- The eastern boundary fronts Oxley Street between the corners of Albany Lane and Atchison Street.
- The western boundary abuts the property boundary of 21 Atchison Street.

The site has a significant change in elevation from west to east of approximately 6 metres. The fall from north to south along the Oxley Street frontage is just under one metre.

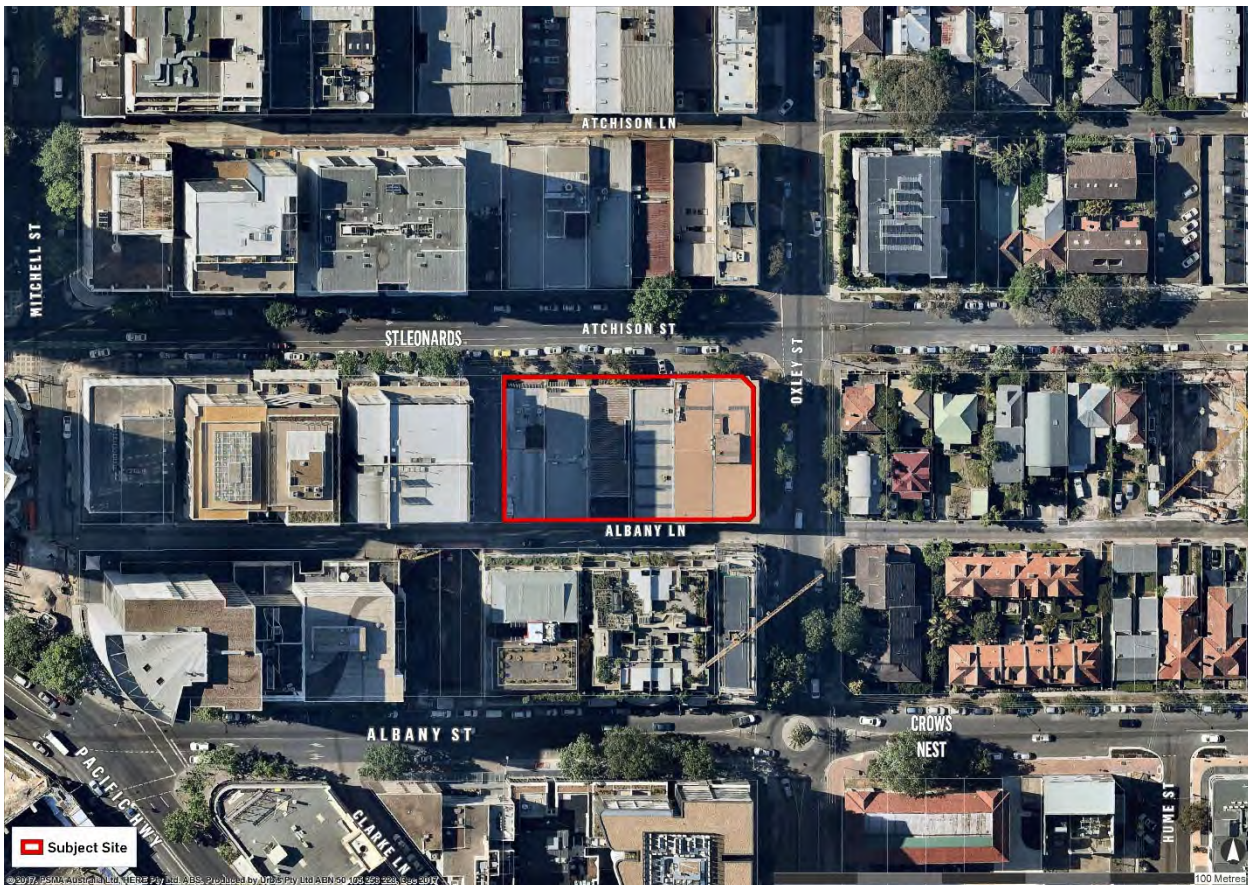
The site is located 220 metres from the future Crows Nest metro station and 400metres walking distance from St Leonards train station.

The site comprises to total overall site area of approximately 2,109.8sqm. A description of the properties and existing development is outlined in **Table 1** below.

Table 1 – Property Description and Existing Development

Property Description	Legal Description	Existing Development
23 Atchison Street	Lot 27 S10 DP2872	2 storey office building with access to Albany Lane
25 Atchison Street	Lot 28 S10 DP2872	2 storey commercial building with access to Albany Lane
27-29 Atchison Street	Lot 29 S10 DP2872	2 storey commercial building with access to Albany Lane
31 Atchison Street	Lot 30 S10 DP2872	2 – 3 storey building with a car workshop on the ground floor
33-35 Atchison Street	Lot 31 S10 DP2872 Lot 321 DP 566480	A 4 storey commercial office building with ground floor café and undercover on-site parking, located on the corner of Oxley Avenue and Atchison Street.

Figure 1 – Aerial Photograph of the Site



Source: Urbis

2.2. SURROUNDING CONTEXT

The site is located within the suburb of St Leonards in the North Sydney Local Government (LGA), at the boundary of Willoughby and Lane Cove LGAs. St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The suburb is in proximity and highly accessible to the commercial centres of North Sydney, Chatswood and Macquarie Park.

St Leonards is characterised by a mix of land uses generally including medical services, newly constructed mixed use commercial / residential buildings (with a significant number of recently approved mixed use developments currently under construction or soon to be constructed in the North Sydney LGA part of the centre) and older B and C grade commercial office stock. The suburb is bisected east-west by the Pacific Highway and north-south by the North Shore Railway Line.

The site is located on the eastern edge of St Leonards. It is within convenient walking distance of the facilities and services available within the St Leonards and Crows Nest town centres.

The area is well advanced in its transition from an older style commercial precinct into a thriving mixed use area incorporating a mix of commercial and residential land uses. This transition is being supported by current development activity, recent approvals and further planned development. The immediate surrounds include a range of building forms which are predominantly medium and high rise commercial and multi-storey mixed use residential buildings.

Key land uses near the site include:

- The Forum:** Built over the St Leonards railway station, the Forum is a high rise development incorporating residential and commercial uses including a shopping centre. It is currently St Leonards' tallest development (38 storeys / 118 metres). Facilities and services available within the Forum, including the St Leonards rail station are within convenient walking distance of the site (approximately 400 metres). St Leonards station provides direct rail services to four primary employment areas: Macquarie Park, Chatswood, North Sydney, and Sydney CBD.

- **Royal North Shore Medical Precinct:** The Medical precinct comprises the Royal North Shore Hospital (RNSH), North Shore Private Hospital and the Northern Sydney Institute of TAFE. In addition to being a valuable community resource the facilities provide significant employment opportunities.
- **Commercial offices:** The centre has a scattering of older style suburban office blocks in the centre interspersed with residential apartment buildings. A more concentrated commercially zoned precinct is located south of the highway and east of the railway line and is characterised by a mix of commercial buildings, medical and allied health premises, along with a hotel and some residential apartments. There have been no new multi-level commercial-only building constructed in the centre for over a decade.
- **Emerging mixed use residential development:** While recognised as an important employment precinct, the land use character of St Leonards is quickly evolving to support a greater diversity of uses including residential apartments above commercial uses. There have been multiple new residential towers approved and pending approval that will transform the centre into a taller building profile exceeding the Forum as the 'marker' and resulting in a more residential focused area.

Figure 2 – Land Use Context Plan



Source: AJC Architects

2.2.1. Public Transport

St Leonards is extensively served by both bus and rail services. It has developed as a transport hub with a high level of connectivity to surrounding suburbs and centres with high frequency of services. The subject site is located in close walking distance to the existing and planned rail stations. St Leonards Station is a major interchange having one of the highest levels of rail and bus accessibility in the Sydney Metro Area. Regular train services to the major employment centres of Chatswood, Macquarie Park, Sydney CBD, and North Sydney are available from this station.

A bus interchange is located on the Pacific Highway south of the railway station which provides services to the Sydney CBD and Lane Cove, Chatswood and Epping. The Pacific Highway is a major metropolitan route which connects to the M2 and Gore Hill Freeway 2.5 kilometres to the north.

The future Sydney Metro line will also greatly benefit the site, with the Crows Nest Metro station located only 200m away at the corner of Oxley Street and Pacific Highway, providing high frequency service linking the site from north west through to south west Sydney.

2.3. ST LEONARDS DEVELOPMENT TRENDS

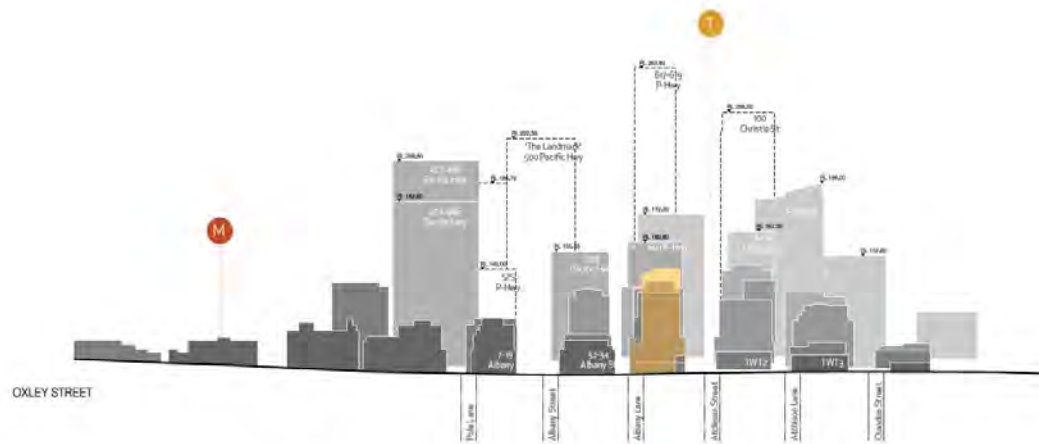
Increased density and scale: Recent development has redefined the character of the area and this will continue to evolve over the coming years in line with State government policies for the area (as articulated in A Plan for Growing Sydney and supported by the soon to be released District Plans). New higher density development has been approved as illustrated in **Table 2** and **Figure 3** below.

Residential use: The character of St Leonards is evolving from a purely employment based precinct to support a more diverse range of uses. New development includes high density residential uses which complement (rather than replace) the traditional commercial focus and help to activate the Precinct outside of business hours. New residential uses are generally concentrated around the St Leonards train station. Recent approvals and current applications for mixed use development within and around St Leonards are described in **Table 2** below.

Table 2 – Local Development (Major New Projects)

Site	Development	Building Height
84-90 Christie Street	Lane Cove LEP Amendment Gazettal (December 2017). DA to be lodged in December 2017.	46 storey mixed use residential tower
472-468, Pacific Highway	DA consent	42 storey mixed use residential tower and 28 storey mixed use residential tower
500, 504-520 Pacific Highway	DA under assessment	46 storey mixed use residential tower
619-621 Pacific Highway	Gateway Determination (November 2017)	50 storey mixed use residential tower
100 Christie Street	Planning Proposal lodged	36 storey mixed use residential tower
6-16 Atchison Street	Project completed	30 storey residential tower
1-13A Marshall Street	Current DA: Residential flat building	29 storey residential tower

Figure 3 – Subject Site in Existing and Planned Context



Source: AJC Architects

2.4. ROYAL NORTH SHORE HOSPITAL

The Royal North Shore Hospital (RNSH) meets the health needs of Mosman, Willoughby, Lane Cove and North Sydney LGAs and beyond. RNSH has recently been redeveloped and expanded. The redevelopment of the medical and clinical uses of RNSH will be complemented by the development of a 10,000sqm “support zone” which will include staff accommodation, childcare facilities, administration buildings, car parking and commercial / retail uses. Medical and health related services are principal employment uses within St Leonards accounting for 25 per cent of jobs within St Leonards (based on 2011 data). The importance of the health industry to local employment is expected to continue and grow into the future supported by the major redevelopment of RNSH.

As detailed in the both the Draft North District Plan (GSC, 2017) and the Interim Statement (DPE, 2017) the Royal North Shore Hospital provides an important opportunity to leverage on existing medical assets in close proximity to public transport and it strengthen the role of the Precinct to create knowledge-intensive jobs in the health, medical education and ancillary industries.

3. EXISTING PLANNING CONTROLS

This section provides a summary of the existing local planning controls that apply to the site under the current legislative framework.

3.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The *North Sydney Local Environmental Plan 2013* (NSLEP 2013) is the principal Environmental Planning Instrument governing development on the site. Key provisions applying to the site are summarised below.

3.1.1. Zoning

The site is zoned B4 Mixed Use, as shown in **Figure 4** below.

The objectives of the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The range of permitted and prohibited uses within the B4 zone are set out within NSLEP2013 as follows (emphasis added):

2. Permitted without consent

Nil

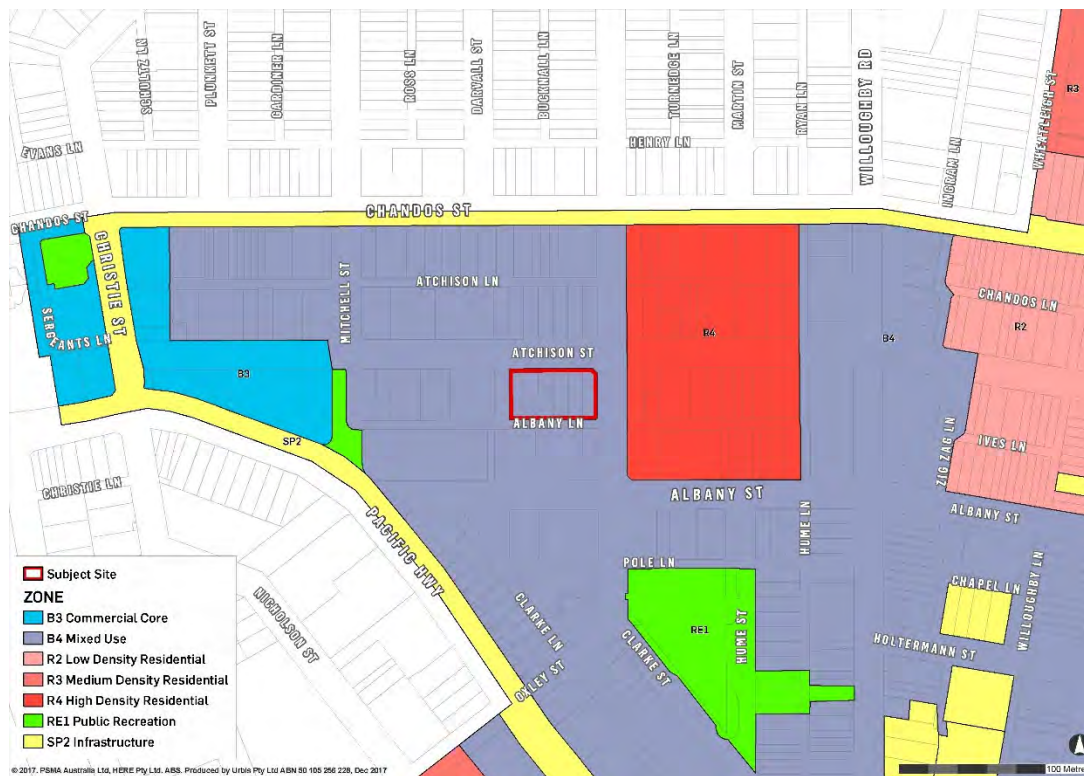
3. Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

4. Prohibited

Any development not specified in item 2 or 3

Figure 4 – NSLEP 2013 Zoning Map



Source: Urbis

3.1.2. Maximum Height of Buildings

The maximum building height under NSLEP 2013 that applies to the site is 20 metres, as show in the **Figure 5** below.

Figure 5 – NSLEP 2013 Height of Buildings Map



Source: Urbis

3.1.3. Floor Space Ratio

NSLEP 2013 does not have a maximum FSR that applies to the site. The NSLEP 2013 does have a minimum non-residential FSR of 0.6:1 that applies to the site, as shown in **Figure 6** below.

Figure 6 – NSLEP 2013 Minimum Non-Residential FSR Map



Source: Urbis

4. CONCEPT PROPOSAL

4.1. INDICATIVE CONCEPT SCHEME

This Planning Proposal is informed by an urban design study and concept architectural schematic, prepared by **AJ+C Architects**.

The following factors informed the development of the proposed concept design:

- St Leonards Crows Nest Planning Study – Precinct 2 and 3
- Feedback from Council Staff and Council's Design Review Panel
- Existing and future development context.
- Shadow Analysis.
- Public domain presentation and street activation
- Provision of residential amenity for future occupants.

To demonstrate that the proposed built form controls are suitable for the site, a concept design has been prepared that includes indicative basement car parking arrangements, ground level street address, above ground commercial uses and residential apartments above. Adequate building separation and an assessment of solar impacts within the site and neighbouring properties have also been considered.

The Concept Design Report including architectural plans are submitted with the Planning Proposal at **Appendix E**.

4.2. DESIGN CONSIDERATIONS

The key features of the Preliminary Concept Design are summarised in **Table 3** below:

Table 3 – Key Features of the Proposal

Element	Proposed
Land uses	Lower and upper ground and first floor retail/commercial tenancies Residential apartments above the lower three floors
New pedestrian lane	Provide a 6-metre building setback along the western boundary to create a north-south pedestrian link that will connect with a future extended pedestrian link
Indicative yield	3,165m ² retail/commercial GFA 102 residential apartments (10,127m ² residential GFA)
Gross Floor Area (GFA) Total	13,292m ²
Residential Floor Space Ratio (FSR)	4.8:1
Non-residential floor space (GFA/ FSR)	1.5:1
Building height	56m

4.2.1. Basement

Car, motorcycle and bicycle parking, plant and services will be located in a basement. The design of the car park basement and total overall spaces will be subject to detailed design during the development application stage.

The car park will be accessed from Albany Lane. The driveway will provide access to at-grade loading and waste collection, with designated collection and bin store areas adjacent.

4.2.2. Ground Floor & Podium

The ground floor plan provides the following:

- Separate lobby access for the commercial use via Atchison Street.
- Residential lobby access via the pedestrian through site link located along the western edge of the site.
- Proposed multi-functional retail uses fronting Oxley and Atchison Streets, Albany Lane as well as the proposed new pedestrian lane along the western site boundary.
- A new pedestrian link along the western site boundary.
- Vehicular access to the basement and carpark via Albany Lane.
- In terms of the podium, Level 1 will be occupied by retail/commercial floor space suitable to accommodate a range of business types and formats. Level 2 of the podium will be occupied by residential uses.

Figure 7 – Photomontage of the Proposed Podium



Source: AJC Architects

Figure 8 – Photomontage of the Proposal from Atchison Street



Source: AJC Architects

4.2.3. Tower Form

A slender single tower form is proposed above the podium base, with a height of 16 storeys to 66 metres, that will have a stepped form, responding to the sloping nature of the site. Apart from Level 2 (contains 11 units), the typical floorplates have between 6-8 apartments per floor, with the upper level containing only 2 apartments.

The future development will provide a mix of unit types as follows:

- 33% one bedroom (34 units);
- 58% two bedroom (59 units); and
- 9% three bedroom units (9 units).

4.3. PUBLIC BENEFIT OFFER

The proposed LEP changes will facilitate future development that will deliver a number of public benefits such as:

- Delivery of housing supply to contribute to the targets of the North District
- Creation of additional retail/commercial space to meet the needs of the residential population as well as provide employment opportunities.
- Improvement to the public domain by creating widened footpaths to facilitate outdoor dining and deep soil planting along the streetscape.

In addition, the proponent understands that the gazettal of the Planning Proposal would create additional demand for services and facilities in the locality beyond what Council's Section 94 Contributions Plan anticipated.

Accordingly, the applicant has offered to enter into a Voluntary Planning Agreement (VPA) with Council to enable the delivery of a significant public benefits arising from the change of land use and density. The draft VPA will accompany the Planning Proposal during public exhibition.

The key items of the VPA are summarised below:

- **Land dedication, comprising:**
 - Creation and dedication of a pedestrian link along the western site boundary
 - Creation of the part of the Oxley Street linear park, along the site frontage and associated embellishment works.
- **Cost of delivering Proposed Public Works:** subject to valuation.
- **Timing for completion of Proposed Public Works:** before an occupation certificate is obtained in respect of any residential apartment in the Proposed Development.
- **Provision of a monetary contribution to Council,** for additional funds to be used for community infrastructure works in the Precinct.
- **Registration of VPA and novation:** Developer to have the VPA registered on the title of the land within 3 months of the entering into of the VPA in accordance with section 93H of the EP&A Act. VPA to include a novation clause that will apply if the ownership of the land changes

The intention is that VPA with Council will give effect to the requirement for additional landowner contributions for all development in the Precinct benefiting from density increases. In this instance the VPA that will be agreed between the proponent and Council will constitute a satisfactory arrangement for contributions in the precinct” and thus the proponent would be exempt from having to also contribute in accordance with any draft or final special infrastructure contribution (SIC) levy.

5. PLANNING PROPOSAL ASSESSMENT

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A with consideration of DPE's *A guide to preparing Planning Proposals* (August 2016).

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

An assessment of the proposal against the above parts is outlined in the following chapters.

6. PART 1 - OBJECTIVES & INTENDED OUTCOMES

6.1. OBJECTIVES

The primary objective of the Planning Proposal is to amend NSLEP 2013 to provide for:

- A taller building form on the subject site; and
- Increase the threshold of non-residential floor space required.

6.2. INTENDED OUTCOMES

The proposed amendments to the NSLEP 2013 controls have the following intended outcomes:

- To satisfy State government objectives in the Greater Sydney Region Plan, the North District Plan as well as relevant Section 9.1 directions;
- To enable the redevelopment of the land in a manner consistent with the building height and FSR parameters envisaged by the St Leonards/ Crows Nest Planning Study (Precincts 2 and 3).
- To integrate the subject site with the surrounding area through improvements to adjoining public domain spaces.
- To deliver significant public domain improvements including active street frontages, high quality public domain and improved connectivity between the St Leonards train station and surrounding areas.
- To provide a mixed-use development with residential commercial and community facilities that will contribute to the creation of a vibrant and active community
- Contribute to the rejuvenation of St Leonards by encouraging and supporting development activity and supporting the diverse mixed use nature of the precinct.
- Amend NSLEP 2013 to include a satisfactory arrangements clause that requires the provision of contributions for designated State public infrastructure identified as part of draft or final strategic planning review.

7. PART 2 - EXPLANATION OF PROVISIONS

The section provides an explanation of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed through an LEP amendment.

The Planning Proposal incorporates amendments to the NSLEP as it relates to the site at 23-35 Atchison Street, St Leonards. To achieve the objectives outlined in Part 1 above, this Planning Proposal seeks to amend the NSLEP as shown in **Table 4** below.

Table 4 – Existing Controls and Proposed Amendments

	Existing	Proposed
Land use zone	B4 Mixed Use	No change
Building Height	20 metres	56 metres
Minimum non-residential FSR	0.6:1	1.5:1
Total maximum FSR	Not applicable	6.3:1

7.1. BUILDING HEIGHT

It is proposed that a 56 metre maximum height control be applied to the site.

This outcome will be achieved by amending the *NSLEP, 2013 Height of Buildings Map-Sheet HOB_001* to provide for a building height of 56 metres on the subject site at 23-35 Atchison Street, St Leonards (as shown in **Figure 10**).

7.2. FLOOR SPACE RATIO

The planning proposal incorporates an amendment to the existing FSR maps.

This outcome will be achieved by amending the *NSLEP 2013 Minimum non-residential Floor Space Ratio Map-Sheet LCL_001* to 1.5:1 on the subject site 23-35 Atchison Street, St Leonards (as shown in **Figure 11**).

In addition, a maximum FSR is also proposed to be imposed on the site. As such the intended outcome, will be achieved by amending the *NSLEP 2013 Minimum non-residential Floor Space Ratio Map-Sheet FSR_001* to 6.3:1 on the subject site 23-35 Atchison Street, St Leonards (as shown in **Figure 12**).

7.3. STATE INFRASTRUCTURE CONTRIBUTIONS

The Planning Proposal includes the intention to provide an equitable contribution towards State and local public infrastructure to support the implementation of the St Leonards and Crows Nest Strategy, as required by the Gateway Determination. As the Planning Proposal progresses, the proponent will continue to liaise with the relevant Government agencies to work through the appropriate form of this contribution and any necessary amendments to NSLEP 2013.

8. PART 3 - JUSTIFICATION

8.1. NEED FOR THE PLANNING PROPOSAL

Q1 - Is the planning proposal a result of any strategic study or report?

Yes. North Sydney Council has completed a strategic review of its planning framework for the St Leonards/ Crows Nest area and endorsed the St Leonards/ Crows Nest Planning Study – Precinct 2 and 3 (the ‘Planning Study’) in May 2015. The purpose of the Planning Study was to explore opportunities for the further intensification of development across the area. The Planning Study acknowledges that existing capacity is available to support more intensive development within St Leonards.

The subject site is included within the defined study area, and is situated within Precinct 3. The Planning Study recognises the large landholding of TWT in this precinct and identifies the landholding group as the *Oxley Street Masterplan*.

The planning Study envisages that the subject site will be redeveloped to accommodate an increase in building height to 16 storeys. This Planning Proposal has therefore been prepared as a direct response to the recommendations of Council’s Planning Study.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best means of achieving the objectives and intended outcome of the proposal.

We have considered a range of statutory measures to give effect to achieving the objectives of the proposal, including:

- Option 1: do nothing
- Option 2: Applying a Schedule 1 site specific clause to permit additional floor space and building height;
- Option 3: Amend the Height of Building and FSR maps

Option 3 was chosen as the most suitable way to achieve the desired development outcome of the site represents the most conventional means to give statutory effect to the proposal and that can be clearly understood by the public.

Without an amendment to the statutory planning controls, the proposed Design Concept for the site cannot be achieved and the associated public benefits and desired building outcome by Council would be lost. The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA being within an area designated for future growth and development and conveniently located near to services and public transport infrastructure.

The other alternative to apply a Schedule 1 amendment. This approach is undesirable and is best uses for additional permitted uses in a zone rather than permitted additional building height and/or floor space.

8.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable strategic plans and policies discussed below.

8.2.1. NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth.

The increased density proposed and future redevelopment of the site is consistent with the State Plan as it will provide jobs and encourage housing diversity in a location that is close to nearby services and facilities.

8.2.2. A Plan for Growing Sydney (2014)

At the time of submission of the planning proposal, A Plan for Growing Sydney (2014) was the current adopted regional strategy. Since submission of the Planning Proposal, the updated Regional Plan has been adopted and to avoid confusion in the upcoming public exhibition period, the assessment against the 2014 strategy has been removed.

8.2.3. Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

This section provides a summary of the *Greater Sydney Region Plan* (GSRP) and demonstrates how the Planning Proposal is consistent with the relevant objectives and actions therein.

The GSRP sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. **Table 5 below** sets out some of the relevant directions and actions of the GSRP and explains how the Planning Proposal responds and aligns to these.

Table 5 – Planning Proposal Response to the *Greater Sydney Region Plan*

Greater Sydney Region Plan	Planning Proposal Response
Direction 1: A City supported by Infrastructure	
<i>Objective 4: Infrastructure use is optimised</i>	<p>The proposed increase in density on site is considered highly appropriate given its proximity to existing rail and future metro rail services, which positively contributes to this objective by placing density in a highly convenient location that will encourage use of existing and new transport infrastructure.</p> <p>Furthermore, the inclusion of potential for residential land uses on the site adds diversity of use, which will ensure the public transport infrastructure is further optimised.</p> <p>As per the attached Traffic Report, development in accordance with the Planning Proposal the surrounding roads have existing capacity to account for the proposed density uplift of the site.</p> <p>Delivering density in the right location, such as the site, will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
Direction 2: A Collaborative City	
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	<p>St Leonards, Frenchs Forest and Macquarie Park are defined as a Collaboration Area, in order to share resources and coordinate investment.</p> <p>This Planning Proposal will assist in the collaboration of government, community and business as follows:</p> <ul style="list-style-type: none"> • Renewal of this site for mixed-use would assist government in contributing towards housing and employment targets for the centre, ensuring the proposal positively contributes to housing and economic policy of government. • The community will be enhanced through providing residential land uses in proximity to services, and as the

Greater Sydney Region Plan	Planning Proposal Response
	<p>population grows, government expenditure will increase.</p> <ul style="list-style-type: none"> The proposal is consistent with the sites designation in the Interim Statement as within the St Leonards and Crows Nest station area which is proposed to be a 'true high density centre' characterised by a mix of uses.
Direction 4: Housing the City	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> 0-5 year target (2016-2021): 25,950 additional homes; 20-year (2016-2036): 92,000 additional homes. <p>The renewal of this site for mixed-use will assist the government in reaching housing and employment targets for the centre ensuring the proposal positively contributes to housing and economic policy of government.</p> <p>The proposal comprises a mix of 1,2 and 3 bedroom apartments to enable household diversity, which a focus on 1 and 2 bedroom apartments to deliver more affordable dwellings.</p> <p>The community will be enhanced through providing a new pedestrian through site link, as well as high quality outdoor dining spaces in addition to new residential dwellings in a highly desirable place to live.</p> <p>The concentration of density within the centre will enable the retention of existing low density residential areas surrounding St Leonards, preserving local character and creating housing diversity. The concentration of density within walking distance of two public transport nodes is considered an appropriate location for additional housing.</p>
Direction 5: A City of Great Places	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>The proposal will positively contribute to the transformation of St Leonards into a more mixed land use environment and thus the need for improved amenity and services. The provision of a new pedestrian link, high quality retail spaces with outdoor north facing dinner opportunities will positively contribute to this objective.</p>
Direction 6: A well connected City	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p>	<p>St Leonard is defined in the GSRP as forming part of the 'Eastern Economic Corridor' and continuing to be defined as one of Greater Sydney's nine commercial office precincts. The</p>

Greater Sydney Region Plan	Planning Proposal Response
<p><i>Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>maintenance of commercial floorspace on the site safeguards the commercial offerings into the future.</p> <p>Concentrating employment and housing growth in St Leonards supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
Direction 7: Jobs and skills for the City	
<p><i>Objective 21: Internationally competitive health, education, research and innovation precincts</i></p> <p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>As demonstrated in the Economic Impact Advice, St Leonards is transitioning from a suburban corporate office market to a health and medical focused mixed use precinct. The provision of flexible commercial space in this Planning Proposal supports growth in small-medium enterprises and/or medical and health for ancillary industries.</p> <p>The proposal provides opportunity to contribute to an enhanced Atchison Street and Oxley Street frontages by providing land uses that will create attractive and active interfaces with the public domain.</p> <p>This Planning Proposal seeks to retain and strengthen the employment role of the site by imposing a minimum non-residential FSR control specific to the site. This will ensure that the site continues to make a contribution to jobs and economic growth of the St Leonards Strategic Centre.</p>
Direction 8: A city in its Landscape	
<p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p>	<p>The proposal provides opportunity to contribute to an enhanced Atchison and Oxley Street frontages by providing land uses by widening the public domain area in order to create attractive and active interfaces with the public domain</p> <p>In addition, the proposal will create a new public space through site link connection which aligned with Council's vision for new public spaces in the centre.</p>
Direction 9: An Efficient City	
<p><i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p>	<p>The proposal will promote walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the St Leonards train station and future Crows Nest Station, as well as existing bus services.</p> <p>The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements, and assisting the objective to create low-carbon cities.</p>

8.2.4. North District Plan (2018)

The site is located within North District of Greater Sydney. The North District Plan reflects the broader vision of the Sydney as a three-city metropolitan, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – St Leonards is listed as having a job target of 54,000-63,500 by 2036, compared to 2016 figures of 47,100 existing jobs. This represents a minimum target of 7,000 new jobs over 20 years.

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 6** below.

Table 6 – North District Plan Assessment

North District Plan	Planning Proposal Response
<p>N1. Planning for a city supported by infrastructure</p> <p>N12. Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The Planning Proposal leverages the new Crows Nest metro to plan for the population growth of St Leonards. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of St Leonards in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p> <p>In 2024, the indicative travel time to Central Station will be 11 minutes from Crows Nest Station, and 5 mins to North Sydney, locating St Leonards well within the desired 30 minutes travel model.</p>
<p>N3 Providing services and social infrastructure to meet people's changing needs</p>	<p>The proposal meets this objective by providing medium-high housing that contribute to walkable neighbourhoods connected by public transport which will appeal to a wide demographic. The state government through the propriety precinct process will plan for the district level social infrastructure to support the increased population in the centre.</p>
<p>N4 Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>The site lies within the area identifies as the West Oxley Creative Quarter and will positively contribute to the cultural expression of the centre, through the creation of a public art laneway.</p> <p>The laneway will be based on a public art concept of an external gallery space so that in the interim that No.21 Atchison Street (Eckersleys) remains undeveloped the wall space can be used as an exhibition space to add colour, culture and art. The layout of the laneway will be flexibly designed so that any future development on No.21 can also have shop fronts and residential lobbies to the lane frontage. It will be a hard-edged urban space designed to contribute to the idea of a 'village enclave' with open green space surrounded by specialty retail, so that the community can engage with inspiring arts activities.</p>

North District Plan	Planning Proposal Response
<p>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p>N10. <i>Growing investment, business opportunities and jobs in strategic centres</i></p>	<p>Increasing housing capacity in the St Leonards Town Centre will assist in the retention of low and medium density housing outside of the Town Centre, whilst still contributing to the provision of housing in line with Councils targets. In turn, this encourages the diversity of housing in terms of the age and character of housing stock.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes St Leonards strategic centre a highly attractive location for residential. The current DPE study approach is seeking to balance residential intensification with the role to maintain a strong employment function. The subject site can play an important role in this regard.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p>
<p>N6 <i>Creating and renewing great places and local centres, and respecting the District's heritage</i></p>	<p>The proposal will provide a strong positive contribution to improving the public realm through widened street level setbacks to Oxley Street creating generous outdoor public space together with the creation of a new pedestrian laneway which will shape the desired new street level character and quality.</p>
<p>N9. <i>Growing and investing in health and education precincts</i></p> <p>N13. <i>Supporting growth of targeted industry sectors</i></p>	<p>The District Plan recognises that the main focus of the St Leonards specialised centre is the RNSH, North Shore Private and TAFE; the aim being to grow jobs in complementary health services and existing education facilities.</p> <p>As demonstrated in the Economic Impact Study (Appendix G), St Leonards is transitioning from a corporate office market to a health and medical focused mixed use precinct. The provision of flexible commercial space in this Planning Proposal supports growth in medical and health for ancillary industries.</p> <p>Contemporary and flexible employment space is a focus for the proposed commercial space, to promote diversity in industries and provide variety of job opportunities.</p> <p>Further detail about the economic impacts and benefits is provided in response to Q9.</p>
<p>N12 <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The site is within close walking distance to the St Leonards train station and future metro station. Being a mixed-use development, it will deliver an integrated land use and transport outcome consistent with this direction.</p>

North District Plan	Planning Proposal Response
N 20 Delivering high quality open space	The proposal incorporates the provision of a new public pedestrian link, contributing to the network of accessible pedestrian spaces in the centre.

8.2.5. St Leonards & Crows Nest 2036- Draft Plan

The St Leonards and Crows Nest Draft Plan (*Draft 2036 Plan*) prepared by the NSW Department of Planning and Environment (DPE), builds upon the 2017 Interim Statement and provides the current direction of DPE in its strategic planning of the St Leonards / Crows Nest Planned Precinct. The Draft 2036 Plan has been informed by a range of technical inputs, that formed part of the public exhibition.

The Draft 2036 Plan identifies the site as located within transitional area from the tall tower forms on the Highway. The Planning Proposal is consistent with the Implementation Recommendations as outlined in the **Table 7** below and thus is constitutes a compliant proposal with the Draft 2036 Plan directions.

Table 7 – Draft 2036 Plan

Draft 2036 Plan	Planning Proposal Response
<i>Place Actions & Recommendations</i>	<p>The building height proposed responds to the heights adopted by Council in its Planning Study. This Planning Proposal will positively contribute to this emerging character in height, scale and orientation in order to create an interesting skyline the complements the varied (higher and lower) planned building heights that surround.</p> <p>The proposal incorporates the desired widened street setback on Atchison Street, via the 'reverse setback' built form arrangement.</p>
<i>Landscape Actions & Recommendations</i>	The proposal incorporates provisions to secure the required widening of Oxley Street frontage to enable the landscaped treed setback envisaged by the draft Plan.
<i>Built Form Actions & Recommendations</i>	<p>This Planning Proposal is consistent with the recommended changes to the North Sydney LEP with respect to building height in storeys and FSR.</p> <p>Additionally, the concept is consistent with the recommended street wall height controls (of 4 storeys), 3m reverse setback to Atchison Street and the 5m setback to Oxley Street for landscaping.</p>
<i>Land Use Actions & Recommendations</i>	The proposal comprises a mix of retail/commercial uses with residential, as desired. It satisfies the minimum non-residential FSR provision of 1:1.
<i>Movement Actions & Recommendations</i>	The proposal incorporates the required street setbacks to facilitate footpath and cycle way improvements for Atchison and Oxley Streets. The Oxley Street setback will also facilitate the part delivery of the Oxley Street linear park.

Draft 2036 Plan	Planning Proposal Response
	In addition, the concept provides a through site connection, as desired in Council's Planning Study, to facilitate improved pedestrian permeability in the centre.

8.2.6. NSW Long Term Transport Master Plan & the Draft Future Transport 2056 Strategy.

The draft Future Transport 2056 strategy (the Strategy) is the 2017 update of the NSW Long Term Transport Master Plan (the plan) is a 40-year vision for mobility in NSW. The strategy is in draft format and was the subject of public consultation at the time of writing, as such regard to both plans has been had in this proposal.

The NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan outlines a number of projects that will impact Sydney. It aims to build efficiently on existing transport connections, including those with the Sydney CBD through the Global Economic Corridor, to connect people with jobs and other opportunities which in turn will support productivity and economic growth.

The Plan recognises that businesses and precincts have the opportunity to grow and expand with investment in transport. It includes strategies to improve road capacity, reduce journey times and public transport solutions to promote accessibility across Sydney.

This Planning Proposal is consistent with the objectives of the *NSW Long Term Transport Master Plan* by providing high density residential, commercial and community development in close proximity to train and bus networks, which provide excellent linkages to key nearby employment centres.

These short term and long term objectives promote the connectivity of St Leonards to the CBD and surrounding centres as well as ease of travel within the north. The proposal to increase the residential densities and strengthen the employment population on the subject site is timely given the proposed infrastructure upgrades planned to improve travel times between northern Sydney and the CBD.

Draft Future Transport 2056 strategy

The strategy outlines the vision for the Greater Sydney mass transit network, detailing St Leonards as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD) via North Sydney.

The draft Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

St Leonard's and the site are well placed to gain from the future transport network proposed through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

Q4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes. The St Leonards/ Crows Nest Planning Study – Precinct 2 and 3 (the 'Planning Study') May 2015, which has been adopted by Council provides the framework to inform future proposals in the locality.

The subject site is included within the defined study area, and is situated within Precinct 3. This Precinct is identified by the Planning Study as a medium density mixed use residential area.

The Planning Study envisages that the subject site will be redeveloped to accommodate a 16-storey building. This Planning Proposal responds directly to the recommendations of the Planning Study and provides a mixed use 16 storey residential building as recommended in Council's Planning Study.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 8** below

Table 8 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP Amendment (Child Care) 2017	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Urban Renewal) 2010	The site is located within the St Leonards/Crows Nest precinct that the state government has commenced an urban renewal investigation. Given this proposal has responded to a comprehensive earlier precinct study from council, processing of this application can and should proceed independently of the wider precinct investigation.
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Rural Lanes) 2008	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	The future development application will trigger the referral requirements for traffic generating development of the to the RMS.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable

State Environmental Planning Policy	Comment
SEPP No. 1 Development Standards	Not applicable
SEPP No. 14 Coastal Wetlands	Not applicable
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 26 Littoral Rainforests	Not applicable
SEPP No. 30 Intensive Agriculture	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 44 Koala Habitat Protection	Not applicable
SEPP No. 47 Moore Park Showgrounds	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 55 Remediation of Land	<p>The preliminary Site Investigation by WSP (see Attached report) consisted of background searches, a review of information available on publicly listed websites, and a site inspection. It found:</p> <ul style="list-style-type: none"> • The aerial photographs indicate that the site was developed to its current layout between 1951 and 1961. • The building and site configuration appear to have remained the same since 1961 to current date. Prior 1961 the site appears to be residential properties. • The aerial photographs indicate that the surrounding areas underwent gradual development over time. As the site is situated in an area unlikely to be impacted by industry. • The storage of waste oil in an above ground storage tank (AST) and a rinse trap with oil separator system and its associated AST was identified within the automotive workshop at 31 Atchison Street. The risk of leakages to underlying soil was determined to be low as the surface is fully covered with concrete and asphalt. • No potentially asbestos-containing materials was observed in or outside the building • No licences or notices have been issued for the site under the <i>Protection of the Environment Operations Act 1997</i> or notices or orders to investigate or remediate the site under the CLM Act. • The site is not listed on the register of contaminated sites notified to the EPA.

State Environmental Planning Policy	Comment
	Based on their assessment, WSP consider that the environmental liability associated with the site is low and is suitable for the future proposed uses.
SEPP No. 62 Sustainable Aquaculture	Not applicable
SEPP No. 64 Advertising and Signage	Not applicable
SEPP No. 65 Design Quality of Residential Apartment Development	<p>An analysis of the indicative concept design has been undertaken by AJC Architects. This analysis confirms that the development could achieve an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation and privacy. Based on the indicative apartment layout tested by AJC, the following is noted:</p> <ul style="list-style-type: none"> The residential component consists of 102 apartments suited to a variety of lifestyles. An indicative dwelling mix is 1 bedroom units (33%) 2 bedroom units (58%) and 3 bedroom units (9%). The residential floors have floor to floor height of 3.2 metres enabling the achievement of the minimum ceiling height. Each apartment has access to a secure private open space such as a balcony with minimum areas of 8-12m² based on apartment size. Most apartments are able to achieve greater private open space than the minimum prescribed by the ADG. A communal open space area with indoor lounge/meeting rooms will also be provided for residents. Approximately 77% of living areas and 66% of apartment balconies will receive 2 hours of mid minder solar access which is a good outcome when taking into account the planned building form uplift around the site. Some 60% of apartments will achieve cross ventilation. A maximum of 15% of apartments have no direct sunlight which meets the ADG guide.
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 Coastal Protection	Not applicable

Table 9 – Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment
Sydney REP No. 8 – Central Coast Plateau Areas	Not applicable
Sydney REP No. 9 – Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay	Not applicable
SREP No. 20 – Hawkesbury-Nepean River	Not applicable
SREP No. 24 – Homebush Bay Area	Not applicable

Regional Environmental Plan	Comment
SREP No. 26 – City West	Not applicable
SREP No. 30 - St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not applicable
Greater Metropolitan REP No. 2 – Georges River Catchment	Not applicable
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable
Murray REP No. 2 – Riverine Land	Not applicable

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions (formerly s117))?

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in **Table 10** below .

Table 10 – Section 9.1 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified strategic centres.</i>	<p>The Planning proposal will result in a small net reduction in floorspace from the current total estimated floorspace of 3,829sqm.</p> <p>This minor variation to this Direction is supportable for the following reasons:</p> <ul style="list-style-type: none"> While there would a minor numeric reduction the existing space is not directly comparable to that proposed, some of the space is for uses such as motor mechanics, art studios and galleries which have low employment rates. Furthermore the buildings aren't readily adaptable for use as commercial office space, meaning the proposal would not result in a loss of employment. The proposal complies with Council's adopted Planning Study that stipulates a minimum non-residential FSR of 1.5:1 The concept design will encourage retail and commercial office uses. These uses will generate higher employment number per square metre than the current non-office buildings, thus resulting in a net increase in employment form the existing situation. The proposed concept and uses, will support the viability of the centre as it transitions into a mixed use centre requiring more retail service offering than presently are available. <p>The Planning Proposal facilitates development that would yield:</p> <ul style="list-style-type: none"> A total of 43 direct jobs and 61 indirect jobs from the construction phase Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses An overall net increase of 42 direct jobs from the existing on-site uses. The total spend associated with an additional 237 new residents on the subject site has the potential to improve turnover performance of retail precincts near the subject site by \$4.7 million per annum. <p>Despite the small reduction in commercial floorspace, owing to the design and planned use of the retail/commercial floorspace, the proposal will actually increase employment levels from the existing situation. This coupled with satisfying Council's recommended non-residential minimum FSR, means that the proposal achieves the objectives of this Direction.</p>
1.2 Rural Zones	Not applicable

Ministerial Direction	Comment
1.3 Mining, Petroleum Production and Extractive Industries	The proposal satisfies the objectives of this Direction
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such the proposal does not trigger further consideration.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The proposal provides a mix of dwelling types to meet the future needs of residents. The subject site is well placed to accommodate high rise residential accommodation.</p> <p>The proposed mixed use development will make efficient use of existing services and infrastructure and will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the precinct and sites are already developed, and is consistent with the scale supported by Council through its adopted Planning Study.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The proposal to increase density on the B4 mixed use zoned site supports the principle of integrating land use and transport. • The site exhibits excellent access to public transport, being within walking distance of the St Leonards train

Ministerial Direction	Comment
	<p>station and future Crows Nest Station, as well as existing bus services.</p> <ul style="list-style-type: none"> The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements. The proposal would provide additional employment within the North Sydney LGA within close proximity to existing services and infrastructure. <p>The site is extremely well located to make use of existing services and employment opportunities in nearby centres and will complement and support these existing uses. Additional local service provision within walking distance of new dwellings would be incorporated into the future design of the site.</p>
3.5 Development Near Licensed Aerodromes	<p>The site is not in close proximity to Sydney Airport however it is affected by obstacle limitation surface of 156 AHD. While the proposed height is below the OLS height, during construction the crane may exceed this height. Accordingly, the provisions of clause (4) to the Direction applies.</p> <p>As such an aviation safety assessment referral as a 'controlled activity' will be required by CASA and Airservices Australia as part of this planning proposal assessment.</p>
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	There is no mapping of acid sulfate soils (ASS) by Council. Given the location of the site high on a ridge the likelihood of ASS is low. Evidence of recent construction close to the site demonstrate ASS is not a constraint to the future proposed development of the site. Further assessment can be carried out if necessary as part of the development application.
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Lane	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable

Ministerial Direction	Comment
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent with this Direction. This proposal outlines an assessment demonstrating the achievement of the objective of this Direction.
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The proposal is consistent with this direction as it does not seek to impose unnecessarily restrictive site-specific planning controls, rather conventional LEP amendments such as building height and FSR changes to Council maps.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is consistent with the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. This is further discussed at Section 7 .
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable

Ministerial Direction	Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable

8.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The site is fully developed and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts is minimal.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Preliminary investigations have been undertaken as outlined below.

8.3.1. Site Isolation

The subject landholding does not include 21 Atchison Street which falls within the Oxley Street Masterplan Precinct as identified in Council's Planning Study. Accordingly, our client has undertaken the following steps:

- In Late 2013, undertook research to identify the land owner and contact their representative, and made representation enquiring about acquisition of the site through the landowner's accountant.
- Our client commissioned LandMark White to prepare a valuation of the property to inform an offer to the adjoining land owner. Report completed 13 October 2015, estimating the site value of \$4,200,00.
- A real estate agent was used to attempt to contact the landowner's legal representative in late 2105 to discuss the valuation and offer to purchase the site for \$4,500,000.
- Email correspondence undertaken between our client's solicitors and the adjoining landowner's legal representative during 2015-2017.
- Advice from the landowner's legal representative on 5 December 2017 to our client's legal representative, was that the landowner *does not want to make a commitment of any kind in relation to the property at this time and do not want to pursue anything.*

Copies of this correspondence can be provided separately if required. Given the above history, we consider that our client has engaged in best endeavours to engage with the adjoining landowner and make a formal offer to acquire the land. It is clear that the neighbouring landowner is not interested in selling of the property or being part of a process to change the planning controls.

At this point in time we have assumed the acquisition prospects are unlikely. Accordingly, AJC Architects have undertaken analysis to examine how the adjoining property could be developed in future assuming the subject site is developed as proposed having regard to ADG principles. A copy of this work is included in the Appendix of the Design Study. In summary, it identifies the following:

- The adjoining site is narrow and deep, with 10.17m wide frontage and 35sqm in depth.
- To the west of 21 Atchison Street is the Nexus building which has a zero boundary setback to 8 storeys which a light well that is 6m by 3m in dimension. Having regard to the Nexus building it was determined

that 21 Atchison Street site would not be able to be higher than 8 storeys as it would create privacy impact issues.

- Having regard to the constraints and the applicable ADG provisions, the concept prepared by AJC was as follows:
 - 2 x level basement with car lift for 8 vehicles
 - Retail space (58sqm) and lobby entry at ground
 - 2 x levels of commercial floor space (total 537sqm)
 - 5 x levels of residential floor space (totalling 11 apartments, typically two through-apartments per floor except for the first floor of residential).
 - Total FSR 4.45:1, (non-residential FSR 1.69:1)
 - Light-well cut outs provided on both side boundaries to achieve natural light and ventilation. All through apartments achieve solar access and natural cross ventilation.

A copy of the indicative concept is provided below.

Figure 9 – Concept Plans for 21 Atchison Street



Figure 9: Concept Plans for 21 Atchison Street

Source: AJC Architects

From a planning perspective, the above concept for the neighbouring site represents an appropriate development layout and scale for the site having regard to its constraints and considerations of the ADG. It is a concept that, if formally advanced in future, could achieve development approval. Therefore, for the reasons outlined above, in our opinion, the development of the subject land would not prevent the achievement of reasonable future redevelopment outcome on 21 Alexander Street if amalgamation of the site does not occur.

8.3.2. Overshadowing

An assessment of the potential shadow impacts of the concept has been undertaken within the Concept Design Report at **Appendix E**.

The analysis has considered the overshadowing impact arising from a compliant LEP envelope, a Compliant Planning Study envelope and the proposed building envelope.

As the proposal involves an increase in building height to 16 storeys, additional overshadowing beyond the existing LEP envelope will occur. This impact is considered reasonable as by virtue of the Planning Study constituting adopted Council policy, there is an expectation that the current levels of solar access from surrounding properties will not remain in perpetuity especially given the site and locality is located within a

Strategic Centre which is required to continue to grow housing and employment numbers, meaning building form must also expand.

Notwithstanding this, the architects have sought to reduce the shadow impact from the compliant Planning study envelope. This has been achieved through a combination of design moves to articulate the podium and tower form, creating 'cut outs' as well as creating the through-site link along the western boundary which has resulted in a positive impact on a number of apartments in nearby developments at 38-46 and 30-36 Albany Street and 7-19 Albany Street (*refer to Section 6.3 in Appendix of AJC Design Report*). In summary 23 apartments will achieve improved solar access from these design moves compare with a compliant Planning Study envelope. This is considered to be a positive outcome that can be further refined at the development application stage.

8.3.3. View Impacts

The height and bulk of the St Leonards area has already begun its transformation with a number of tall building forms recently approved or pending approval on surrounding sites (refer to Figure 20 in AJC Report). The surrounding lands will continue to undergo building height increases over the coming years through the priority precinct vision. This change will impact current view of existing buildings.

In this regard, the concept design has been prepared in accordance with the St Leonards/ Crows Nest Planning Study which recognises that the site is suitable for a 16 storey building. This will result in a building form taller than its neighbouring properties to the immediate west, south and east, however views impacted from the proposal are not iconic in nature, but rather views of buildings in the centre. To the north is part of the wider TWT site holding and that is also planned for 16 storeys.

Only two buildings in Atchison Street have the potential to suffer loss of existing views as a result of development on the subject site with increased building heights.

- No. 48 Atchison Street (Arden) enjoys district views to the east and north. The building is 11-storey high. Generally the eastern elevation windows are secondary windows to living spaces or bedrooms. Views to the Sydney CBD are restricted by the built form of the Nexus building at No. 15 Atchison Street.
- No. 15 Atchison Street (Nexus) enjoys district views to the east and Sydney CBD views to the south. The building is 13-storey high. District views to the east are only available from the top four levels. Sydney CBD views are generally available from the top four levels on the southern facade.

Any visual aspect impacted from neighbouring lower-scale properties is justified on the grounds that the Council Planning Study has endorsed the height of the proposed site, and consistent with the broader change in density and visual impacts in the centre.

In summary, the proposed built form presents a well-considered building form with a defined podium base and tower above, that responds to the key site characteristics and framework set by the St Leonards/ Crows Nest Planning Study to ensure the built form is appropriate for this location and compatible with the surrounding built form typologies.

8.3.4. Traffic Impacts

The Transport Planning Partnership (TPPP) has undertaken a transport assessment of the planning proposal for the site. The traffic generation potential of the current Planning Proposal for the Site has been estimated utilising the RMS guidelines (TDT 2013/04a) and specifically the surveyed results of St Leonards site contained in the RMS guidelines. In addition, the traffic generation assessment had regard to the existing traffic movements on the site generated by 33 spaces for the office development.

After taking that into account, the assessment found:

- There is expected to be **a net decrease to the total volume of traffic** accessing the site during the AM and PM peak hour periods compared with the existing site uses.
- The reduction in traffic generation is a direct result from the reduction in parking spaces allocated to office uses (ie 33 spaces) and the removal of the existing vehicle repair business which by its very nature generates vehicle movements with the drop off and / pick up of vehicles for repair.

The advice further concluded that:

- The construction of the Sydney Metro rail line with a new station within 3 minutes walk of the Site will facilitate urban developments such as the Planning Proposal and further enhance St Leonards functionality as a Transit orientate hub for travel to, from and through the centre.
- The planning proposal is consistent with the transport objectives of the various state and local government strategic plans for the St Leonards precinct.

8.3.5. Wind

The effect of wind activity typically emanates from three predominant wind directions; namely the north-easterly, southerly and westerly winds. Of these three wind paths, the north-easterly is of lessor importance to consider mitigation measures in this case.

A formal examination of the potential wind impacts on the proposed building envelope has not been carried out. The primary reason being is that based on wind assessment reports for nearby sites in the centre (472-476 and 500-520 and 617-621 Pacific Highway), the most critical wind impact condition to manage is the southerly wind event. While the proposal will result in the building becoming a taller element to its immediate neighbouring property to the south, given that there are taller building forms to the south fronting Pacific highway, the expectation is that the wind velocity would have been significantly reduced when reaching buildings north of Pacific Highway such that it would be unlikely to need specific mitigating measures to be applied to the proposed building. Similarly, the site is shielded by existing and planned taller buildings immediately to the west. The concept has scope to incorporate enclosable balcony space is required or desired as part of the future DA stage.

Furthermore, the concept design incorporates a generous public domain area off the street edge which is protected by building forms (awning and podium) above. This will act to avoid any down draft wind impacts on people in the outdoor dining area ensuring the required amenity levels are achieved. Street trees along the site frontages will also act to mitigate adverse wind effects.

8.3.6. Waste Management

Elephants Foot have been engaged to provide advice with respect to waste management. A copy of their advice is attached in **Appendix D**.

The key aspects of the waste and recycling strategy include:

- A garbage chute and waste discharge rooms for every residential level
- Bulky Goods storage rooms located on the parking level for each building
- A residential bin holding room located for easy loading to and from the street.
- A retail waste room accessible to all retail tenants and adjacent to vehicle loading area.

The Concept can accommodate the spatial requirements for waste and recycling, further details will be provided at development application stage.

8.3.7. Sustainability

The indicative concept design has been prepared with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.

8.3.8. Noise

The site is situated a short distance away from road noise associated with the Pacific Highway, and surrounded by existing buildings that would shield noise intrusion. As such mitigation measures are unlikely to be required to address noise impacts at the development application stage.

8.3.9. Servicing

The site is located centrally within the St Leonards Town Centre close to existing services. In liaison with service providers the proposal will be subject to further capacity testing to determine the suitability of existing service infrastructure and any upgrades required.

8.3.10. Summary

Overall, it is considered that the site, if developed in accordance with the Planning Proposal, will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for high density mixed use.

Q9 - Has the planning proposal adequately addressed any social and economic effects?

An assessment of the economic impacts of the Planning Proposal has been undertaken by Urbis, as detailed in the attached Economic Assessment (**Appendix A**).

To determine whether the proposal adequately addresses economic effects, it is important to understand to the current market conditions and how the proposal responds. Through realising economic benefits, a positive social on-flow effect will also occur with the public benefiting through job creation and public domain upgrades.

Economic and Social Benefits

The proposed development at 23-35 Atchison Street will result in a number of direct economic benefits, during the construction stage and during ongoing operations. These include:

- A total of 43 direct jobs and 61 indirect jobs from the construction phase
- Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
- An overall net increase of 42 direct jobs from the existing on-site uses.
- The total spend associated with an additional 237 new residents on the subject site has the potential to improve turnover performance of retail precincts near the subject site by \$4.7 million per annum.
- Improved public spaces through the creation of a new through site link, incorporating public art, and generous outdoor north-facing spaces fronting retail shops to foster social gathering and interaction.

8.4. STATE & COMMONWEALTH INTERESTS

Q10 - Is there adequate public infrastructure for the planning proposal?

Yes. The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at St Leonards.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days and North Sydney Council must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of *A guide to preparing local environmental plans*.

9. PART 4 - MAPPING

The Planning Proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map Sheet - HOB_001_010;
- Non-Residential Floor Space Ratio Map Sheet - LCL_001_010; and
- Maximum Floor Space Ratio Map Sheet FSR_001_010.

The proposed mapping changes are outlined below:

Figure 10 – Proposed Height of Buildings Map (NSLEP 2013)



Source: Urbis

Figure 11 – Proposed Maximum FSR



Source: Urbis

Figure 12 – Proposed minimum non-residential FSR



Source: Urbis

10. PART 5 - COMMUNITY CONSULTATION

Clause 57 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the Planning Proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on the North Sydney Council website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

In terms of consultation with Council, the proponent has had a long history of engagement with Council. The proposal has also been presented to the Design Excellence Panel for comment. The proponent has taken on board all of council's and the Design Excellence Panel's feedback and refined the scale and definition of the building envelope and the community space design to satisfy their requirements.

11. PART 6 - PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided in **Table 11** below.

Table 11 – Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by North Sydney Council	June 2018
Planning Proposal referred to DPE for Gateway Determination	July-August 2018
Gateway Determination by DPE	21 December 2018
Commencement and completion of public exhibition period	Minimum timeframe for public exhibition is 28 days. Potential commencement date February/March 2019
Proponent consideration of public submissions post exhibition	Approximately 6 weeks
Council Consideration of the Planning Proposal post-exhibition	Approximately 6 weeks
Submission to DPE to finalise the LEP amendment	Approximately June/July 2019
Gazettal of LEP Amendment	Approximately September/October 2019

12. CONCLUSION

This Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to allow for high density mixed use development at 23-35 Atchison Street, St Leonards. The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant DPE guidelines. It sets out the justification for the proposed LEP amendments applicable to the subject site to allow for a high density mixed use development.

The Concept Design accompanying the Planning Proposal has been informed by a detailed site analysis and pre-lodgement engagement with Council and its design review panel. As a result, it is considered that the proposed amendments to the NSLEP 2013 will achieve an appropriate development outcome for the following reasons:

- **From a local context perspective:** The Planning Proposal achieves an appropriate built form and scale outcome having regard to the vision for the St Leonards precinct expressed by local planning policy and the existing and emerging scale of development on adjacent and surrounding lands.
- **From a strategic policy perspective:** The proposal will positively contribute to the State planning strategic goals of increasing employment and housing densities in centres with access to existing and planned public transport, and has been demonstrated to be consistent with the relevant adopted and draft strategic planning policies.
- **From a net community benefit perspective:** The proposal will deliver a range of benefits for the community, including:
 - A total of 43 direct jobs and 61 indirect jobs from the construction phase
 - Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
 - An overall net increase of 42 direct jobs.
 - This represents a real growth of employment from the current uses that are consistent with the new direction and forecast need for retail and commercial uses.
 - The proposal includes an offer to deliver public benefits for the community that amongst other things includes the dedication and delivery of a public pedestrian link on the western boundary and a linear public civic space strip along the Oxley Street frontage to enhance usability of the outdoor dining and public congregation space. The specifics of the offer will be discussed with Council during the assessment of the planning proposal and ultimately formalised through a Voluntary Planning Agreement.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport will achieve environmental benefits by encouraging more trips within and outside of the centre without cars.

Overall, it is considered that the proposal will result in significant public benefits facilitating the development of a high quality mixed use development. This Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities.

The Planning Proposal achieves the right balance of maintaining an employment element to the project while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits this part of the St Leonards Strategic Centre can provide. In considering the tangible community and economic benefits of the proposal, we consider that this proposal has strategic planning merit and warrants Council's support.

DISCLAIMER

This report is dated 15 January 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of TWT (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ECONOMIC IMPACT ASSESSMENT

EMPLOYMENT IMPACT ASSESSMENT

25-35 ATCHISON STREET, ST LEONARDS



15 JANUARY 2018
PREPARED FOR TWT PROPERTY GROUP



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Princess Ventura
Associate Director	Ryan McKenzie
Research Analyst	Geri Marks
Project Code	PER0734
Report Number	Report 1

TABLE OF CONTENTS

Executive Summary	i
Introduction	1
1. Study Background.....	2
1.1. Proposed Concept	2
1.2. Site Location, Amenity and Infrastructure	3
1.3. Relevant Planning Policy	5
2. Office Market Review	7
2.1. Sydney Office Markets – Size and Position	7
2.2. Net Absorption and Vacancy	10
2.3. Market Comparison.....	11
2.4. Future Supply.....	16
2.5. Summary and Implications	17
3. Office Floorspace Demand	18
3.1. St Leonards Strategic Growth.....	18
3.2. Projected Employment.....	19
3.3. Office Supply/ Demand Floorspace St Leonards Centre.....	22
3.4. Summary and Implications	22
4. Economic Benefits	24
4.1. Construction Jobs	24
4.2. Ongoing Jobs.....	25
4.3. Retail Expenditure.....	26
4.4. Summary and Implications	26
Disclaimer	28

EXECUTIVE SUMMARY

The purpose of this report is to provide an employment impact assessment in relation to the following change in planning controls and redevelopment of 25-35 Atchison Street, St Leonards.

This study will be utilised to assist in determining the suitability of the following controls:

- A total FSR of 6.3:1 of which a minimum 1.5:1 is to be non-residential, with the indicative concept proposing:
 - 1,945 sq.m of upper and lower ground floor retail space
 - 1,220 sq.m of commercial space GFA
 - 10,127 sq.m of residential floorspace of 102 apartments
- A height limit of 66 metres (and a max to RL 146)
- A maximum height in storeys of 16.

Our assessment can be summarised as follows:

1. **St Leonards is transitioning from a corporate office market to a health and medical focused precinct.**

Once a suburban hub for 'corporate' tenants, the market for commercial space in St Leonards has experienced several challenges over the past 10 to 15 years. A net withdrawal of office floorspace in the St Leonards office market over the past 16 years (-4,172 sq.m per annum since July 2007), indicates that many larger corporate tenants prefer other locations.

Today, for a variety of reasons, the neighbouring office markets of North Sydney, Macquarie Park and Chatswood are now deemed more attractive for traditional office occupiers. The following market evidence indicates that this trend is likely to continue for the foreseeable future:

- A lack of investment, office developments or major refurbishments in the St Leonards / Crows Nest office market is clearly reflected in the high proportion of C-Grade stock relative to other major office markets.
- Continuing a long-term trend, other competing office markets had significantly lower vacancy rates as at July 2017 than the St Leonards/Crows Nest market (12.6%), namely North Sydney (6.4%), Macquarie Park (8.5%) and Chatswood (6.9%).
- The higher vacancy rate in St Leonards reflects its inferior competitive positioning compared to other centres, which can largely be attributed to several characteristics:
 - Smaller floorplates compared to North Ryde / Macquarie Park and better rated stock, due to larger consolidated development sites (Macquarie Park floorplates average 1,893 sq.m).
 - St Leonards Forum offers some food and beverage retail and a single Coles supermarket. This offer is relatively limited in comparison to the amenity provided at major retail centres such as Macquarie Centre at Macquarie Park, Westfield and Chatswood Chase at Chatswood.
 - More affordable rents elsewhere (Macquarie Park and Chatswood are both more affordable than St Leonards; See Table 2.1).
 - There is currently an observable trend for larger organisations to occupy space in larger floor plate formats, in office precincts within Sydney. This trend is driven by the efficiency and connectivity gains associated with consolidating staff/employees and physical resources, rather than being dispersed across different floors and locations.
 - The fragmented nature of land ownership and the shortage of potential development sites in St Leonards, constrain its ability to offer consolidated floor plate products to larger tenants in the area.
 - Looking ahead, a growing demand for commercial space in the health care and social services sector will occur with the redevelopment of the Royal North Shore Hospital.

Future commercial office demand is likely to be driven by the presence of Health-related occupations that benefit from a strong connection with the \$1 billion redevelopment of Royal North Shore Hospital. This will support a market for smaller scale medical-related suites which can be accommodated in a mixed use setting around the RNSH campus and surrounds.

2. There is sufficient proposed and vacant office development to meet the employment targets within the St Leonards Strategic Centre.

There is currently 39,654 sq.m of vacant office floorspace and approximately 103,000 sq.m of proposed office floorspace within the St Leonards Strategic Centre. When including the additional 1,220 sq.m office NLA proposed within the development's indicative concept design, this results in a **total supply of approximately 141,548 sq.m available office floorspace by 2036.**

We have considered the following employment projections and targets for the St Leonards Strategic Centre to 2036:

- Bureau of Transport Statistics (BTS) 2016 release employment projections
- Draft North District Plan (October 2017) base and high case employment targets.

The table below details the relevant employment projections and targets as well as the calculations we have made to convert this into demand for office floorspace by 2036.

Conversion of total jobs to office jobs has been made based on BTS industry splits of job growth combined with Urbis benchmarks of property type by industry. We also assume a benchmark office job density of 12.5 sq.m per job, typical of Sydney business districts.

Against all job projections and targets for the St Leonards Strategic Centre, the proposed and vacant supply of office floorspace is more than sufficient to accommodate jobs growth, with **office floorspace surpluses of between 36,148 sq.m and 93,723 sq.m by 2036.**

Demand and Supply of Office Floorspace

St Leonards Strategic Centre, 2016 to 2036

Table 1.1

	BTS Forecast 2016	District Plan Base Case Target	District Plan High Case Target
Job Growth 2016-2036	7,146	6,900	16,400
Office Job Growth 2016-2036	3,945	3,826	8,432
Office NLA (sq.m) per job	12.5		
Demand for Office Floorspace (2016-2036)	49,312	47,825	105,400
Supply of Office NLA (Sq.m) (2016-2036)	141,548		
+Surplus / -Deficit (by 2036)	+92,236	+93,723	+36,148

Source: Cordell Connect; PCA Office Market Report; BTS 2016; Draft North District Plan 2017; Urbis

3. The proposed mixed-use development will deliver a net increase of jobs on the site.

The proposed changes in planning controls of 25–35 Atchison Street, and an assessment of the indicative concept design for a mixed-use purpose, demonstrates that the project could yield the following economic benefits:

- A total of 43 direct jobs and 61 indirect jobs from the construction phase
- Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
- An overall net increase of 42 direct jobs.

The provision of amenity and services that are important to the St Leonards Strategic Centre through improved street level activation which will make St Leonards a more attractive place to work, improving its appeal to tenants.

INTRODUCTION

Urbis has been appointed to undertake an employment impact assessment of the proposed change in controls and redevelopment of 25-35 Atchison Street, St Leonards, which includes:

- A total FSR of 6.3:1, of which a minimum 1.5:1 is to be non-residential comprising
- A height limit of 66 metres (and a max to RL 146)
- A maximum height in storeys of 16.

The report is structured as follows:

- **Section 1** provides an overview of the study area and local context, identifying the key land use drivers, amenity and relevant local and state government policy.
- **Section 2** provides an overview of the North Shore office market, specifically focusing on the performance of and investment in the St Leonards office market over the last decade. This section identifies the quantum of new commercial floorspace that will provide employment capacity within the St Leonards CBD.
- **Section 3** conducts an analysis of employment within the St Leonards Strategic Centre, estimating the future office NLA required to meet draft District Plan targets and Bureau of Transport Statistics (2016) forecasts).
- **Section 4** conducts an economic benefit analysis of the direct and indirect impacts associated with the proposed change in planning controls.

1. STUDY BACKGROUND

The purpose of report is to investigate the employment impact on TWT Property's planning proposal for 23-35 Atchison Street, St Leonards (currently zoned B4).

This study will be utilised to assist in determining the suitability of the following controls:

- A total FSR of 6.3:1 of which a minimum 1.5:1 is to be non-residential (approx. 3,165 sq.m GFA)
- A height limit in metres of 66m (and a max height to RL 146)
- A maximum height in storeys of 16.

The study will investigate the implications of the planning proposal for the achievement of the St Leonards Strategic Centre's job targets (as outlined in the Draft North District Plan October 2017).

This study is undertaken in the context of the St Leonards Strategic Centre undergoing a number of changes, relevant to its ongoing development:

- The St Leonards/Crows Nest office market has experienced negative net absorption of -51,833 sq.m over the past ten years (since July 2007).
- The low take-up rate observed within the St Leonards/Crows Nest market is reflective of its less competitive positioning relative to other North Shore office markets. This has impacted approved office developments from securing anchor tenants (and therefore project financing), for instance the Gore Hill Technology Park buildings D1–D3 has not been able to secure anchor tenants over the last 5 years.
- St Leonards is evolving into a health services hub. Health industry tenants are better suited to co-locating in the developing health hub and in the redevelopment of the Royal North Shore Hospital Precinct, rather than in traditional corporate office buildings away from the core health use.
- The St Leonards Centre employment growth moving forward will be oriented towards health and medical uses around the Royal North Shore Hospital. Demand for commercial space will cater to these type of tenants, which can be accommodated in a mixed-use development.

As such, TWT Property Group is investigating the potential for a mixed-use development that would better reflect market demand within the St Leonards Centre including new commercial floorspace in the building's podium, retail space and additional housing supply near North Shore employment centres.

1.1. PROPOSED CONCEPT

This report seeks to assess the impact of the following changes to planning controls. TWT Property have in addition to this, identified the following scheme, which is consistent with the proposed planning proposal:

- A total FSR of 6.3:1 of which a minimum 1.5:1 is to be non-residential comprising:
 - 1,945 sq.m of upper and lower ground floor retail space
 - 1,220 sq.m of commercial space GFA
 - 10,127 sq.m of residential floorspace of 102 apartments
- A height limit of 66 metres (and a max to RL 146)
- A maximum height in storeys of 16.

1.2. SITE LOCATION, AMENITY AND INFRASTRUCTURE

The subject site is located at 25–35 Atchison Street, St Leonards, within the North Sydney LGA.

The subject site currently covers an area of 2,109 sq.m and is bound by Atchison Street, Oxley Street and Albany, as shown in Map 1.1 and Map 1.2.

The subject site is close to key locations within the St Leonards Strategic Centre, namely:

- The St Leonards railway station, 420 metres north-west
- The St Leonards Forum retail including Coles supermarket, 400 metres west
- Royal North Shore Hospital, 660 metres north-west
- Mater Hospital, 900 metres south-east
- Gore Hill Oval, 700 metres west
- The proposed Crows Nest Metro Station, 200 metres south
- St Leonards TAFE, 1.3 km north-west.

Site Boundaries and Location

Map 1.1



St Leonards Amenity and Land Use

Map 1.2



1.3. RELEVANT PLANNING POLICY

A Plan for Growing Sydney

Due to St Leonards being identified as a Specialised Office Precinct in previous Metro Strategies and a Strategic Centre in “A Plan for Growing Sydney” (December 2014), retaining employment uses is an important policy objective for both North Sydney Council and the Department of Planning and Environment (DPE).

The following priorities for the St Leonards Strategic Centre were identified in “A Plan for Growing Sydney”:

- Work with Council to retain a commercial core in St Leonards for long-term employment growth
- Work with Council to provide capacity for additional mixed-use development in St Leonards including offices, health, retail, services and housing
- Support health-related land uses and infrastructure around the Royal North Shore Hospital (RNSH)
- Work with Council to investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards / Crows Nest.

As such, an Employment impact assessment is required to investigate the proposed changes in planning controls of 25–35 Atchison St and clarify that any amendments will not negatively impact the St Leonards Strategic Centre as an employment precinct.

The St Leonards Strategic Centre will form the Study Area for this assessment. This report will identify the economic impact of the proposed development on this area.

Draft North District Plan October 2017

The Greater Sydney Commission (GSC), in their Draft Greater Sydney Region Plan and in their Draft North District Plan, has identified the strategic centre of St Leonards as an important health and education precinct.

The District Plan recognises the importance of St Leonards as a key employment centre in Greater Sydney, and define a target employment range of 54,000 to 63,500 by 2036. This represents **growth of 6,900-16,400 jobs between 2016 and 2036**.

The District Plan highlights the following key actions relating to employment within St Leonards:

- Leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity
- Grow jobs in the centre
- Promote synergies between the RNSH and other health and education-related activities, in partnership with NSW Health
- Protect the adjoining industrial zoned land for a range of urban services.

St Leonards is identified as a Collaboration Area in the District Plan, with the DPE leading planning in this area in collaboration with the GSC, the three related councils, NSW Health, Transport for NSW, NSW Department of Industry and TAFE NSW.

2017 St Leonards and Crows Nest Strategic Employment Review

SGS Economics and Planning (SGS) was engaged by the Department of Planning and Environment to prepare a Strategic Employment Review for the St Leonards, Crows Nest and Artarmon Precinct. This Precinct area matches the Department of Planning & Environment's definition of the St Leonards Strategic Centre.

Their study assesses the extent to which the employment floorspace in the area sufficiently meets the projected and changing demand out to 2036.

Urbis has reviewed the SGS study and found the following:

- SGS has identified **excess demand of 52,800 sq.m** of knowledge intensive (office) floorspace in the St Leonards Strategic Centre by 2036. This figure does not include floorspace required for health and education uses.

- SGS has also identified an **excess demand of 129,900 sq.m** of institutional floorspace in the St Leonards Strategic Centre by 2036, which will mostly consist of demand for Health and Education employment floorspace. Demand will be accommodated within RNSH and Mater Hospital precincts, with potential to house ancillary floorspace within existing office buildings in St Leonards.

Urbis has identified an **excess supply between 36,148 sq.m and 93,723 sq.m** of office floorspace in the St Leonards / Crows Nest precinct by 2036 (detailed assessment in Section 4). The variance in results can be partially explained by SGS not accounting for the pipeline of office development within St Leonards and surrounding markets. This would have considerable impact on the potential surplus or gap in office floorspace demand going forward.

The SGS forecast methodology for estimating demand relies heavily on accessibility being a key driver for employment uplift in the precinct. SGS has not accounted for the increased competition from the key office markets of North Sydney, Chatswood and Macquarie Park that will also benefit from improved accessibility through the planned Sydney Metro system. SGS has also not considered other demand drivers such quality of office stock, floorplate size, and proximity to amenity.

Despite differing methodologies for assessing land use demand within St Leonards, Urbis and SGS arrive at similar conclusions regarding the St Leonards CBD:

- That the redevelopment of the RNSH will attract medical and health related jobs to the centre
- That commercial only development within the St Leonards precinct is:
 - Unviable in the short-term
 - Faces strong competition from surrounding centres for tenants
 - Attracts smaller tenants seeking more affordable product, rather than large anchor tenants.

Urbis agrees with the SGS' Draft Economic Planning Directions recommendation for the St Leonards Core to *'investigate catalysing by residential in genuine mixed-use redevelopment'*, where residential development underpins the viability of delivering new commercial stock in a mixed-use format.

2. OFFICE MARKET REVIEW

The analysis in this section indicates the level of tenant and business interest in the St Leonards Strategic Centre. The prospect of achieving the employment forecasts discussed previously and the viability of leasing large scale commercial buildings in St Leonards will also be explored.

2.1. SYDNEY OFFICE MARKETS – SIZE AND POSITION

The St Leonards Centre is located around 5 km north of the Sydney CBD, between the North Sydney, Chatswood and Macquarie Park office markets (Map 2.1). As at July 2017, St Leonards had a total of 314,000 sq.m of office space, making it smaller than the North Sydney (822,500 sq.m) and Macquarie Park (873,700 sq.m) office markets, but larger than Chatswood (278,900 sq.m).

Compared to these markets, St Leonards has the highest vacancy rate at 12.6% despite older office accommodation being withdrawn from the market over the past four years. It has an average net face rent of \$515 per sq.m, placing it behind North Sydney (\$638 per sq.m) but ahead of Chatswood (\$469 per sq.m) and Macquarie Park (\$355 per sq.m).

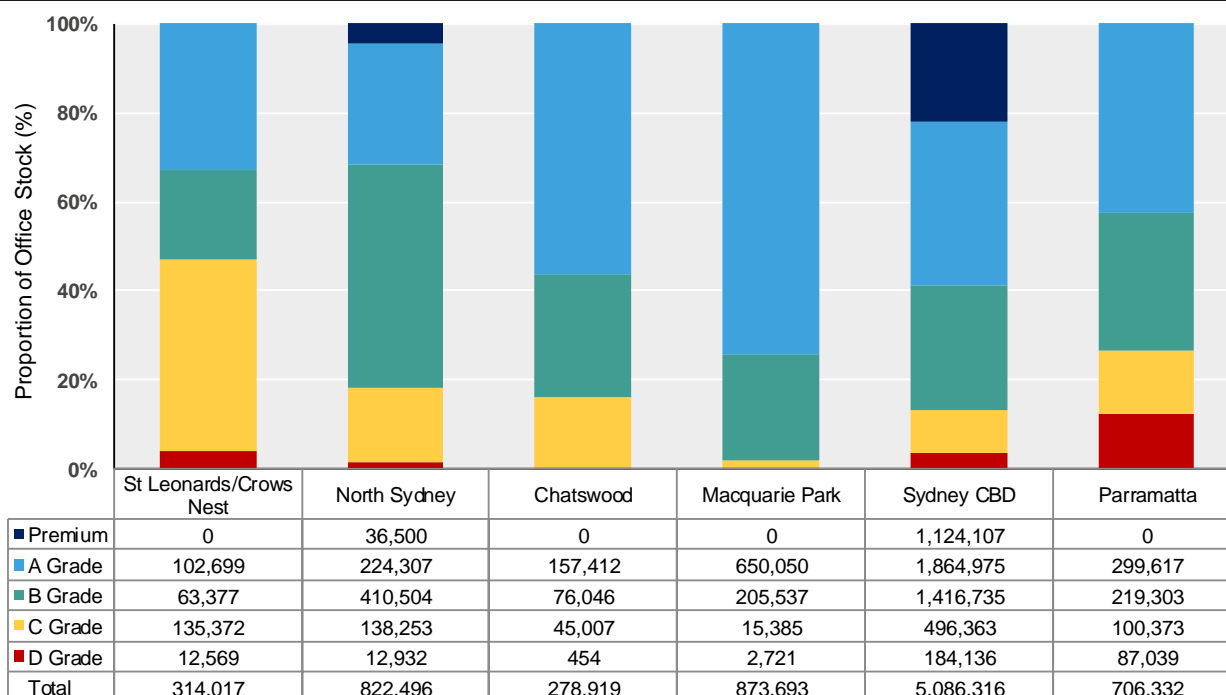
Chart 2.2 shows the distribution of St Leonards / Crows Nest's office stock quality compared to other major commercial centres. It illustrates that:

- C-Grade stock accounts for 43% of the stock in St Leonards / Crows Nest, significantly higher than all other major commercial centres
- Sydney CBD has the highest proportion of premium grade office stock at 22%
- Chatswood and Macquarie Park have large proportions of A-Grade stock at 56% and 74%, respectively
- North Sydney has the highest percentage of B-Grade stock at 50%
- Parramatta has a relatively high proportion of D-Grade stock compared to other major commercial centres.

Grade of Office Space, by Location

Sydney Office Market, July 2017

Chart 2.1



Source: PCA Office Market Report July 2017; Urbis

St Leonards Strategic Centre

Map 2.1

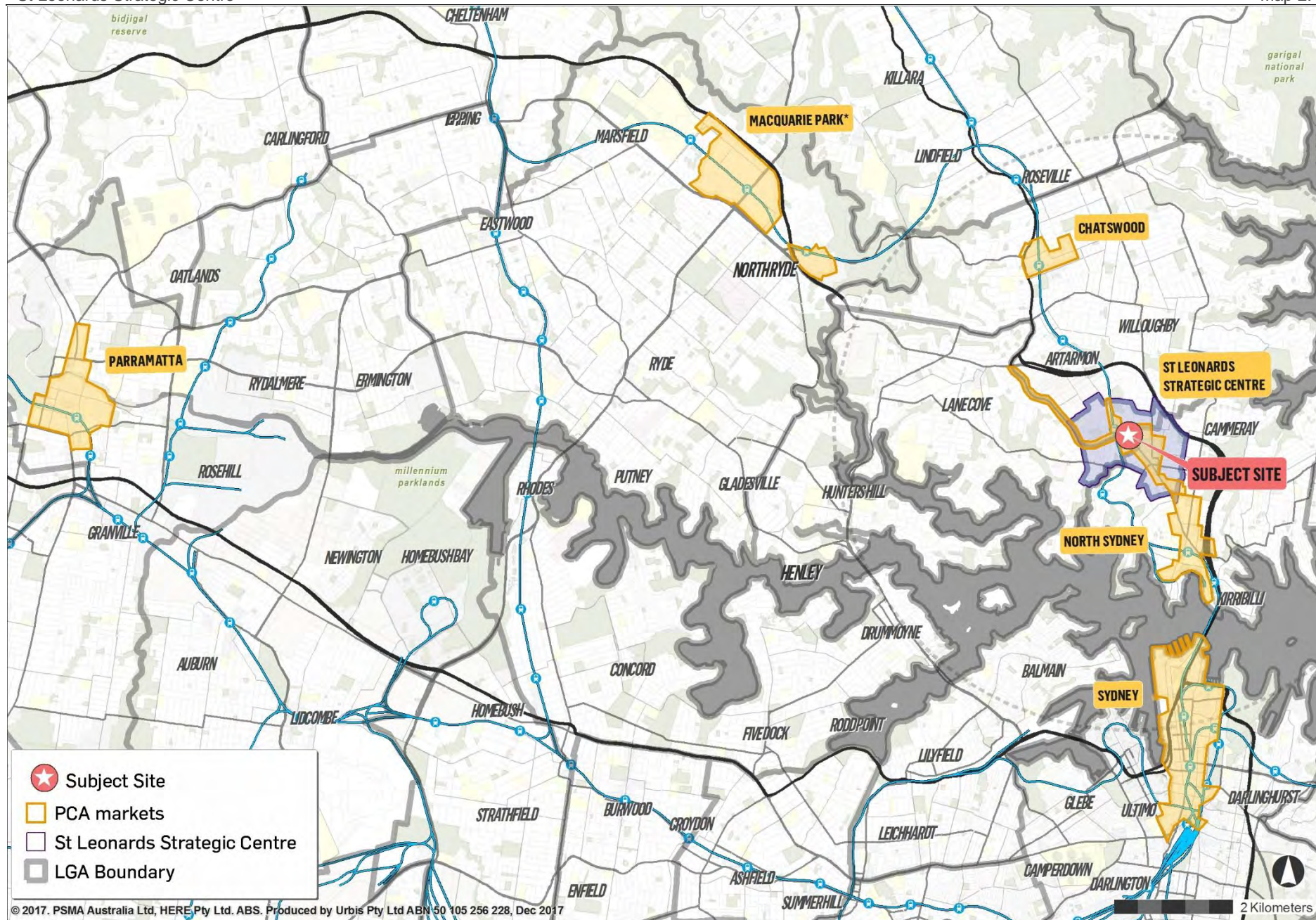


Chart 2.1 illustrates the total office stock within the St Leonards / Crows Nest market and the shift in grade since 2000. In July 2017, approximately 47% of office stock in St Leonards / Crows Nest was classified as C or D Grade.

C and D grade office space has historically accounted for approximately 40% of total office stock in the St Leonards / Crows Nest market, however this increased in 2009 to 59%. The increase was due to a large proportion of the St Leonards office stock being re-rated against the Property Council of Australia (Guide to Office Quality) from B to C grade stock.

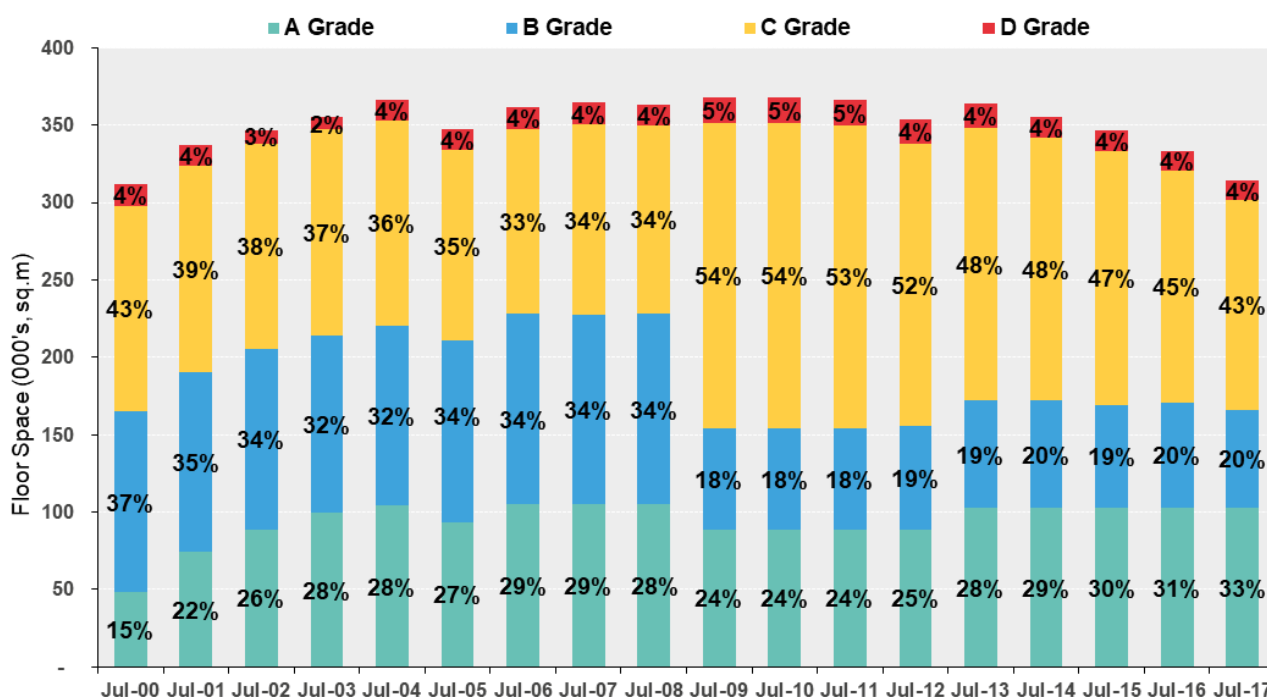
Notable shifts in the supply of office stock in St Leonards / Crows Nest since July 2009 include:

- The total office stock has decreased by a total of 54,200 sq.m, from 368,200 sq.m in July 2009 to 314,000 sq.m in July 2017
- The most significant decline occurred in the last 12 months, with total office stock falling by 19,600 sq.m since July 2016
- The reduction in total office stock was due to the withdrawal of B and C Grade office stock from the St Leonards / Crows Nest sub market
- Consequently, the proportion of lower grade stock in St Leonards / Crows Nest has declined from 59% in July 2009 to 47% in July 2017.

Office Stock, by Grade

St Leonards and Crows Nest

Chart 2.2



Source: PCA Office Market Report July 2017; Urbis

2.2. NET ABSORPTION AND VACANCY

Chart 2.3 illustrates St Leonards' net absorption of office floorspace from January 2000 to July 2017. It shows negative net absorption during 2013/14 of approximately -17,841sq.m. This impacted vacancy rates significantly, which climbed from 10.8% in July 2012 to 14.4% in January 2014.

The largest instance of negative net absorption was seen more recently, in the year to July 2017, with a significant decline of 31,026 sq.m of floorspace. As a result of this, the vacancy rate rose from 8.5% in July 2016 to 12.6% in July 2017.

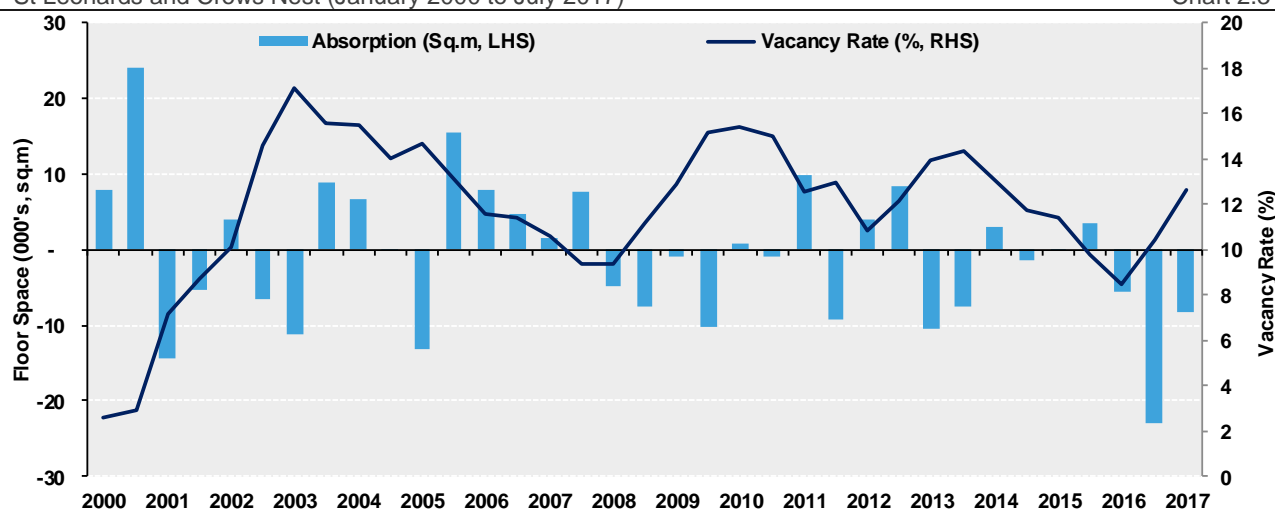
It is noted that negative net absorption outstrips withdrawals of office stock, where in the year to July 2017, negative net absorption equated to 31,026 sq.m compared to 19,614 sq.m withdrawn from the commercial market.

The withdrawal of stock in line with negative net absorption indicates that developers are responding to trends in tenant demand as they leave the St Leonards market for newer offices with larger floorplates.

Net Absorption and Vacancy Rate

St Leonards and Crows Nest (January 2000 to July 2017)

Chart 2.3

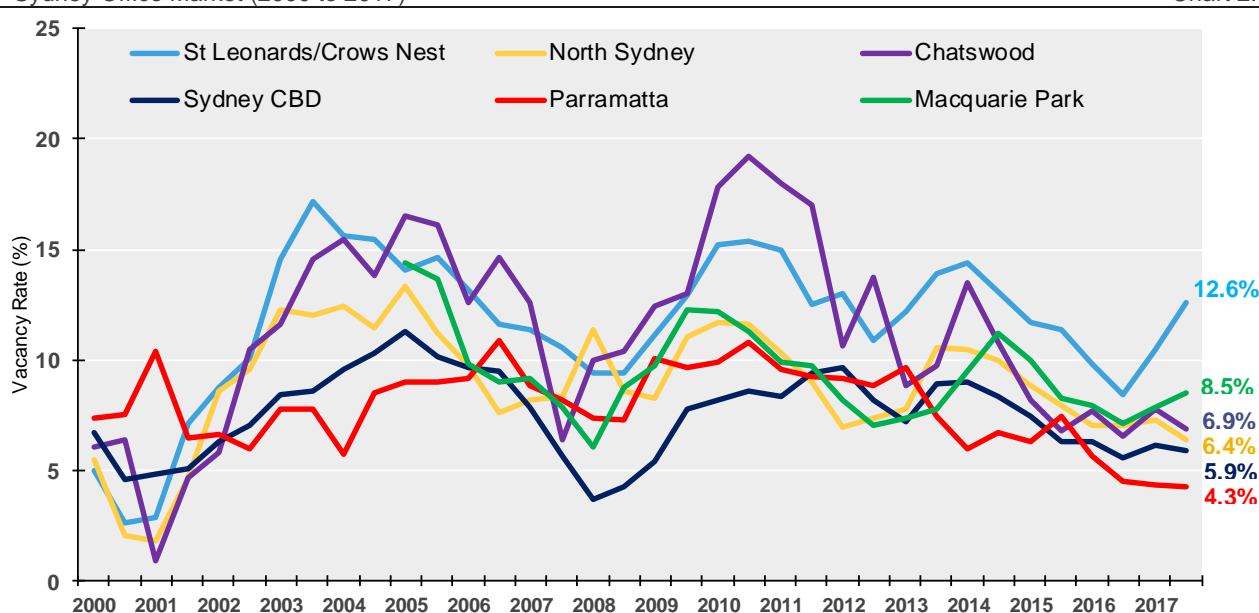


Source: PCA Office Market Report July 2017; Urbis

Office Space Vacancy Rate

Sydney Office Market (2000 to 2017)

Chart 2.4



Source: PCA Office Market Report July 2017; Urbis

Chart 2.4 provides a comparison of the vacancy rates amongst different office markets across Sydney from January 2000 to July 2017, indicating the relative strength of different Metropolitan Sydney office markets.

Currently St Leonards has the highest vacancy rate at 12.6%. The relatively high rate follows a period which saw the St Leonards' office market vacancy decrease from 15% in January 2010 to 11% in July 2012, due largely to a withdrawal of office of 19,300 sq.m.

Historically, St Leonards and Chatswood have displayed the highest office vacancy, reflecting their higher rental cost and smaller average floorplates compared to commercial offices in Macquarie Park.

2.3. MARKET COMPARISON

A comparative review between St Leonards and other commercial precincts within Sydney is outlined below in Table 2.1 to Table 2.3. The precincts analysed include Sydney CBD, Parramatta, North Sydney, Chatswood, Macquarie Park Corridor, Barangaroo and Australian Technology Park. The following tables have been compiled to identify the future characteristics driving tenant and investment interest across different markets. It considers the rents, vacancies, transport connectivity and convenience, car parking, future supply, retail and amenity, walkability and mooted developments within each commercial precinct.

The key findings from this comparative review include:

- St Leonards and Crows Nest market has approximately 314,000 sq.m of commercial floorspace as at July 2017. This is more commercial floorspace than what is available in the Chatswood, Barangaroo precinct and Australian Technology Park markets, and less office floorspace than the Parramatta, Macquarie Park, North Sydney and Sydney CBD markets.
- St Leonards has higher rent than North Shore locations such as Chatswood and Macquarie Park. Construction, development and acquisition costs are a primary driver of rising rents. The fragmented land ownership of buildings in St Leonards makes it more expensive to consolidate sites. The higher cost in St Leonards drives up the yields required to justify this higher cost, and the subsequent rent sought for office space.
- St Leonards' fragmented land contrasts more suburban locations such as Macquarie Park, which allows for cost efficiency through the development of larger consolidated floor plates.
- Overall, the rental analysis illustrates that the St Leonards / Crows Nest office market has a higher rental cost base compared to locations closer to the CBD, while not having the locational amenity of more central locations such as North Sydney, the Sydney CBD or Parramatta, which has a large regional shopping centre. The lack of amenity has a negative impact on St Leonards' competitiveness compared to other office market locations.
- St Leonards has the lowest annual net absorption over the last 10 years and the highest long term and current commercial vacancy rate out of all precincts. As a result, it has the highest average incentive at 27%.
- In terms of public transport, St Leonards is accessible by train, bus and the future Metro line. The transport infrastructure is similar to other office precincts with the exception of the Sydney CBD, Parramatta and Barangaroo which also can be accessed by ferry.
- St Leonards has a much higher proportion of C and D grade stock when compared to other Sydney office markets. It is evident from the age of the office stock that the St Leonards' office market has not continued to attract new office investment, office developments or major refurbishments. In effect, the appeal of St Leonards to the office tenant market continues to diminish, compared to other centres that have attracted a higher level of investment in new higher-grade stock.
- When compared to other office precincts, the retail provision of St Leonards is poor due to the lack of a major retail centre, making it less attractive to workers and potential tenants.
- Australian Technology Park is undergoing development with additional floorspace to be anchored by the Commonwealth Bank and 75,000 sq.m for ATP technology users. This will deliver additional office floorspace in a better connected and located market than St Leonards.

Market Comparison

Sydney Office Markets

Table 2.1

	St Leonards /Crows Nest	Sydney CBD	Parramatta	North Sydney	Chatswood	Macquarie Park	Barangaroo	Australian Technology Park
Indicative Commercial NLA (sq.m) (July 2017)	314,017	5,086,316	706,332	882,500	278,900	873,700	292,660	222,000
Average A Grade Rents (\$ per sq.m) net	\$543	\$1,000 - \$1,300	\$606	\$734	\$499	\$368	N/A	N/A
Average B, C and D Grade Rents (\$ per sq.m per annum)	\$502	\$750 - \$950	\$505	\$593	\$432	\$320	N/A	N/A
Commercial Vacancy Rates (overall) (July 2017)	12.6%	5.9%	4.3%	6.4%	6.9%	8.5%	6.6%*	N/A
Long Term Average Vacancy Rates (15 years to July 2017)	12.6%	7.8%	7.9%	9.5%	12.1%	9.4%	N/A	N/A
Average Annual Net Absorption (10 years to July 2017)	-4,172	39,344	12,882	2,902	1,131	29,496	N/A	N/A
Average Incentives	27.0%	20.0% - 29.0%	18.4% - 21.0%	23.7%	26.7%	26%	N/A	N/A
Average Percentage of White Collar Employees (within a 5 km radius)	90%	88%	66%	89%	89%	83%	88%	N/A
Transport Infrastructure	Trains Bus Vehicle	Trains ↑ Bus ↑ Vehicle ↑ Ferry ↑ Light Rail ↑	Trains ↑ Bus ↔ Vehicle ↑ Ferry ↑	Trains ↔ Bus ↑ Vehicle ↑	Trains ↔ Bus ↑ Vehicle ↑	Trains ↔ Bus ↔ Vehicle ↑	Trains ↑ Bus ↔ Vehicle ↑ Ferry ↑	Trains ↔ Bus ↔ Vehicle ↔

Source: PCA Office Market Report July 2017, Knight Frank Office Market Overview September 2017; North Shore, Sydney CBD, Parramatta

* Vacancy Rate of Sydney CBD Western Precinct used as a proxy for the Barangaroo vacancy rate

N/A = information unavailable

Market Comparison

Sydney Office Markets

Table 2.2

		St Leonards /Crows Nest	Sydney CBD	Parramatta	North Sydney	Chatswood	Macquarie Park	Barangaroo	Australian Technology Park
Investment in New Transport Infrastructure		Sydney Metro Station at Crows Nest will improve rail accessibility	Light rail under construction	Light rail proposed to commence 2018	Victoria Cross Station	Sydney Metro Station will improve rail accessibility	Sydney Metro Station will improve rail accessibility	Sydney Metro Station will improve rail accessibility	Sydney Metro Rail Stage 2– proposed station at Waterloo will provide additional connectivity to the ATP precinct
Mix of Office Stock	Premium	0%	22%	0%	4%	0%	0%	100%	ATP will be undergo redevelopment and renewal, with additional A grade stock being produced. CBA is expected to occupy 93,000 sq.m of new stock
	A Grade	33%	37%	42%	27%	56%	74%	0%	
	B Grade	20%	28%	31%	50%	27%	24%	0%	
	C Grade	43%	10%	14%	17%	16%	2%	0%	
	D Grade	4%	4%	12%	2%	0%	0%	0%	
	Typologies	Lower quality mix overall	Broad mix in a large market	Broad mix in a large market	High proportion of sub-prime space	High focus on A grade stock	Focus on A grade stock with large floorplates - generally newer buildings	Focus on Premium grade stock	
Retail Provision (Major Retail Centres/Locations)		The Forum	↑ Superior (Pitt St Mall & Department Stores)	↑ Superior (Westfield Parramatta)	↑ Superior (Greenwood Plaza)	↑ Superior (Access to Westfield Chatswood & Chatswood Chase)	↑ Superior (Access to Macquarie Centre)	↑ Superior (Waterfront detail promenade with focus on food and beverage offerings)	↓ Lacks a major retail centre

Source: PCA Office Market Report July 2017, Knight Frank Office Market Overview September 2017; North Shore, Sydney CBD, Parramatta

N/A = information unavailable

Market Comparison

Sydney Office Markets

Table 2.3

	St Leonards /Crows Nest	Sydney CBD	Parramatta	North Sydney	Chatswood	Macquarie Park	Barangaroo	Australian Technology Park
Accessibility to Retail	Lack of connectivity.	↑ Good very central for most of the CBD with the exception of the Western Corridor which is more distant and has poorer quality retail.	↑ Good very central.	Average retail provision with some topography issues.	↑ Superior retail provision, albeit slightly removed.	Poor disbursed nature of area.	↑ Good planned to be co-located with office development.	Limited access to retail amenities. Surrounding uses include residential, commercial, industrial and limited strip retail.
Public Domain	Poor public domain provision with centre being quite disconnected. Improvements are proposed for St Leonards Forum South.	High quality open space provision (Martin Place, Hyde Park, Pitt St Mall, Darling Harbour etc).	Access to improving public areas such as Church Street and river access.	Limited open space opportunities - spearated by Highway.	Similar to North Sydney however does have access to public domain in the Interchange, Westfield and Chatswood Chase.	Poor public domain provision due to lower densities and large distances.	High quality open space provision with access to Barangaroo Point Reserve and harbour waterfronts via a waterfront promenade.	Significant public domain improvements planned including enhanced streetscapes, landscaping and planting upgrades and public furniture and art.
Car Parking Provision (Source: Local Council)	1 space per 110 sq.m. of net floor area	↔ Ranging from 1 per 75 sq.m. to 175 sq.m. of GFA	↓ 1 space per 50 sq.m. of GFA	↔ 1 space per 100 sq.m. of non-residential floor space	↑ 1 space per 200 sq.m. of net floor area	↓ 1 space per 40 sq.m. of GFA	A total of 2,274 car in the Concept Plan for Barangaroo. Including 652 for commercial use	Currently 600 spaces (up to 1,600 permitted).
Potential Future Office Supply (sq.m)	80,150	339,226	216,000	87,720	N/A	252,691	N/A	N/A

Source: PCA Office Market Report July 2017, Knight Frank Office Market Overview September 2017; North Shore, Sydney CBD, Parramatta

N/A = information unavailable

The result of the analysis does not preclude demand for commercial floorspace within St Leonards moving forward, rather, a growing proportion will be focused in the health care and social services sector.

Employment growth in the health and social services sector between 2011 and 2016 (1,141 additional jobs) reflects a broader trend of a growing health sector within St Leonards Strategic Centre. In 2016, the health care and social services sector provided 9,829 jobs and is projected to grow to 11,342 jobs by 2036 (jobs growth of approximately 1,500 over this period).

The high proportion of health services jobs in the St Leonards Strategic Centre is aligned to the presence of the RNSH and medical services businesses located along the Pacific Highway.

As part of the government-led redevelopment of the RNSH, there is concept approval for a new ten-storey Health Services Administration and Other Ancillary Functions Building that will provide an additional 27,000 sq.m of office NLA. This development will support significant office jobs growth in the health services sector, anchored by the NSW Government.

In addition to the RNSH, there may be opportunity to attract specialised health businesses into the area, which do not necessarily require a large corporate office format. An example is Primary Health Care Pty Ltd occupying 4,500 sq.m in the St Leonards Forum.

Health sector tenants typically demand small professional suites which can be accommodated in a mixed-use format. The provision of this type of stock within the St Leonards Strategic Centre and near the RNSH will further support future growth in the health care and social services sector.

2.4. FUTURE SUPPLY

In addition to the existing supply of office space in St Leonards, there are nine developments in pipeline that contain a combined office floorspace of approximately 103,000 sq.m. These are summarised in Table 2.4.

A large portion of future office supply will be located within the Gore Hill Technology Park. Ausgrid has submitted a development application for construction of a nine-storey depot/administrative office building with office space that is estimated to accommodate 97 depot staff and 900 administrative staff. In addition, Building D within the technology park has development consent for three towers totalling approximately 46,000 sq.m. To note, the progression of Gore Hill Building D is dependent on tenant pre-commitments.

The redevelopment of Royal North Shore Hospital (RNSH) has been an ongoing government-led project since 2006. The original concept plan included scope for 108,000 sq.m commercial floorspace, much of which has already been developed. A modification to this concept plan has been approved for Precinct 4 of the hospital to include 27,000 sq.m NLA for health-related commercial floorspace.

There are also seven mixed use developments planned within the St Leonards Strategic Centre that include approximately 30,000 sq.m of commercial NLA.

Proposed Office Developments

St Leonards/Crows Nest

Table 2.4

Project	Owner	Stage	Completion Date	Average Floorplate (sq.m)	Levels Containing Office	Office Net Lettable Area (sq.m)
Metropolitan Residences	Austino Property	Construction	2018	N/A	1	1,016
18 Atchison St Mixed Development	Electroboard	Development Approval	2019	472	5	2,362
St Leonards Square	Mirvac Group	Construction	2020	1,232	3	3,695
Gore Hill Technology Park - Building D1, D2 and D3	Lindsay Bennelong Development	Concept Plan Approval	2020	2,000	6 - 8	46,000
Gore Hill Technology Park - Ausgrid Depot	Ausgrid	Development Application	2020	1,598	9	14,378
100 Christie St Mixed Development	Altis Property Partners	Development Approval	2020	1,100	36	3,300
Royal North Shore Hospital Precinct 4	NSW Government	Concept Plan Approval	2022	3,000	9	27,000
575 Pacific Highway Mixed Development	Rozene Pty Ltd & Rosemate Pty Ltd	Rezoning Application	2022	N/A	8	2,616
617 Pacific Highway	Anason City Developments Pty Ltd	Rezoning Application	N/A	960	3	2,700
Total						103,067

Source: Cordell Connect; Willoughby Council; NSW Department of Planning & Environment; Urbis

2.5. SUMMARY AND IMPLICATIONS

Our key findings for the St Leonards office market are as follows:

- A comparative study of competing office markets finds that the St Leonards office market currently has several characteristics that make it less attractive to potential tenants, namely:
 - **Lower quality stock:** A lack of investment, office developments or major refurbishments, clearly reflected in the high proportion of C-Grade stock relative to other major office markets
 - **Limited amenity:** St Leonards Forum offers some food and beverage retail and a single Coles supermarket. This is relatively limited in comparison to the amenity provided at major retail centres such as Macquarie Centre at Macquarie Park, Westfield and Chatswood Chase.
 - **Less affordable rents:** North Ryde / Macquarie Park and Chatswood are both more affordable than St Leonards
- Since 2013/14, there has been significant withdrawal of C-Grade stock in the St Leonards market, either for refurbishment or conversion to residential, reflecting low market demand for C and D-Grade office space in the area. This has resulted in a gradual decline of vacancy rates over this period.
- Despite removal of poor quality stock, the St Leonards office market experienced negative net absorption of 31,026 sq.m over the 12 months to July 2017, outstripping withdrawal of office stock in this period (19,614 sq.m) and causing the vacancy rate to rise from 8.5% to 12.6%. This was largely driven by a number of office demolitions in this period, particularly of B- and C-Grade office stock.
- St Leonards' commercial vacancy rate is significantly higher than competitive markets, withdrawal of stock, and negative net absorption indicates that developers are responding to trends in tenant demand as they leave the St Leonards market for newer offices with larger floorplates.
- Future supply of office developments in the St Leonards / Crows Nest market is expected to occur mainly in the Gore Hill Technology Park, which has the capacity to accommodate large floor plate office buildings, and within the RNSH, where a pre-determined anchor tenant (NSW Health) will support office jobs relating to the health precinct.

Implications for future development at the subject site include:

- The subject site's location within the core of St Leonards faces significant competitive barriers to attracting major office tenants that would support a large scale office development
- Further development of the RNSH is expected to drive demand for commercial space in the health care and social services sector. A mixed use development at the subject site could incorporate commercial space catering to such tenants.

3. OFFICE FLOORSPACE DEMAND

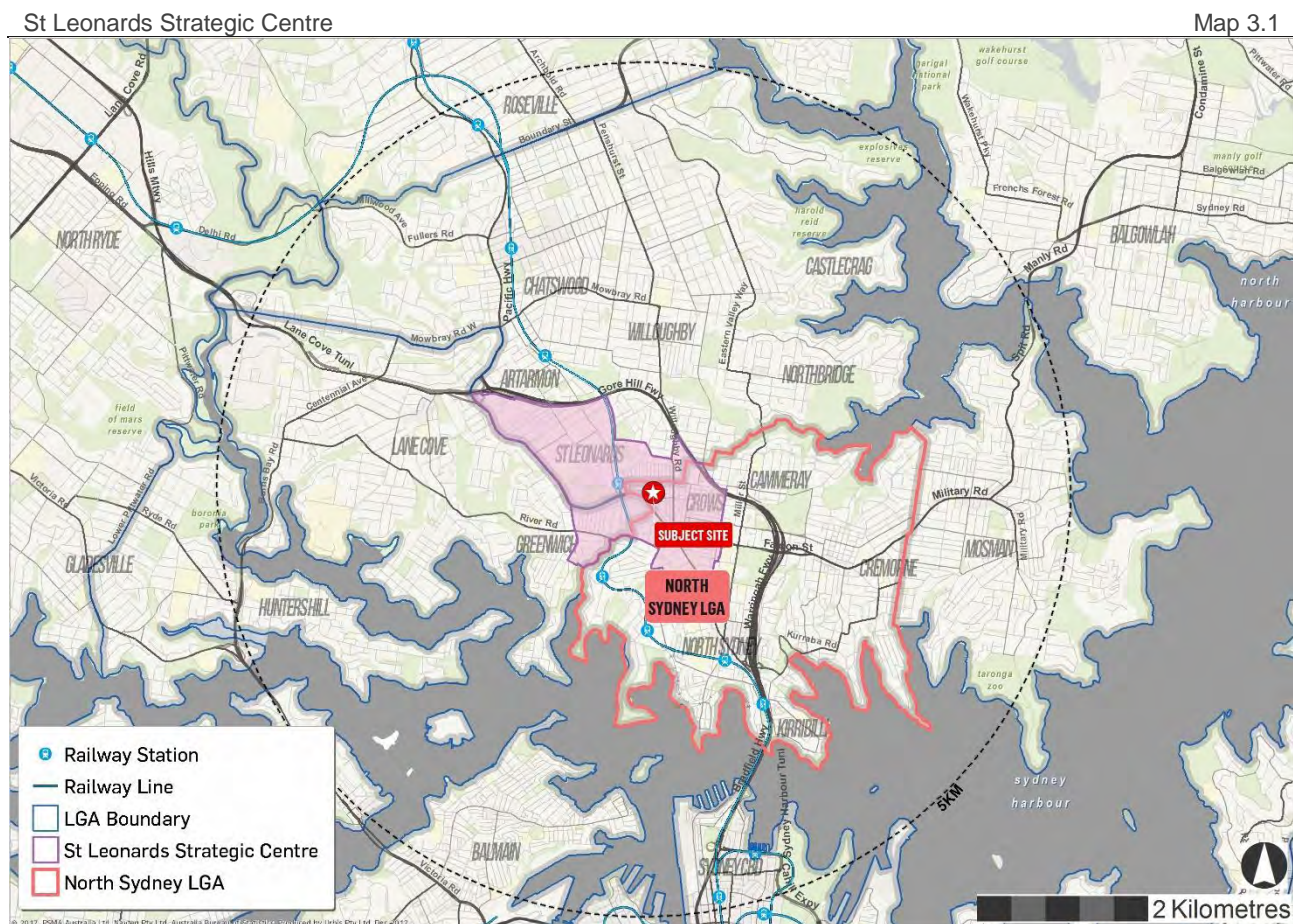
The following section identifies the current and future demand for office floorspace in the St Leonards Strategic Centre. The extent to which additional floorspace will be required is reliant on economic and employment growth.

3.1. ST LEONARDS STRATEGIC GROWTH

The St Leonards Strategic Centre has been identified and defined by the Department of Planning and Environment and is depicted in Map 3.1.

Urbis has forecast future demand for commercial floorspace in the St Leonards Strategic Centre by applying floorspace (sq.m) / employment ratios to the Bureau of Transport and Statistics (BTS) 2016 industry employment projections. This process involves the following:

1. Analysis of job growth forecasts at the individual industry level
2. Converting jobs growth per industry into jobs growth by land use
3. Converting forecasted jobs growth by land use into floor space demand.



3.2 PROJECTED EMPLOYMENT

Chart 3.1 illustrates the projected employment for St Leonards Strategic Centre between 2016 and 2036 and its distribution across different industry sectors using 2016 Bureau of Transport Statistics (BTS) data. It shows that employment within the Centre is projected to increase by approximately 7,150 jobs between 2016 and 2036. Draft North District Plan (October 2017) base and high case employment targets are also used for in the St Leonards Strategic Centre, projecting approximately 6,900 and 16,400 jobs, respectively.

BTS employment projections are official NSW State Government projections, and have been used in reports commissioned by the NSW Department of Planning and Environment (St Leonards and Crows Nest Strategic Employment Review authored by SGS Economics and Planning).

The District Plan identifies St Leonards as a key employment centre in Greater Sydney and define a target employment range of 54,000 to 63,500 by 2036. This represents **growth of 6,900-16,400 jobs between 2016 and 2036**. The key growth sectors outlined in Table 3.1 are expected to add the following jobs:

- **Professional, Scientific & Technical Services** to increase by +2,323 jobs according to BTS forecasts, +2,259 jobs in the base case and +4,742 jobs in the high case of the District Plan Targets.
- **Health Care and Social Assistance** to increase by +1,513 jobs according to BTS forecasts, +1,462 jobs in the base case and +3,448 jobs in the high case of the District Plan Targets.
- **Education and Training** to increase by +639 jobs according to BTS forecasts, +629 jobs in the base case and +1,042 jobs in the high case of the District Plan Targets.

Different industry sectors have different needs when it comes to the type of floorspace required to operate their respective organisations. Table 3.1 illustrates the growth in jobs across different land uses to 2036. This analysis is based on benchmarks that Urbis have derived looking at land use demands by different categories of employment. It provides an indication of the demand for different types of land use within the St Leonards Centre.

- BTS employment projections (2016) forecast office based jobs to increase by 3,945 jobs, over the next 20 years.
- Based on the same industry sector growth rates, the District Plan low and high job targets will comprise of 3,826 to 8,432 office jobs, over the next 20 years.

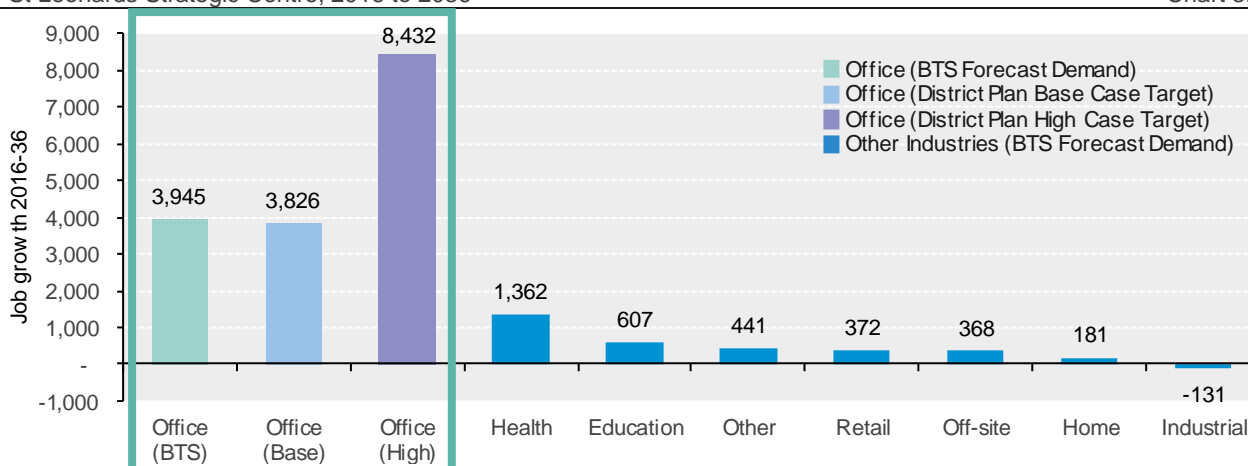
In addition to office based jobs, BTS employment projections forecast growth across a number of other land uses within the St Leonards Strategic Centre, reflecting it's transition to a mixed-use centre:

- **Health:** An additional 1,362 jobs between 2016 to 2036, accounting for 19% of growth in the Centre
- **Education:** An additional 607 jobs between 2016 to 2036, accounting for 8% of growth in the Centre.

Employment Growth by Property Type

St Leonards Strategic Centre, 2016 to 2036

Chart 3.1



Source: Bureau of Transport Statistics 2016; Urbis

Forecast Employment

St Leonards Strategic Centre by Industry, 2016 to 2036

Table 3.1

Industry Sector	Forecast										District Plan Targets		
	2016		2021		2026		2031		2036		2016-36	2036	2036
	No.	%	No.	%	No.	%	No.	%	No.	%	Total Change	Base Case	High Case
Professional, Scientific and Technical Services	11,849	25%	12,316	25%	12,907	26%	13,528	26%	14,172	26%	+2,323	+2,259	+4,742
Health Care and Social Assistance	9,829	21%	10,159	21%	10,534	21%	11,032	21%	11,342	21%	+1,513	+1,462	+3,448
Construction	3,151	7%	3,311	7%	3,455	7%	3,660	7%	3,911	7%	+760	+742	+1,427
Education and Training	1,584	3%	1,742	4%	1,906	4%	2,067	4%	2,223	4%	+639	+629	+1,042
Financial and Insurance Services	2,234	5%	2,466	5%	2,577	5%	2,673	5%	2,798	5%	+564	+551	+1,018
Accommodation and Food Services	1,773	4%	1,868	4%	1,941	4%	2,030	4%	2,112	4%	+339	+329	+796
Retail Trade	2,478	5%	2,583	5%	2,625	5%	2,718	5%	2,797	5%	+319	+306	+699
Other Services	1,903	4%	1,991	4%	2,042	4%	2,116	4%	2,203	4%	+300	+290	+676
Rental, Hiring and Real Estate Services	1,036	2%	1,110	2%	1,171	2%	1,237	2%	1,307	2%	+271	+265	+521
Administrative and Support Services	1,463	3%	1,540	3%	1,575	3%	1,630	3%	1,695	3%	+232	+224	+505
Arts and Recreation Services	519	1%	574	1%	625	1%	678	1%	736	1%	+217	+214	+494
Public Administration and Safety	461	1%	490	1%	509	1%	521	1%	544	1%	+83	+81	+343
Electricity, Gas, Water and Waste Services	212	0%	226	0%	245	0%	266	1%	278	1%	+66	+65	+295
Mining	65	0%	66	0%	69	0%	72	0%	72	0%	+7	+7	+242
Agriculture, Forestry and Fishing	43	0%	45	0%	47	0%	49	0%	49	0%	+6	+6	+176
Wholesale Trade	1,729	4%	1,719	4%	1,732	3%	1,730	3%	1,729	3%	0	-8	+113
Information Media and Telecommunications	3,152	7%	3,194	7%	3,156	6%	3,166	6%	3,124	6%	-28	-42	+19
Manufacturing	2,339	5%	2,346	5%	2,243	4%	2,237	4%	2,205	4%	-134	-144	+14
Transport, Postal and Warehousing	1,263	3%	1,231	3%	1,141	2%	941	2%	932	2%	-331	-335	-172
Total Employment	47,083	100%	48,977	100%	50,500	100%	52,351	100%	54,229	100%	+7,146	+6,900	+16,400

Source: BTS 2016 Employment Projections; Urbis

Office based employment is expected to comprise a number of different industry sectors. Industry sectors that have the majority of their operations located in non-office floorspace still require a proportion of office floorspace, including:

- Health services (10% office floorspace)
- Urban services (10% office floorspace)
- Construction (5% office floorspace)
- Education and training (5% office floorspace)
- Arts and recreation (30% office floorspace).

These sectors may be better suited to co-locating office based employment with other non-office based operations, with the functional benefits of co-locating with its core business greater than the amenity associated with CBD locations.

As such these sectors may not require traditional 'corporate' office accommodation and may suit smaller professional suites, or be co-located with other business operations (e.g. factories, warehouses or temporary accommodation on construction sites). This would create demand for flexible commercial space that could be accommodated in the podium of mixed use developments, which have the flexibility to accommodate a mix of tenant types.

3.3. OFFICE SUPPLY/ DEMAND FLOORSPEACE ST LEONARDS CENTRE

According to the Property Council of Australia's (PCA) Office Market Report (OMR) July 2017, there is currently 39,650 sq.m of vacant office space in the Crows Nest / St Leonards market. Combined with the approved development pipeline of 103,067 sq.m of proposed office floorspace within the St Leonards Strategic Centre. When including the additional 1,220 sq.m office GFA proposed within a mixed-use scheme at the subject site, this results in a **total supply of approximately 141,550 sq.m available office floorspace by 2036**.

We have considered the following employment projections and targets for the St Leonards Strategic Centre to 2036 using:

- Bureau of Transport Statistics (BTS) 2016 release employment projections
- Draft North District Plan (October 2017) base and high case employment targets.

The table below details the relevant employment projections and targets as well as the calculations we have made to convert this into demand for office floorspace by 2036.

Against all job projections and targets for the St Leonards Strategic Centre, the proposed and vacant supply of office floorspace is more than sufficient to meet the demand for office floorspace, with **office floorspace surpluses by 2036 of between 36,148 sq.m and 93,723 sq.m**.

Demand and Supply of Office Floorspace

St Leonards Strategic Centre, 2016 to 2036

Table 3.2

		BTS Forecast 2016	District Plan Base Case Target	District Plan High Case Target
A	Job Growth 2016 - 2036	7,146	6,900	16,400
B	Office Job Growth 2016 - 2036	3,945	3,826	8,432
C	Employment Benchmark (sq.m per job)	12.5		
D	Demand for Office Floorspace (2016 - 2036) (B / C)	49,312	47,825	105,400
E	Vacant Existing Office Floorspace	39,650		
F	Proposed Office Floorspace	103,000		
G	Withdrawal of Existing Floorspace on site	2,322		
H	New Office Floorspace on subject site	1,220		
I	Supply of Office Floorspace (2016 - 2036) (E+F-G+H)	141,548		
J	+Surplus / -Deficit (by 2036) (I-D)	+92,236	+93,723	+36,148

Source: Cordell Connect; PCA Office Market Report; BTS 2016; Draft North District Plan 2017; Urbis

3.4. SUMMARY AND IMPLICATIONS

The analysis of historic, existing and future employment in the St Leonards Strategic centre reflects a surplus of office space. The key findings of our analysis include:

- Projected employment growth of between **6,900 and 16,400 jobs** between 2016 to 2036, based on BTS data

- This growth is estimated to result in growth of **3,826 to 8,432 office jobs** in the St Leonards Strategic Centre, based on Urbis benchmarks of land-use demand
- An estimate of between **47,825 and 105,400 sq.m of office space** is required to cater for the growth in jobs that require commercial floorspace by 2036
- There is estimated to be approximately **141,550 sq.m of available office floorspace** in 2036, including currently vacant office floorspace and proposed office floorspace from nine projects in the development pipeline in the St Leonards Strategic Centre
- Overall gap analysis of office space projected for the St Leonards Strategic Centre amounts to a **surplus of between 36,148 and 93,723 sq.m by 2036**, indicating sufficient office floorspace is being delivered to accommodate jobs growth.

4. ECONOMIC BENEFITS

This section identifies the potential employment and economic generation associated with the proposed development on the subject site. Specifically, this section addresses the following points:

- Potential employment and economic benefits generated during the construction of the proposed development
- Potential employment and economic benefits generated in the ongoing operation of the proposed development
- Qualitative assessment of additional economic benefits.

Modelling included in this report uses REMPLAN to assess current and potential economic impacts. REMPLAN is an Input-Output model that captures inter-industry relationships within an economy. It can assess the area-specific direct and flow-on implications across industry sectors in terms of employment, wages and salaries, output and value-added (Gross Regional Product). A region can be defined at a national, state or Local Government Area level.

REMPAN base data is drawn from the Australian Bureau of Statistics and other government agencies. It provides highly reliable, up-to-date, and defensible economic modelling across any state or region in Australia.

Previous modelling of economic impacts has used ABS Input-Output tables from 1996-97. The multipliers are close to 20 years old and are less accurate in estimating impacts on the economy, particularly due to:

- Productivity changes throughout the economy over the past 20 years
- The changing industry make-up of the Australian economy since 1997 – for example the decline in manufacturing and the rise in financial services.

4.1. CONSTRUCTION JOBS

Construction of a mixed-use development would require capital expenditure that would sustain significant employment in the construction industry through the development period. Construction industry activity also has multiplier effects that are felt through the local economy.

Total construction costs have been estimated from the 2017 edition of the Rawlinsons Construction Cost Guide as well as from TWT Property Group. The indicative concept design could be in the order of \$55 million over 2.5 years (30 months), equating to an annual construction cost of \$22 million. A summary of the construction cost is included in the following table.

Estimated Construction Costs for Indicative Concept Design

Proposed Development			Table 4.1
Construction Cost (p.a.)	(\$M)	22.00	
Employment			
Direct Employment	(no.)	43	<i>Indirect Multiplier</i>
Indirect Employment	(no.)	61	2.419
Total Employment	(no.)	104	
Gross Value Added (GVA)*			
Direct GVA	(\$M)	6.45	<i>Indirect Multiplier</i>
Indirect GVA	(\$M)	9.17	2.421
Total GVA	(\$M)	15.62	

Source: TWT Property; Rawlinsons 2017; Urbis

The construction of the indicative concept design at the subject site is estimated to have the potential to generate \$6.45 million in direct Gross Value Added (GVA) per year, and \$9.17 million in indirect GVA. Employment represents total number of employees without any conversions to full-time equivalence. The

construction project is forecast to generate an estimated 43 direct jobs and 61 indirect jobs each year of the project.

4.2. ONGOING JOBS

The ongoing operations of the non-residential components of the development will create jobs and generate economic activity in Gross Value Added (GVA). The number of direct jobs for the proposed development was estimated using industry benchmarks on jobs per net lettable area. Direct jobs are entered into REMPLAN to produce an estimate of indirect jobs, and direct and indirect GVA.

The proposed development on the subject site will include space for retail and commercial office which are estimated to generate 216 total jobs from ongoing operations as shown in Table 4.2. New commercial office jobs are expected to be accommodated at a higher efficiency than the existing building, achieving a 12.5 sq.m per worker rate (due to improved floorplate efficiency and fit out).

Proposed Indicative Concept Design

25–35 Atchison Street, St Leonards

Table 4.2

	Area (sq.m)	Benchmark (sq.m per job)	Ongoing Jobs
Retail ¹	1,945	16	118
Commercial Office ²	1,037	12.5	98
Total	2,982		216

Source: REMPLAN Economy; Urbis

¹ Gross Leasable Area Retail (GLAR)

² Net Lettable Area (NLA) based on 85% of GLA

Annual Economic Activity – based on Indicative Concept Design

25–35 Atchison Street, St Leonards

Table 4.3

	Direct Effect	Indirect Effect	Total
Jobs	216	88	304
Economic Generation GVA p.a (\$M)	\$22.34	\$14.57	\$36.91

Source: REMPLAN Economy; Urbis

Employment Comparison

Current Buildings and Updated proposal

Table 4.4

Existing Development Approval

Current Site	NLA (sq.m)	Employment Benchmark	Jobs / sq.m
23 Atchison Street - Commercial Office	460	15	31
25 Atchison Street - Gallery / Studio	487	71	7
27 Atchison Street - Gallery / Studio	447	71	6
31 Atchison Street - Urban Light Industry	573	90	6
35 Atchison Street - Commercial Office	1,862	15	124
Total	3,829		174
Updated Proposal	NLA (sq.m)	Employment Benchmark	Jobs / sq.m
Retail*	1,945	16	118
Commercial Office	1,037	12.5	98
Total	2,982		216
Net Change			+42

Source: Urbis

*Retail NLA is equivalent to GLAR

While a higher job outcome could be achieved if the non-residential podium was fully commercial space (10,127 sq.m at 12.5 sq.m per worker equates to 810 jobs), the proposed retail floorspace will deliver amenity and additional services to the St Leonards Strategic Centre. Furthermore, improved public domain and ground floor activation will reinvigorate the precinct for workers and residents.

A lower GFA per job benchmark has been used, given the existing property consists of older office buildings. The 12.5 sq.m GFA per job benchmark used for the new commercial office space to reflect better efficiency and design.

4.3. RETAIL EXPENDITURE

For the purpose of estimating additional retail expenditure, we consider a market catchment from where new residents or potential purchasers are likely to be drawn. The subject site sits on the border of the St Leonards – Naremburn SA2 and the Crows Nest – Waverton SA2. As such, migration into the combined geography of these two SA2s has been used to determine the subject site's market catchment.

Migration analysis finds that new residents in St Leonards are migrating from a local Lower North Shore catchment, predominantly contained in the Mosman, North Sydney, Lane Cove and North Sydney LGAs. The combination of these LGAs has thus been identified as the main catchment area for the proposed site, and the market catchment for this retail expenditure assessment.

Based on the indicative concept design comprising of 102 residential dwellings and the average household size of apartments in the market catchment (i.e. 2.3), the estimated number of residents that could be accommodated across the subject site is 237 people.

The current spending profile of the market catchment shows an average spend per capita of \$19,820 in 2017. Therefore, residents at the site could generate \$4.7 million in retail expenditure (in 2017), as illustrated in Table 4.5.

Resident Spending by Product Category

Subject Site, based on 237 additional residents (\$million 2017)

Table 4.5

Number of Residents	Year	Food Retail	Food Catering	Apparel	Home-ware	Bulky Goods	Leisure/General	Retail Services	Total Retail ¹
237 Residents	2017	1.6	0.9	0.6	0.4	0.5	0.5	0.2	4.7

¹ Spend per annum

Source: ABS; MarketInfo 2012; Urbis

The economic benefits associated with this additional spending growth can be expressed as follows:

- Potential to improve turnover performance of existing retail precincts near the subject site
- Scope to sustain additional retail floorspace around 670 sq.m (for a total retail spend of \$4.7 million per annum), based on an average turnover per sq.m rate of \$7,000 per sq.m
- Creation of additional full-time, part-time and casual retail jobs in the range of around 42 jobs resulting from the development of new floorspace (assuming a typical employment density for specialty retail floorspace of one job per 16 sq.m).

4.4. SUMMARY AND IMPLICATIONS

The proposed changes in the planning controls of 25–35 Atchison Street and an assessment of the indicative concept design, demonstrate that the project could yield the following economic benefits:

- A total of 43 direct jobs and 61 indirect jobs from the construction phase
- Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
- An overall net increase of 42 direct jobs.

While a higher number of jobs could be achieved if the non-residential podium was fully commercial space (10,127 sq.m at 12.5 sq.m per worker equates to 810 jobs), the inclusion of retail will deliver amenity and services important to the St Leonards Strategic Centre through improved street level activation which will make St Leonards a more attractive place to work, improving its appeal to tenants.

- The total spend associated with an additional 237 new residents on the subject site has the potential to improve turnover performance of retail precincts near the subject site by \$4.7 million per annum.

DISCLAIMER

This report is dated 15 January 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of TWT Property Group (**Instructing Party**) for the purpose of Economic Impact Assessment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**BRISBANE**

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

GOLD COAST

45 Nerang Street,
Southport QLD 4215
Australia
T +61 7 5600 4900

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Tower 2, Level 23, Darling Park
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900

CISTRI – SINGAPORE

An Urbis Australia company
#12 Marina View
21 Asia Square, Tower 2
Singapore 018961
T +65 6653 3424
W cistri.com

APPENDIX B PRELIMINARY SITE ENVIRONMENTAL ASSESSMENT

TWT PROPERTY GROUP

JANUARY 2018

CONFIDENTIAL

PRELIMINARY SITE INVESTIGATION ST LEONARDS SITE 1

23-35 ATCHISON ST, ST
LEONARDS, NSW

wsp



Question today

Imagine tomorrow

Create for the future

Preliminary Site Investigation St Leonards Site 1
23-35 Atchison St, St Leonards, NSW

TWT Property Group

WSP

Level 27, 680 George Street

Sydney NSW 2000

GPO Box 5394

Sydney NSW 2001

Tel: +61 2 9272 5100

Fax: +61 2 9272 5101

wsp.com

REV	DATE	DETAILS
01	15/12/2017	Draft for comment
02	19/12/2017	Final
03	12/01/2018	Final

	NAME	DATE	SIGNATURE
Prepared by:	Clement Joyner	12/01/2018	
Reviewed by:	Amy Valentine	12/01/2018	
Approved by:	Amy Valentine	12/01/2018	

This document may contain confidential and legally privileged information, neither of which are intended to be waived, and must be used only for its intended purpose. Any unauthorised copying, dissemination or use in any form or by any means other than by the addressee, is strictly prohibited. If you have received this document in error or by any means other than as authorised addressee, please notify us immediately and we will arrange for its return to us.



TABLE OF CONTENTS

EXECUTIVE SUMMARY	III
1 INTRODUCTION AND OBJECTIVES	4
1.1 Introduction.....	4
1.2 Objectives	4
1.3 Scope of Works	4
2 SITE SETTING.....	6
2.1 Location and Identification.....	6
2.2 Surrounding Land Use.....	6
2.3 Previous environmental Investigations	6
2.4 Environmental Setting	7
2.4.1 Topography	7
2.4.2 Soil Landscape Characteristics	7
2.4.3 Acid Sulfate Soils.....	7
2.4.4 Geology	7
2.4.5 Hydrology	7
2.4.6 Geohydrology	7
2.5 Sensitive Environmental Receptors	8
3 SITE INVESTIGATION	9
4 HISTORICAL AND CURRENT LAND USE INFORMATION	10
4.1 Land Zoning and Planning Controls	10
4.2 Heritage Search	11
4.3 NSW EPA Database Search.....	11
4.4 Aerial Photographs	11
5 DISCUSSION.....	12
5.1 Potential Sources of Contamination Identified	12
5.2 Conceptual Site Model	12
6 CONCLUSION.....	17
7 LIMITATIONS	18



LIST OF TABLES

Table 2.1	Site details.....	6
Table 2.2	Summary of surrounding land use.....	6
Table 4.1	Aerial photograph summary	11
Table 5.1	Potential sources of contamination identified	12
Table 5.2	Source-pathway-receptor analysis	14

LIST OF APPENDICES

Appendix A	Figures
Appendix B	Photographic Record
Appendix C	Land Zoning Maps
Appendix D	Section 149(2)(5) Certificates
Appendix E	Aerial Photographs

EXECUTIVE SUMMARY

WSP Australia Pty (Ltd) (WSP) was commissioned by TWT Property Group (TWT) to undertake a preliminary site investigation (PSI) at 23-35 Atchison Street, St Leonards, NSW ('the site'). The site is legally composed of six lots identified as Lots 27, 28, 29, 30 and 31 in deposited plan (DP) 2872 and Lot 321 DP 566480.

TWT indicated that the site will undergo development that will provide opportunity for new homes, mixed use activities, retail and a laneway with easy access to existing and planned public transport. The development is consistent with the current zoning for mixed use. The objectives of the PSI were to assess likely past and present on-site activities for the potential to cause contamination and document (if any) the likely associated contaminants (i.e. potential contaminants of concern) in order to provide an overview of site conditions and recommendations for more detailed investigations and additional works (if required).

The PSI consisted of background searches, a review of information available on publicly listed websites, a site inspection and the compilation of this report. The following represents the findings of the investigation:

- The site consisted of six defined lots comprising five buildings used as offices, an art gallery and an automotive workshop. A basement car park and minor landscaping areas were also identified.
- During the site inspection, possible contamination sources were identified. The storage of waste oil in an aboveground storage tank (AST) and a rinse trap with oil separator system and its associated AST were identified within the automotive workshop at 31 Atchison Street. Apart from the waste oil and separator tanks, no other above or below ground storage tanks were observed on-site. Within the car park basement an area where chemicals are stored was identified; however, the volumes of products are deemed insignificant.
- Most the surface cover at the site is concrete in good condition. The basement parking area is asphalted and is deemed to be in generally good condition. No significant concrete staining, ongoing earthworks, waste dumping or other evidence of contamination was observed at the site during the site investigation.
- No potentially asbestos-containing materials were observed in or outside the building. Nonetheless, given that the site was constructed prior to 2004 (according to aerial photographs), legislation requires that an asbestos survey, register and management plan be in place if asbestos-containing materials are identified during the survey.
- No licences or notices have been issued for the site under the *Protection of the Environment Operations Act 1997* or notices or orders to investigate or remediate the site under the *Contaminated Land Management Act 1997*. The site is not listed on the register of contaminated sites notified to Environment Protection Authority.
- The aerial photographs indicate that the site was developed to its current layout between 1951 and 1961. The building and site configuration appear to have remained the same since 1961 to current date. Prior 1961 the site appears to be residential properties. The aerial photographs indicate that the surrounding areas underwent gradual development over time. As the site is situated in an area unlikely to be impacted by industry, title searches and SafeWork NSW dangerous goods records have not been included.
- Based on the conceptual site model potentially complete source-pathway-receptor linkages exist at the site for vapour inhalation if volatile chemicals have leaked or spilled. However, the likelihood for widespread contamination is low.

Based on our assessment, WSP consider that the environmental liability associated with the site is low and is suitable for the proposed mixed use development incorporating commercial and residential uses.

1 INTRODUCTION AND OBJECTIVES

1.1 INTRODUCTION

WSP Australia Pty Ltd (WSP) was commissioned by TWT Property Group (TWT) to undertake a preliminary site investigation (PSI) at 23-35 Atchison Street, St Leonards, NSW ('the site'). The site is legally composed of six lots identified as Lots 27, 28, 29, 30 and 31 in deposited plan (DP) 2872 and Lot 321 DP 566480.

TWT indicated that the site will undergo development that will provide opportunity for new homes, mixed use activities, retail and a laneway with easy access to existing and planned public transport. The development is consistent with the current zoning for mixed use.

This study has been undertaken to document any potential historical or current contamination at the site and provide recommendations should any contamination sources be identified at the site.

1.2 OBJECTIVES

The objectives of the PSI were to assess likely past and present on-site activities for the potential to cause contamination and document (if any) the likely associated contaminants (i.e. potential contaminants of concern) in order to provide an overview of site conditions and recommendations for more detailed investigations and additional works (if required).

1.3 SCOPE OF WORKS

To achieve the project objectives, the scope of works for the PSI included:

- a desktop review of available historical and current information pertaining to the property in order to establish whether there are any known environmental concerns associated with the site. This consisted of a review of:
 - historical aerial photographs of the site and surrounding area (for the years 1930, 1951, 1961, 1970, 1978, 1986, 1994 and 2005)
 - groundwater database search of registered boreholes in the area within a 500 m radius (to assess groundwater use in the vicinity of the site)
 - New South Wales Environment Protection Authority (NSW EPA) database for notices and licences relating to known contamination or potentially contaminating activities on properties in the vicinity of the site
 - physical site setting information including topography, geology and hydrogeology and potential sensitive receptors on or in the vicinity of the site
 - council records to identify current zoning on and off site and current planning overlays that are of relevance to contaminated sites
- a site inspection to identify current site uses, and those of surrounding properties to assess potential for these to have impacted the site
- preparation of this PSI report detailing all of the information obtained as well as the information sources accessed. This includes:
 - a summary of the historical and background information reviewed
 - information collected during the inspection

- an assessment of potential contaminating activities, potential areas of environmental concern, and contaminants likely to be associated with the activities identified
- a summary of any recommended further investigation and/or remediation works.

The works were undertaken in general accordance with the following NSW guidelines:

- NSW EPA 2017, *Guidelines for the NSW Site Auditor Scheme* (3rd edition)
- *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPM; as amended 2013)
- NSW Government Office of Environment and Heritage 2011(EPA), *Guidelines for Consultants Reporting on Contaminated Sites*.

2 SITE SETTING

2.1 LOCATION AND IDENTIFICATION

Pertinent site details are provided in Table 2.1, with the site location presented in Appendix A, Figure 1.

Table 2.1 Site details

SITE NAME	SITE 1, ATCHISON ST, ST LEONARDS
Address	23-35 Atchison Street, St Leonards, Sydney, NSW 2065
Global coordinates	-33.823157° south, 151.198579° east (<i>approximate centre of the site</i>)
Size	2,109.8 m ²
Local government	North Sydney Council
Legal identification	Lots 27-31 DP 2872 and Lot 321 DP 566480
Zoning	B4 – Mixed use: To provide a mixture of compatible land uses
Current site use	Various businesses
Historical site use	Residential properties

2.2 SURROUNDING LAND USE

A summary of the surrounding land use within 1 km radius is presented in Table 2.2.

Table 2.2 Summary of surrounding land use

DIRECTION FROM SITE	IMMEDIATE VICINITY (<20 m)	WITHIN 1 km RADIUS
North	Atchison Street	Residential properties, commercial properties and a service station (400 m from site)
East	Oxley Street	Commercial properties, residential properties and a recreational park
South	Albany Lane	Commercial and residential properties
West	Commercial properties	Commercial properties, residential properties and a sports ground

2.3 PREVIOUS ENVIRONMENTAL INVESTIGATIONS

WSP is not aware of any previous environmental investigations conducted at the site.

2.4 ENVIRONMENTAL SETTING

2.4.1 TOPOGRAPHY

Based on the New South Wales, Department of Lands Topographic Map Sheet 9130, 2nd edition, 1:25 000 scale, the site is situated roughly 90 m above Australian Height Datum (mAHD). The area is relatively flat, with the regional topography sloping down towards the east.

2.4.2 SOIL LANDSCAPE CHARACTERISTICS

Based on the 1:100,000 Sydney Soil Landscape Sheet 9130 (Sydney), topsoils in the area comprise dark grey sandy loam with 20 to 50% sedimentary, dispersed, weakly weathered, sub-angular, fine gravel to 0.08 m below ground level (BGL). Topsoils overlay brownish yellow clay with sedimentary, dispersed, weakly weathered, sub-angular gravel. Light medium to medium clays are reported to depths greater than 0.7 mBGL.

It is expected that the low permeability clays would assist in reducing the migration and infiltration of spills and leaks (historical or otherwise), if they occurred.

2.4.3 ACID SULFATE SOILS

A search of the Australian Soil Resource Information System (ASRIS) conducted in December 2017 showed that there is extremely low probability of occurrence of acid sulfate soils (ASS) at the site.

2.4.4 GEOLOGY

Based on the Department of Minerals and Resources Map Sheet 9130 (Sydney), 1:100 000 scale, 1st Edition, dated 1983, the site is typically underlain by the Wianmatta Group of the Mesozoic Era, comprising black to dark grey shale and laminite.

2.4.5 HYDROLOGY

The site is located within the Georges Catchment, Basin 213. Berrys Creek is located approximately 990 m south-west of the site and flows to the south-west. Flat Rock Creek is located approximately 900 m north-east of the site and flows towards the north-east. Flat Rock Creek discharges into Quakers Hat Bay located south-east whereas Berrys Creek discharges into Berrys Bay located south-west. No other major surface water features within close proximity (<1 km) of the site has been identified.

2.4.6 GEOHYDROLOGY

Regional groundwater flow is anticipated to be towards the east to south-east, considering the topography and surface water features in the area. During a review of the Department of Primary Industries registered groundwater bore database (www.allwaterdata.water.nsw.gov.au) conducted on 13 December 2017 one registered groundwater bore was identified approximately 490 m from the site. The groundwater bore is registered as being used for domestic purposes and is 132.40 m deep. Regional static groundwater levels in the area range from 35 to 48 mBGL. No other registered groundwater bores were identified within close proximity (<500 m) of the site.

Considering the distance of the registered groundwater abstraction bore it is unlikely that it would be affected by site derived activities or affect the groundwater movement underlying the site.

2.5 SENSITIVE ENVIRONMENTAL RECEPTORS

Based on the site setting the, sensitive receptors potentially include:

- current and proposed future site users
- users of adjacent sites
- underlying groundwater, although given the depth to groundwater of approximately 35 mBGL this is unlikely to be affected by site derived contamination
- perched groundwater underlying the site
- Flat Rock Creek south-east of the site; however, considering its distance (900 m) from the site, the clay substrate and the depth to groundwater contamination from the site is unlikely to affect Flat Rock Creek through base flow contributions
- Berrys Creek south-west of the site; however, considering its distance (990 m) from site, the clay substrate and depth to groundwater contamination from the site is unlikely to affect Berrys Creek through base flow contributions
- users of the recreational park and sports ground located west and east from the site, respectively.

3 SITE INVESTIGATION

WSP conducted an inspection of the site on 8 December 2017 in the presence of a TWT representative. The WSP environmental scientist made the following observations:

- The site comprises five buildings occupied by various businesses. The businesses occupying the site is as follows:
 - 23 Atchison Street: commercial offices
 - 25 Atchison Street: currently unoccupied, previously used as art studio
 - 27-29 Atchison Street: art gallery
 - 31 Atchison street: automotive workshop
 - 33-35 Atchison Street: restaurant (ground floor) and commercial offices (upper floors).
- A car park is located beneath 33-35 Atchison Street. 23-31 Atchison Street has loading bays and parking areas located at the southern portion of the site.
- The surface cover at the site comprises of concrete or asphalt with the exception of a few landscaping strips in front of the buildings located in the north. The concrete slab and asphalted surfaces appeared to be in good condition with no visible potholes, major cracks or stains.
- The buildings at the site did not appear to be recently constructed. It appeared that four of the buildings (23-31 Atchison) underwent refurbishments at some point in time. No potentially asbestos-containing materials were observed in or outside the building. Nonetheless, given that the site was constructed prior to 2004 (according to aerial photographs), legislation requires that an asbestos survey, register and management plan be in place if asbestos containing materials are identified during the survey.
- The site is located on a hill that slopes from the east to the west. The site is immediately surrounded by residential and commercial properties.
- At the top of the building at 33-35 Atchison Street a cooling tower was present. No staining or leaks were observed on the surface around or below the cooling tower. Cleaning chemical and paints are stored within the car park basement of 33-35 Atchison Street. These chemicals are stored on shelves on top of asphalt in the northern portion of the basement. The volumes of chemicals stored are deemed insignificant.
- 31 Atchison Street houses an automotive workshop. According to the manager of the workshop all scrap parts are collected and stored in waste bins for subsequent collection and removal. An aboveground waste oil reservoir is present on the outside of the workshop within its parking area. It was indicated by the manager that the oil is collected once a month and removed from the site. Furthermore, a rinse trap which is connected to an aboveground oil separator was observed adjacent the waste oil reservoir. It is understood that the engines of vehicles are washed in this area with subsequent runoff captured by the rinse trap. Surface cover of the workshop comprises of concrete in good condition. Minimal staining was observed on the surface around or below the storage tanks.
- Behind 27-29 Atchison Street, cardboard boxes, office furniture and wooden pallets are stored.

Apart from the waste oil and separator tanks, no other above or below ground storage tanks were observed on-site. No significant concrete staining, ongoing earthworks, waste dumping or other evidence of contamination was observed at the site. The main features described above are presented in the photographic record, Appendix B. The site layout is presented in Appendix A, Figure 2.

4 HISTORICAL AND CURRENT LAND USE INFORMATION

4.1 LAND ZONING AND PLANNING CONTROLS

The *North Sydney Local Environmental Plan 2013* (LEP) indicated that the current zoning for the site is B4- Mixed Use.

The objective of the B4 – Mixed Use zone are to:

- integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling
- create interesting and vibrant mixed use centers with safe, high quality urban environments with residential amenity
- maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.

Land zoning maps from the LEP (2013) are presented in Appendix C.

The planning certificates for the site, issued under Section 149 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that:

- no part of the land is declared to be significantly contaminated land under the meaning in the *Contaminated Land Management Act 1997* (CLM Act)
- the land is not subject to a management order or the subject of an approved voluntary management proposal or ongoing maintenance order
- Council is not aware of any site audit statements regarding the site.

The Section 149 planning certificates also states that the site:

- is not subject to flooding or bushfire control
- is affected by a Council policy that restricts development of land if there is likelihood of contamination of the land
- is not affected by any road widening or road realignment
- does not include or comprise critical habitat
- is not in a conservation area
- is not located in a mine subsidence district
- is not identified as containing a heritage item, under clause 5.10 – Heritage Conservation of the LEP
- is not subject to order made under Part 4D of the *Coastal Protection Act 1979*
- has no record of being identified on the NSW fair trading's Loose-Fill Asbestos Insulation Register.

The planning certificates pursuant to Section 149 (2) and 149 (5) of the EP&A Act for the site are presented in Appendix D.

4.2 HERITAGE SEARCH

A search of the state heritage register (<http://www.environment.nsw.gov.au/heritage/index.htm>) on 14 December 2017 indicated that there are no heritage items (state or local) that affect the subject site. Local heritage items are presented in Appendix C on the heritage map of the North Sydney LEP (2013).

4.3 NSW EPA DATABASE SEARCH

A review of the most recent list of NSW contaminated sites notified to the EPA (last updated on 10 November 2017 <http://www.epa.nsw.gov.au/resources/clm/docs/pdf/publiclist.pdf>) indicated that the subject site is not on the register and there are no sites which have been notified to the NSW EPA within a 1 km radius of the site. An online search of the NSW EPA Protection of the Environment Operations Act 1997 public register found no records.

4.4 AERIAL PHOTOGRAPHS

Eight aerial photographs, obtained from Land and Property Information were reviewed. Details are summarised in Table 4.1. Aerial photographs are presented in Appendix E.

Table 4.1 Aerial photograph summary

YEAR	SITE	SURROUNDING AREA
1930	The site appears to be developed with residential properties.	The site appears to be surrounded by residential properties.
1951	The site remains unchanged.	The surrounding area remains mostly unchanged.
1961	Residential properties developed into commercial properties. The site has a layout consistent with the current layout.	The surrounding area remains mostly unchanged.
1970	The site remains unchanged.	The surrounding area remains mostly unchanged.
1978	The site remains unchanged.	The site is surrounded by commercial and residential properties the same as current layout. The Warringah freeway is being constructed.
1986	The site remains unchanged.	The surrounding area remains mostly unchanged.
1994	The site remains unchanged.	The site is surrounded by commercial and residential properties. Additional development of commercial properties to the west.
2005	The site remains unchanged.	The site is surrounded by commercial and residential properties. Additional development of commercial properties to the west.

The site appears to be a residential property from 1930 to 1951, with subsequent development thereafter to its current layout. The aerial photographs indicate that the site was developed to its current layout between 1951 and 1961. The building and site configuration appear to have remained the same since 1961. The aerial photographs indicate that the surrounding areas underwent gradual development over time.

As the site is situated in an area unlikely to be impacted by industry, title searches and SafeWork NSW dangerous goods records have not been included.

5 DISCUSSION

5.1 POTENTIAL SOURCES OF CONTAMINATION IDENTIFIED

Based on the results of the site inspection and review of historical and background information, the following features summarised in Table 5.1 were considered to be likely sources of contamination with potential to impact soil and groundwater at the site.

Table 5.1 Potential sources of contamination identified

SITE ACTIVITY	CONTAMINANT SOURCE	POTENTIAL CONTAMINANTS OF CONCERN
Storage of various chemicals on-site	Potential leaks from chemical containers including solvents, acids, paints, varnishes and thinners etc.	TRH, BTEX, PAHs, heavy metals, phenols, VOCs, chlorine
Movement and maintenance of vehicles on-site (i.e. underground parking and mechanics workshop)	Potential leaks from vehicles. Oils and grease present during the servicing of the vehicles	TRH, BTEX, PAHs, phenols and heavy metals
Storage of waste oils in aboveground storage tank (AST)	Potential leaks and spills from waste oil AST	TRH, BTEX, PAHs, phenols and heavy metals
Oil separator system and associated AST	Potential leaks from separator and its associated infrastructure. Spills from associated AST.	TRH, BTEX, PAHs, phenols and heavy metals
Unknown fill material used during the development of the site (from residential to commercial)	Unknown potential imported fill materials	Unknown, commonly encountered contaminants include heavy metals, TRH, PAHs, OCPs, phenols and ACM

TRH: Total recoverable hydrocarbons

BTEX: Benzene, toluene, ethylbenzene, xylene

PAHs: Polycyclic aromatic hydrocarbons

PCBs: Polychlorinated biphenyls

OCPs: Organochlorinated pesticides

ACM: Asbestos containing material

VOCs: Volatile organic compounds

5.2 CONCEPTUAL SITE MODEL

A key component of understanding the risks posed by potential contaminants, and how to manage them is the development of a conceptual site model (CSM). In essence for a risk to exist there must be a source of contamination, a potential receptor (e.g. a human or ecological community) and a plausible pathway that links the two. This is known as a source-pathway-receptor analysis. If any one of these components is absent there is no unacceptable risk.

Section 2.5 provides a summary of potential receptors while Section 5.1 has outlined, based on our historical study and the site inspection, potential sources of contamination on the land are. Table 5.2 (following page) provides a qualitative risk assessment by considering the potential for a pathway to develop between these sources and receptors.

Table 5.2 Source-pathway-receptor analysis

POTENTIAL SOURCE	POTENTIAL PATHWAY	POTENTIAL RECEPTOR	QUALITATIVE RISK	COMMENTS/RATIONALE
Unknown fill used in different sections of the site to build up the different levels	Direct contact, inhalation or ingestion of soil, dust, vapour or fibres	Current and future site users	Negligible	The surface of the site is fully covered with concrete and asphalt which provides a barrier to direct contact with underlying fill and/or subsurface contamination (if present). Future construction is expected to similarly provide full surface coverage. The potential for volatile contamination is expected to be low.
		Construction or intrusive maintenance workers	Low	During future construction or intrusive maintenance works there is a potential that workers could have direct contact with underlying fill. This can however be managed via work health and safety procedures such as development of safe work method statements.
Potential leakages of chemicals to underlying soils from storage Potential leaks from vehicles. Oils and grease present during the servicing of the vehicles Potential leaks and spills from waste oil AST and oil separator system	Direct contact, inhalation or ingestion of soil, dust, vapour or fibres	Current and future site users	Low	The surface of the site is fully covered with concrete and asphalt which prevents the infiltration of contamination from spill and surface leaks (e.g. ASTs) and serves as a barrier to direct contact with underlying subsurface. Future construction is expected to similarly provide full surface coverage. Minimal surface staining was observed in areas where contaminant substance are stored (automotive workshop and basement parking). The potential for volatile contamination is expected to be low, however some volatile chemical storage may result in vapours.
		Construction or intrusive maintenance workers	Low	The current storage of contaminants results in a low potential for these stored in the building to have spilled or leaked into underlying soils. The automotive workshop building is fully covered with concrete in good condition, with minimal evidence of staining and good housekeeping practices observed at the site during the site inspection. It is therefore unlikely that leaks or spills have led to subsurface contamination. The basement parking area is also asphalted which reduces risk of contamination of underlying soils.

POTENTIAL SOURCE	POTENTIAL PATHWAY	POTENTIAL RECEPTOR	QUALITATIVE RISK	COMMENTS/RATIONALE
	Uptake by plants	Site plants	Low	There is minimal site vegetation, but trees and shrubs grow in landscaped areas to the north in front of the buildings. Given the conditions observed at the site from the use and storage of contaminants and the condition of the landscaped areas, there is no evidence of impact from contamination in these areas.
		Flora from recreational park and sports ground	Negligible	Considering the distance of the recreational park and the sportsground from the site (>600 m) contamination from the site is unlikely to affect these areas.
	Direct contact or ingestion of groundwater	Current and future site users	Negligible	Considering the depth to groundwater (35-48 mBGL) recorded intrusive works are unlikely to extend below the groundwater level. Substrate is not suspected to be affected by activities on-site. The workshop building is fully paved with concrete in good condition, with minimal evidence of staining at the site observed during the site inspection. It is therefore unlikely that leaks or spills have led to subsurface contamination.
		Construction or intrusive maintenance workers	Negligible	Considering the depth to groundwater (35-48 mBGL) recorded intrusive works are unlikely to extend below the groundwater level. Substrate is not suspected to be affected by activities on-site. The workshop building is fully paved with concrete in good condition, with minimal evidence of staining at the site observed during the site inspection. It is therefore unlikely that leaks or spills have led to subsurface contamination.
		Surface water bodies	Negligible	The migration of contamination from the site would be limited by the low permeability of the substrate. Additionally, considering the distance of these water bodies from the site (>900 m) as well as the depth to groundwater (35-48 mBGL) it is unlikely that these surface water bodies would be affected by contamination from the site

POTENTIAL SOURCE	POTENTIAL PATHWAY	POTENTIAL RECEPTOR	QUALITATIVE RISK	COMMENTS/RATIONALE
		Groundwater	Negligible	The workshop building is fully paved with concrete in good condition, with minimal evidence of staining and good housekeeping practices observed at the site during the site inspection. It is therefore unlikely that leaks or spills have led to subsurface contamination. The basement parking area is also asphalted which reduces risk of contamination of underlying groundwater. Furthermore; considering the depth to groundwater (35-48 mBGL) recorded the infiltration of contamination in to the deep aquifer is unlikely

6 CONCLUSION

The PSI consisted of background searches, a review of information available on publicly listed websites, a site inspection and the compilation of this report. The following represents the findings of the investigation:

- The site consisted of six defined lots, comprising five buildings used as offices, an art gallery and an automotive workshop. A basement car park and minor landscaping areas were also identified.
- During the site inspection areas of possible contamination sources were identified. The storage of waste oil in an AST and a rinse trap with oil separator system and its associated AST was identified within the automotive workshop at 31 Atchison Street. Apart from the waste oil and separator tanks, no other above or below ground storage tanks were observed on-site. Within the car park basement an area where chemicals are stored was identified; however, the volumes of products are deemed insignificant.
- Most the surface cover at the site is concrete in good condition. The basement parking area is asphalted and is deemed to be in generally good condition. No significant concrete staining, ongoing earthworks, waste dumping or other evidence of contamination was observed at the site during the site investigation.
- No potentially asbestos-containing materials were observed in or outside the building. Nonetheless, given that the site was constructed prior to 2004 (according to aerial photographs), legislation requires that an asbestos survey, register and management plan be in place if asbestos-containing materials are identified during the survey.
- No licences or notices have been issued for the site under the *Protection of the Environment Operations Act 1997* or notices or orders to investigate or remediate the site under the CLM Act. The site is not listed on the register of contaminated sites notified to the EPA.
- The aerial photographs indicate that the site was developed to its current layout between 1951 and 1961. The building and site configuration appear to have remained the same since 1961 to current date. Prior 1961 the site appears to be residential properties. The aerial photographs indicate that the surrounding areas underwent gradual development over time. As the site is situated in an area unlikely to be impacted by industry, title searches and SafeWork NSW dangerous goods records have not been included.
- Based on the CSM potentially complete source-pathway-receptor linkages exist at the site for vapour inhalation if volatile chemicals have leaked or spilled. However the likelihood for widespread contamination is low.

Based on our assessment, WSP consider that the environmental liability associated with the site is low and is suitable for the proposed mixed use development incorporating commercial and residential uses.

7 LIMITATIONS

SCOPE OF SERVICES

This preliminary site investigation report (the report) has been prepared in accordance with the scope of services set out in the contract, or as otherwise agreed, between the client and WSP (scope of services). In some circumstances the scope of services may have been limited by a range of factors such as time, budget, access and/or site disturbance constraints.

RELIANCE ON DATA

In preparing the report, WSP has relied upon data, surveys, analyses, designs, plans and other information provided by the client and other individuals and organisations, most of which are referred to in the report (the data). Except as otherwise stated in the report, WSP has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report (conclusions) are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. WSP will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to WSP.

ENVIRONMENTAL CONCLUSIONS

In accordance with the scope of services, WSP has relied upon the data and has conducted environmental field monitoring and/or testing in the preparation of the report. The nature and extent of monitoring and/or testing conducted is described in the report.

On all sites, varying degrees of non-uniformity of the vertical and horizontal soil or groundwater conditions are encountered. Hence no monitoring, common testing or sampling technique can eliminate the possibility that monitoring or testing results/samples are not totally representative of soil and/or groundwater conditions encountered. The conclusions are based upon the data and the environmental field monitoring and/or testing and are therefore merely indicative of the environmental condition of the site at the time of preparing the report, including the presence or otherwise of contaminants or emissions.

Also, it should be recognised that site conditions, including the extent and concentration of contaminants, can change with time.

Within the limitations imposed by the scope of services, the monitoring, testing, sampling and preparation of this report have been undertaken and performed in a professional manner, in accordance with generally accepted practices and using a degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances. No other warranty, expressed or implied, is made.

REPORT FOR BENEFIT OF CLIENT

The report has been prepared for the benefit of the client and no other party. WSP assumes no responsibility and will not be liable to any other person or organisation for or in relation to any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report (including without limitation matters arising from any negligent act or omission of WSP or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in the report). Other parties should not rely upon the report or the accuracy or completeness of any conclusions and should make their own enquiries and obtain independent advice in relation to such matters.

OTHER LIMITATIONS

WSP will not be liable to update or revise the report to take into account any events or emergent circumstances or facts occurring or becoming apparent after the date of the report.

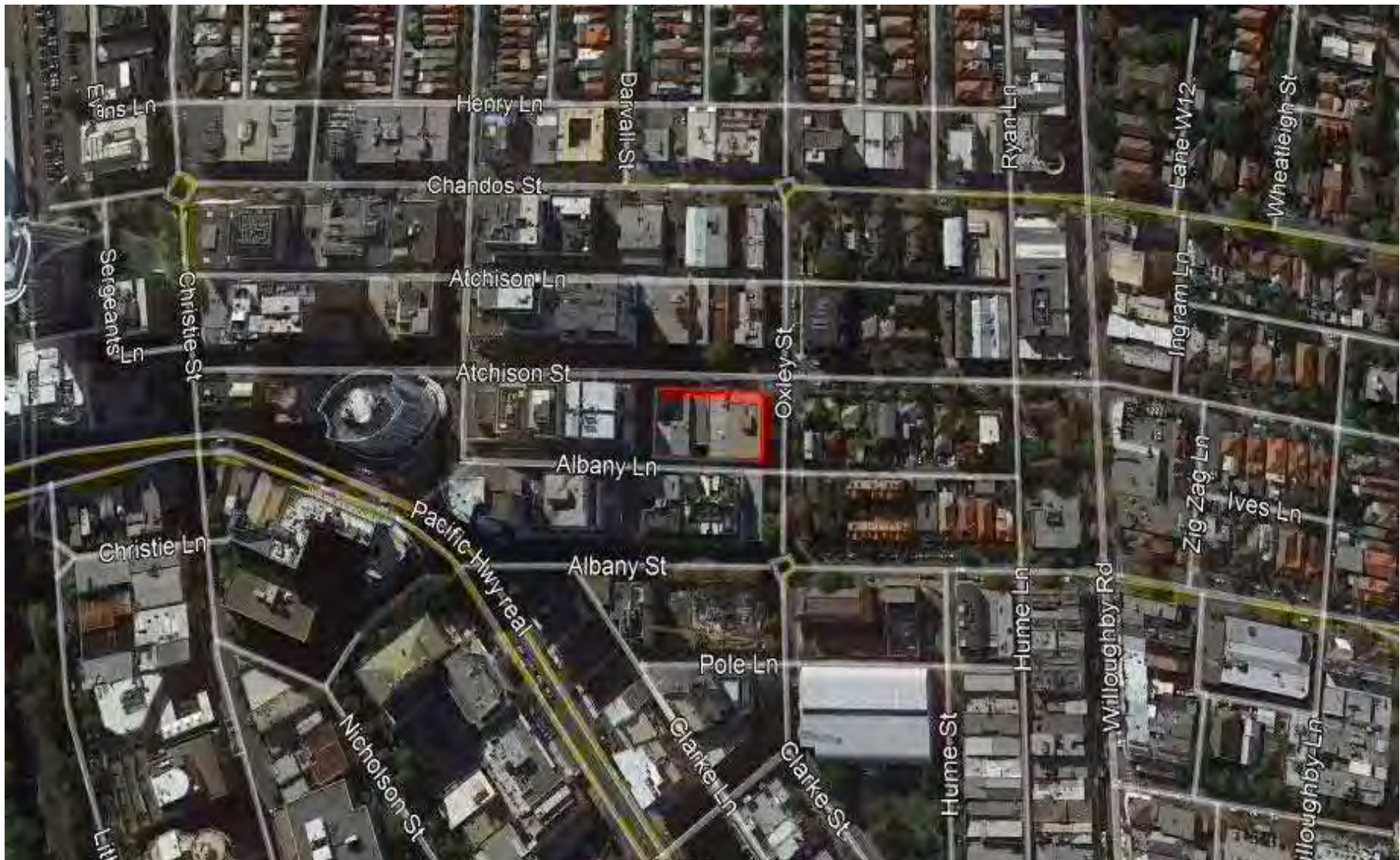
APPENDIX A

FIGURES





Preliminary Site Investigation 23-35 Atchison St, St Leonards



Base map source: Google Maps (2017)

500 m



The site

Figure 1 – Site Locality
23-35 Atchison St, St Leonards, NSW



Preliminary Site Investigation 23-35 Atchison St, St Leonards



Base map source: Google Maps (2017)

500 m



The site

Figure 2 – Site Layout
23-35 Atchison St, St Leonards, NSW

APPENDIX B

PHOTOGRAPHIC RECORD





Plate 1: View of 25 Atchison Street entrance and landscaped area.



Plate 2: View of 27 Atchison Street entrance and landscaped area.



Plate 3: View of 31 Atchison Street entrance and landscaped area.



Plate 4: Basement parking beneath 33-35 Atchison Street.



Plate 5: Waste oil AST located at 31 Atchison Street.

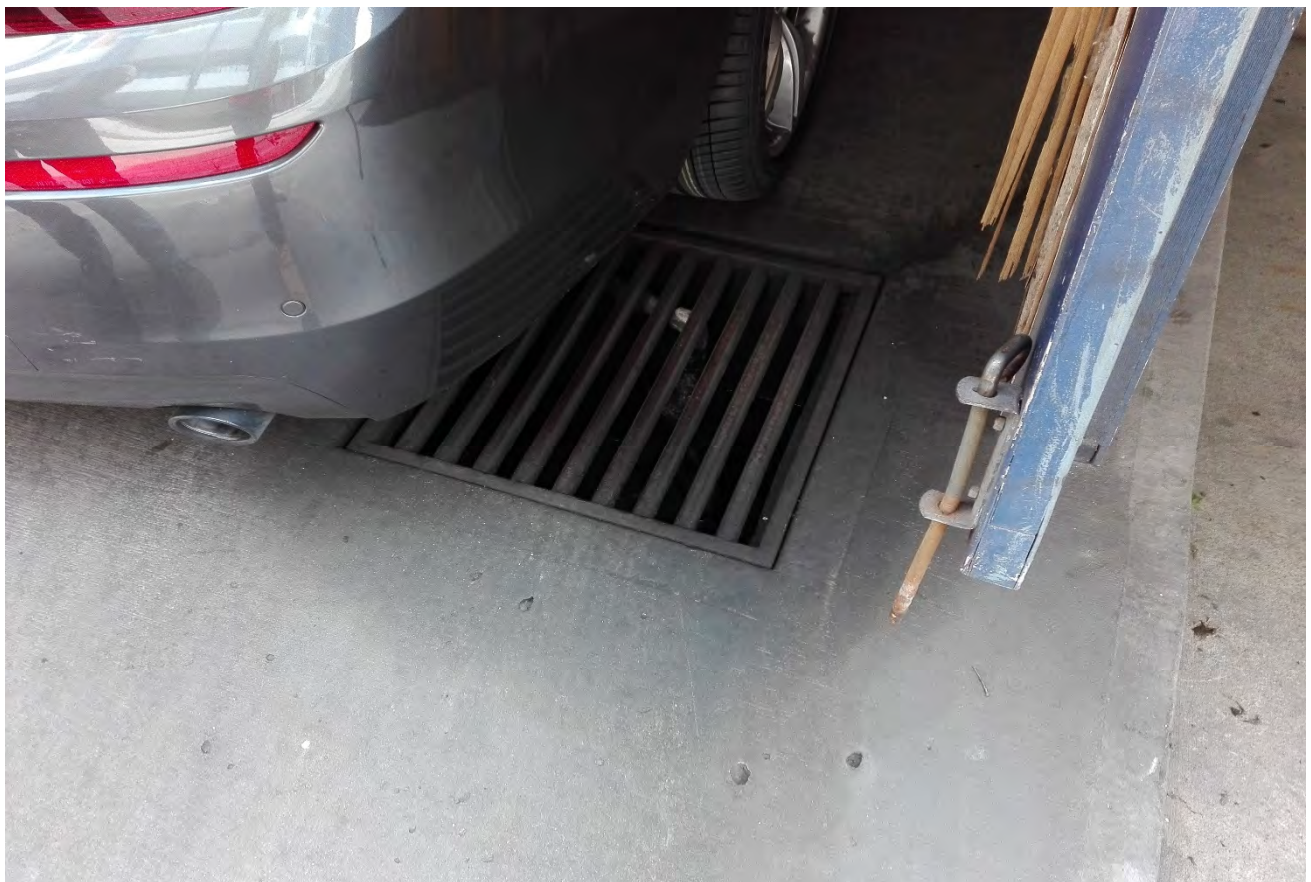


Plate 6: Rinse trap of the oil separator located at 31 Atchison Street.



Plate 7: Oil separator AST located at 31 Atchison Street.



Plate 8: View of automotive workshop surface cover.

APPENDIX C

LAND ZONING MAPS



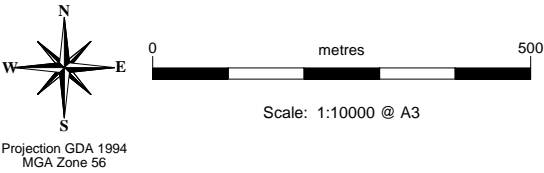
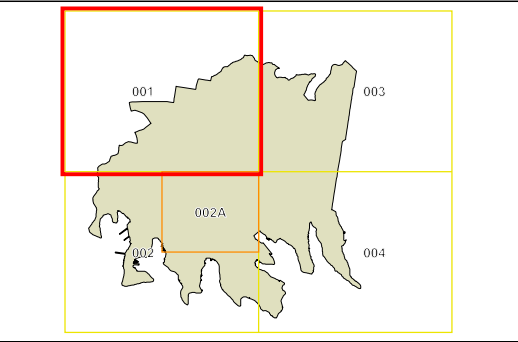


Land Zoning Map
- Sheet LZN_001

- Zone**
- B1 Neighbourhood Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - E2 Environmental Conservation
 - E4 Environmental Living
 - IN2 Light Industrial
 - IN4 Working Waterfront
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R4 High Density Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - SP1 Special Activities
 - SP2 Infrastructure
 - UL Unzoned Land

Cadastre

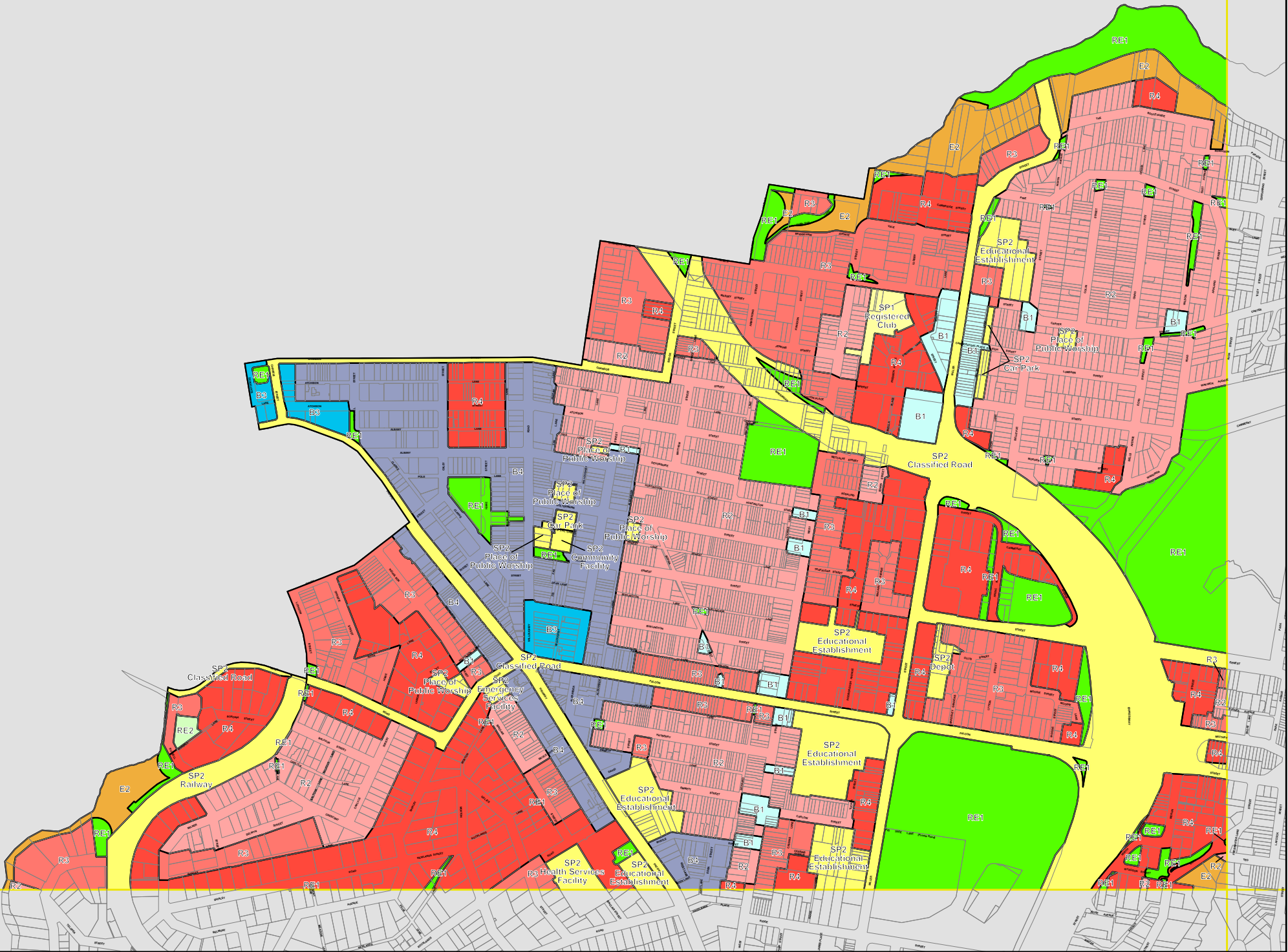
Cadastre 26/10/16 © North Sydney Council



Map identification number:
5950_COM_LZN_001_010_20161026

LANE COVE
LGA

WILLOUGHBY
LGA



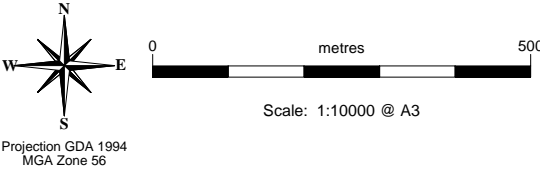
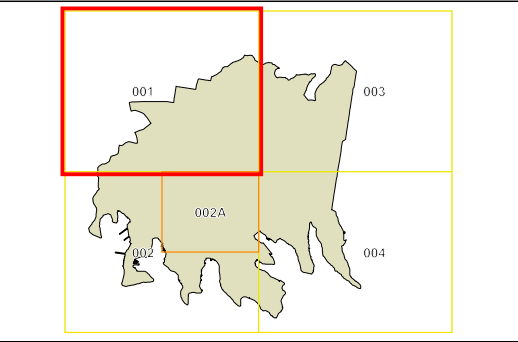


Land Reservation Acquisition Map
- Sheet LRA_001

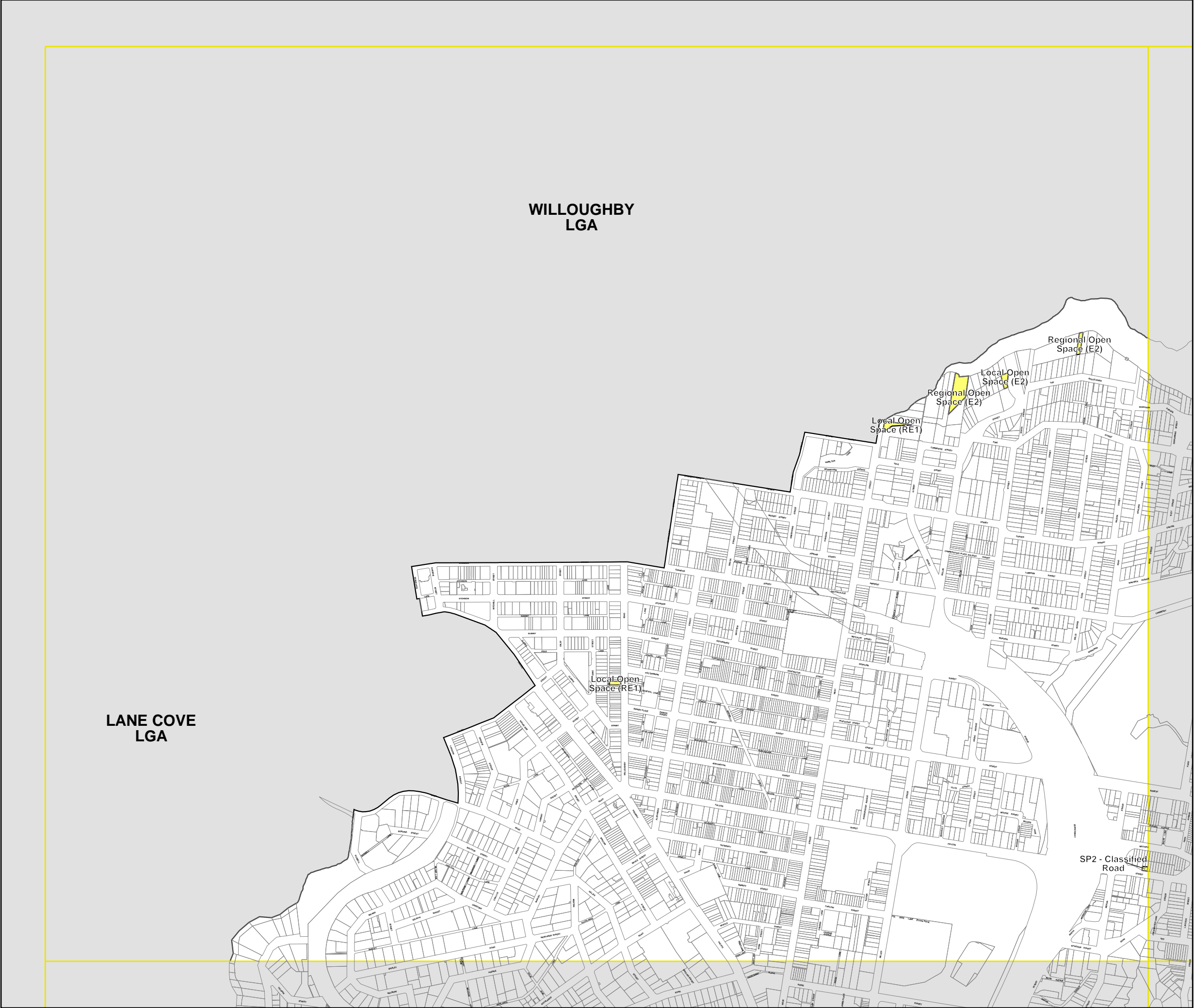
- Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

Cadastre

Cadastre 26/10/16 © North Sydney Council




Map identification number:
5950_COM_LRA_001_010_20161026






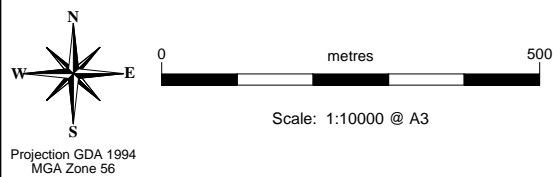
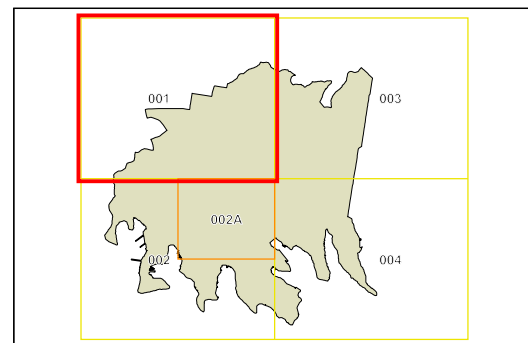
North Sydney Local Environmental Plan 2013

Additional Permitted Uses Map - Sheet APU_001

 Additional Permitted Uses

Cadastre

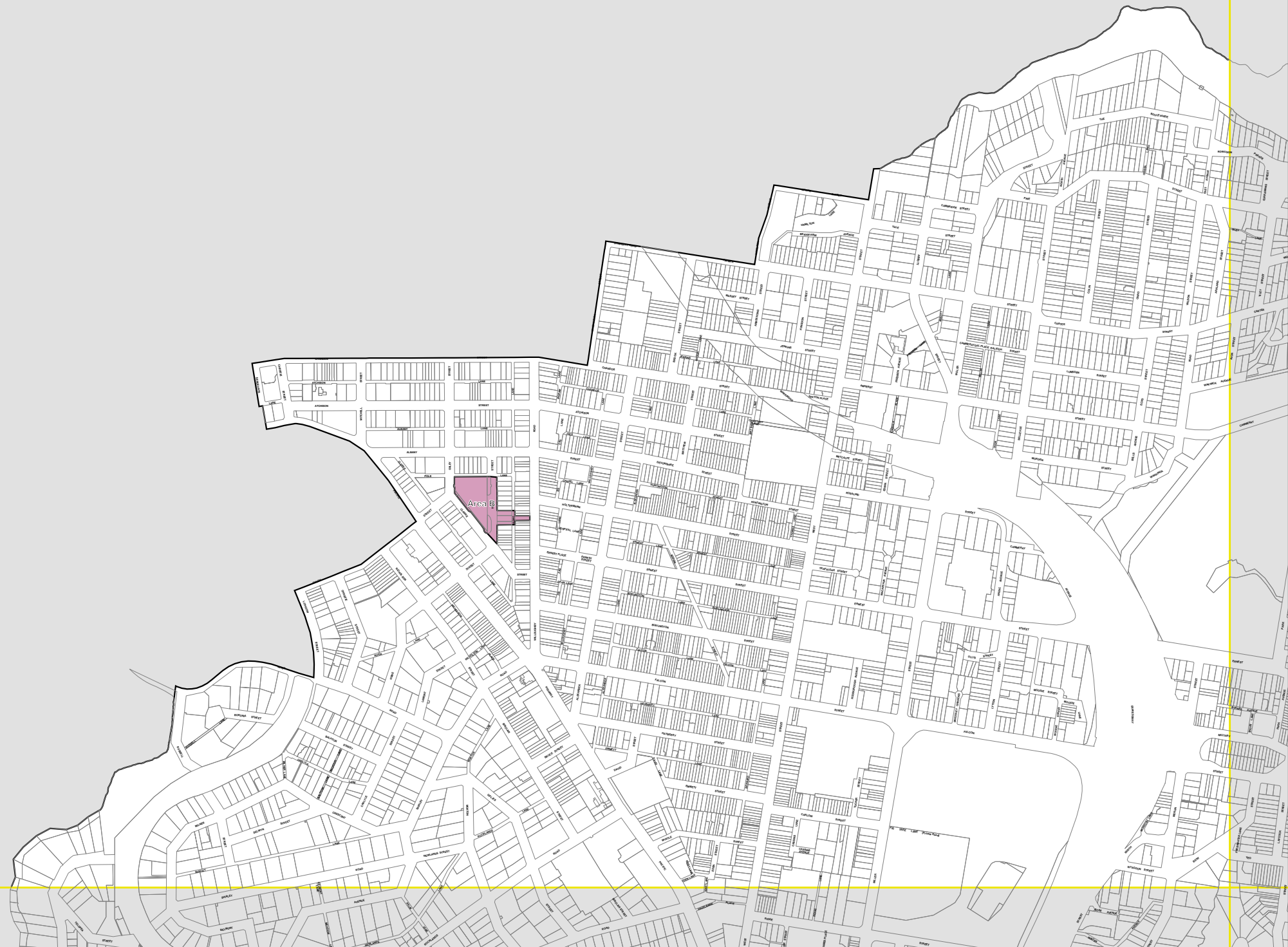
 Cadastre 26/10/16 © North Sydney Council



Map identification number:
5950_COM_APU_001_010_20161026

WILLOUGHBY
LGA

LANE COVE
LGA



APPENDIX D

SECTION 149(2)(5) CERTIFICATES





address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Applicant:

Clement Joyner
Level 27
680 George St
Sydney 2000

**PLANNING CERTIFICATE UNDER
SECTION 149 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

Cert. No.: 69636/02
Page No.: 1 of 9

Parcel No: 44549

Date: 14/12/2017
Receipt No.:
Your REF: PS107203

Property Description:

33-35 Atchison Street ST LEONARDS NSW
2065
LOT: 31 SEC: 10 DP: 2872

Owner (as recorded by council):

Atchison Pty Ltd

PO Box 1232
CROWS NEST NSW 1585

The Title information shown on this Certificate has been obtained from the Land and Property Information NSW, therefore Council cannot guarantee accuracy.

The information required to be disclosed in this planning certificate is that prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000. If no response is provided in this planning certificate for an item listed in Schedule 4, that matter has been considered and determined as not applying to the land to which this certificate relates.

**AS AT THE DATE OF THE CERTIFICATE THE FOLLOWING MATTERS APPLY TO THE ABOVE
MENTIONED LAND.**

PLANNING INSTRUMENT:

North Sydney Local Environmental Plan 2013, published on the NSW legislation website on 2 August 2013 and came into force on 13 September 2013, as amended.

Zone: B4 – Mixed Use

Permitted without consent

Nil

Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based childcare facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex service premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

Prohibited

Any purpose, other than a purpose listed above, is prohibited in the zone



address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Exempt Development

Development for the purposes set out in clause 3.1 of *North Sydney Local Environmental Plan 2013* is exempt development, which may be carried out within the zone without the need for development consent.

Complying Development

Development for the purposes set out in clause 3.2 of *North Sydney Local Environmental Plan 2013* is complying development, which may be carried out within the zone without the need for development consent, provided that a complying development certificate is obtained.

Development Consent MAY BE REQUIRED for the DEMOLITION of all or part of any building on the subject land under *North Sydney Local Environmental Plan 2013*. Refer to *SEPP (Exempt and Complying Development Codes) 2008* and Clause 3.1 under *North Sydney Local Environmental Plan 2013*.

DRAFT PLANNING INSTRUMENTS:

Planning Proposal 2/17 to amend North Sydney Local Environmental Plan 2013 – North Sydney Centre

On 1 May 2017, Council resolved to support a Planning Proposal to amend the planning controls relating to the North Sydney Centre under *North Sydney Local Environmental Plan 2013*. In particular, the proposed amendments include:

- Removing 'serviced apartments' from the list of permissible uses in the *B3 Commercial Core* zone to the Land Use Table;
- Amending the Height of Building Map to increase the maximum building height limit on a number of sites zoned *B3 Commercial Core*, consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*;
- Amending the extent to which "special areas" applies to land identified on the North Sydney Centre Map consistent with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*;
- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division;
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the *North Sydney CBD Capacity and Land Use Strategy*; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height;
- Deletion of clause 6.5 in its entirety to remove the requirements for railway infrastructure provision and the gross floor space cap for non-residential development.

The Planning Proposal will be on public exhibition from Thursday 14 September 2016 to Wednesday 11 October 2017.

Planning Proposal 3/17 - to amend North Sydney Local Environmental Plan 2013 – 24 Cranbrook Avenue, Cremorne

This Planning Proposal applies to 24 Cranbrook Avenue, Cremorne. The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2013*, by identifying 24 Cranbrook Avenue, Cremorne as a heritage item.

The Planning Proposal will be on public exhibition from Thursday 5 October 2017 to Wednesday 18 October 2017.

Planning Proposal 1/17 to amend North Sydney Local Environmental Plan 2013 – 617-621 Pacific Highway, St Leonards



address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

This Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2013* to amend the planning controls for the site of 617-621 Pacific Highway, St Leonards. In particular, the proposed amendments include:

- increasing the maximum building height from 49m to 180m;
- imposing a maximum floor space ratio (FSR) of 25.4:1;
- imposing a minimum non-residential FSR of 4.7:1; and
- incorporating an additional clause within Schedule 1 – Additional Permitted Uses such that “shop top housing” is permissible with consent on the subject site.

Accompanying the Planning Proposal is a draft Voluntary Planning Agreement with an offer to dedicate to Council two entire fitted out floor levels within the podium of a future development on the site for the purposes of an Arts Centre.

The Planning Proposal will be on public exhibition from Thursday 16 November 2017 to Wednesday 13 December 2017.

DEVELOPMENT CONTROL PLANS:

North Sydney Development Control Plan 2013

North Sydney Development Control Plan 2013 applies to all land to which *North Sydney Local Environmental Plan 2013* applies. The Development Control Plan was adopted by Council on 2 September 2013 and came into effect on 13 September 2013. Amended 20/02/14. Amended 08/01/2015. Amended 26/03/2015. Amended 6/08/2015. Amended 5/11/2015. Amended 7/07/2016. Amended 13/10/2016. Amended 19/07/2017. Amended 16/11/2017. Amended 7/12/2017.

Draft Amendments North Sydney DCP 2013 (Advertising and Signage)

On 21 November 2016, Council resolved to place a draft amendment to *North Sydney Development Control Plan 2013* (NSDCP 2013) regarding advertising and signage on public exhibition. It is proposed to amend Section 9 – Advertising and Signage to Part B of NSDCP 2013 to:

- Provide improved guidance when considering applications for digital display signs and roof top signage;
- Revise the signage character area statements to better reflect the desired future characters of various localities;
- Correct a number of minor errors; and
- Reword certain provisions to improve the readability and implementation of Council's adopted policy positions

Public exhibition of the draft DCP amendment will take place from Thursday 2 February 2017 to Friday 31 March 2017.

Draft Amendment to North Sydney Development Control Plan 2013 – North Sydney CBD Character Statement

On 26 June 2017, Council resolved to adopt draft amendments to the *North Sydney Development Control Plan 2013* (NSDCP 2013) to support the proposed outcomes of Planning Proposal 2/17, which principally relates to development on land located within the North Sydney Centre. The proposed amendments specifically seek to revise the North Sydney Character Statement located in Part C to NSDCP 2013.

Public exhibition of the draft amendment to NSDCP 2013 will take place from Thursday 14 September 2017 to Wednesday 11 October 2017, and will occur concurrently with the public exhibition of Planning Proposal 2/17 for the North Sydney Centre.



address 200 Miller Street North Sydney NSW 2060
all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

telephone (02) 9936 8100
facsimile (02) 9936 8177
email council@northsydney.nsw.gov.au
internet www.northsydney.nsw.gov.au
ABN 32 353 260 317

SECTION 94 DEVELOPER CONTRIBUTION PLANS:

North Sydney Section 94 Contributions Plan. Comprehensive contributions plan applying to all development in the North Sydney local government area. Effective from 20 June 2013.

HERITAGE CONTROLS:

The subject land IS NOT LOCATED within a CONSERVATION AREA, under clause 5.10 - Heritage Conservation to *North Sydney Local Environmental Plan 2013*.

The subject land is NOT IDENTIFIED as containing a HERITAGE ITEM under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The subject land IS NOT IDENTIFIED as containing a HERITAGE ITEM, under clause 5.10 - Heritage Conservation to *North Sydney Local Environmental Plan 2013*.

OTHER CONTROLS:

The subject land is NOT AFFECTED by Section 38 or 39 of the Coastal Protection Act 1979.

Council is NOT AWARE of the subject land being subject to an Order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works undertaken on that land.

Council is NOT AWARE of any public land adjoining the subject land being subject to an Order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works.

Council is NOT AWARE of any notice issued under Clause 55X of the *Coastal Protection Act 1979* advising of the placement of temporary coastal protection works on the subject land.

Council is NOT AWARE of any notice issued under Clause 55X of the *Coastal Protection Act 1979* advising Council of the placement of temporary coastal protection works on land adjacent to the subject land.

The subject land is NOT PROCLAIMED as a MINE SUBSIDENCE DISTRICT within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under the Roads Act 1993.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under any environmental planning instrument.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under any Council resolution.

The subject land is NOT IDENTIFIED as BUSHFIRE PRONE LAND on Council's Bushfire Prone Land Map as certified by the NSW Rural Fire Service Commissioner dated 8 April 2009 pursuant to the requirements under the of the Rural Fires Act 1997 and Environmental Planning and Assessment Act 1979.

The subject land is NOT SUBJECT to any reservation for LAND ACQUISITION by a public authority for any purpose under any environmental planning instrument applying to the land as set out in this certificate.



address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Council is NOT AWARE of the subject land being subject to an ORDER issued under the *Trees (Disputes Between Neighbours) Act 2006*.

Contamination Information:

Council records indicate that the subject land may have been used in the past for a potentially contaminating activity. Council suggests that you should purchase a section 149(5) certificate so that you are aware of this information.

The subject land is NOT AFFECTED by a policy, adopted by the Council or adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land by reason of the likelihood of landslip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk except contamination.

Loose-fill Asbestos Insulation

Council has no record of the subject land being identified on the NSW Fair Trading's *Loose-Fill Asbestos Insulation Register* as containing a residential building containing loose-fill asbestos insulation, (sometimes called Mr Fluffy" insulation). Loose-fill asbestos is easy to disturb and can become airborne and it is then easily inhaled. Inhaling asbestos fibres can result in serious illness including asbestosis, lung cancer and mesothelioma.

You are advised to contact NSW Fair Trading for more information:

http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Loose_fill_asbestos_insulation.page

Note: Nothing in this statement relates to information about the presence of bonded asbestos materials such as asbestos cement sheeting which may have been used at this site.

THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLY:

State Environmental Planning Policies (SEPPs)

- SEPP No. 1 – Development Standards
- SEPP No. 19 - Bushland in urban areas
- SEPP No. 33 - Hazardous and offensive development
- SEPP No. 50 - Canal estate development
- SEPP No. 55 - Remediation of land
- SEPP No. 64 - Advertising and signage
- SEPP No. 65 - Design Quality of Residential Apartment Development
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments & Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004 - *formerly SEPP (Seniors Living) 2004*
- SEPP (Infrastructure) 2007
- SEPP (Major Development) 2005 - *formerly SEPP Major Projects & SEPP State Significant Development*
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Miscellaneous Consent Provisions) 2007 - *formerly SEPP (Temporary Structures) 2007*
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017



address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Regional Environmental Plans (REPs) (Deemed SEPPs)
Sydney REP (Sydney Harbour Catchment) 2005

Note: summaries of the SEPPs and deemed SEPPs are provided on the Department of Planning's website at:
www.planning.nsw.gov.au

Draft State Environmental Planning Policies (SEPPs)
Draft SEPP No. 66 - Integration of Land Use and Transport
Draft SEPP (Application of Development Standards) 2004
Draft SEPP (Competition) 2010
Draft SEPP (Environment) 2017

Note: summaries of the draft SEPPs are provided on the Department of Planning's website at:
www.planning.nsw.gov.au

FOR THE PURPOSE OF SECTION 149(2) AND CLAUSE 3 TO SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000, THE FOLLOWING INFORMATION IS PROVIDED:

Housing Code

Complying development types specified within the Housing Code under Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Rural Housing Code

Complying development types specified within the Rural Housing Code under Part 3A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Commercial and Industrial (New Buildings and Additions) Code

Complying development types specified within the Commercial and Industrial (New Buildings and Additions) Code under Part 5A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Housing Alterations Code

Complying development types specified within the Housing Alterations Code under Part 4 *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

General Development Code

Complying development types specified within the General Development Code under Part 4A *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Commercial and Industrial Alterations Code

Complying development types specified within the Commercial and Industrial Alterations Code under Part 5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.



address 200 Miller Street North Sydney NSW 2060

telephone (02) 9936 8100

all correspondence General Manager North Sydney Council
 PO Box 12 North Sydney NSW 2059
 DX10587

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Subdivision Code

Complying development types specified within the Subdivision Code under Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Demolition Code

Complying development types specified within the Demolition Code under Part 7 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Fire Safety Code

Complying development types specified within the Fire Safety Code under Part 8 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Container Recycling Facilities Code

Complying development types specified within the Container Recycling Facilities Code under Part 5B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Note. This part of the Planning Certificate only addresses matters raised in Clauses 1.17A(c)-(e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is your responsibility to ensure that you comply with any other relevant requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is invalid.

FOR THE PURPOSE OF SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997, THE FOLLOWING INFORMATION IS PROVIDED:

Council is NOT AWARE of the land (or part of the land) being declared SIGNIFICANTLY CONTAMINATED land, as defined under Section 11 of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being subject to a management order, as defined under Section 14(1) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being the subject of an approved voluntary management proposal, as defined under Section 17(1) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being subject to an ongoing maintenance order, as defined under Section 28(2) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being the subject of a site audit statement, as defined under Part 4 of the *Contaminated Land Management Act, 1997*.

FOR THE PURPOSE OF SECTION 149(5) THE FOLLOWING INFORMATION IS PROVIDED:

MAXIMUM BUILDING HEIGHT:



address 200 Miller Street North Sydney NSW 2060
all correspondence General Manager North Sydney Council
 PO Box 12 North Sydney NSW 2059
 DX10587

telephone (02) 9936 8100
facsimile (02) 9936 8177
email council@northsydney.nsw.gov.au
internet www.northsydney.nsw.gov.au
ABN 32 353 260 317

The whole or part of the subject site is identified under *North Sydney Local Environmental Plan 2013* as having a maximum building height of 20m.

Non-residential Floor Space Ratio (FSR):

The whole or part of the subject site is identified under *North Sydney Local Environmental Plan 2013* as having a minimum non-residential FSR of 0.6:1.

The subject land is NOT AFFECTED by the *HERITAGE ACT, 1977*.

The subject land IS NOT LISTED in the Register of the National Trust of NSW.

A Tree Preservation Order applies throughout the North Sydney Council area. Contact Council for details.

CONTAMINATION INFORMATION:

Council records indicate that this land may have been used in the past for a potentially contaminating activity. The question of whether the land is contaminated will be considered whenever zoning is proposed to be changed and for every proposed development of the land. Any person relying on this certificate is advised to make their own investigations as to whether the land is contaminated.

Information regarding loose-fill asbestos insulation

NSW Fair Trading have identified that some residential buildings in the North Sydney LGA may contain loose-fill asbestos insulation (sometimes called Mr Fluffy" insulation), for example in the roof space of the building. Loose-fill asbestos is easy to disturb and can become airborne and it is then easily inhaled. Inhaling asbestos fibres can result in serious illness including asbestosis, lung cancer and mesothelioma. The use of loose-fill asbestos insulation was banned in 1980.

NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.

You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.

Contact NSW Fair Trading for further information as follows:

http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Loose_fill_asbestos_insulation.page.

Note: Nothing in this statement relates to information about the presence of bonded asbestos materials such as asbestos cement sheeting which may have been used at this site.

FLOODING INFORMATION:

Council is in the possession of a flood study that covers the catchment in which this subject land is located. The *North Sydney LGA Flood Study* (prepared by WMA Water and dated February 2017) was adopted by Council on 20 February 2017. The *Flood Study* does not establish any flood related development controls, which are to be determined at the completion of the North Sydney Floodplain Risk Management Study and Plan. You should make you own enquiries as to whether the subject land to which this Certificate relates is affected by flooding and overland flow. Copies of the Flood Study are available for inspection at the Council if required.



address 200 Miller Street North Sydney NSW 2060

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

telephone (02) 9936 8100

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

For further information, please contact Council's
DIVISION OF CITY STRATEGY

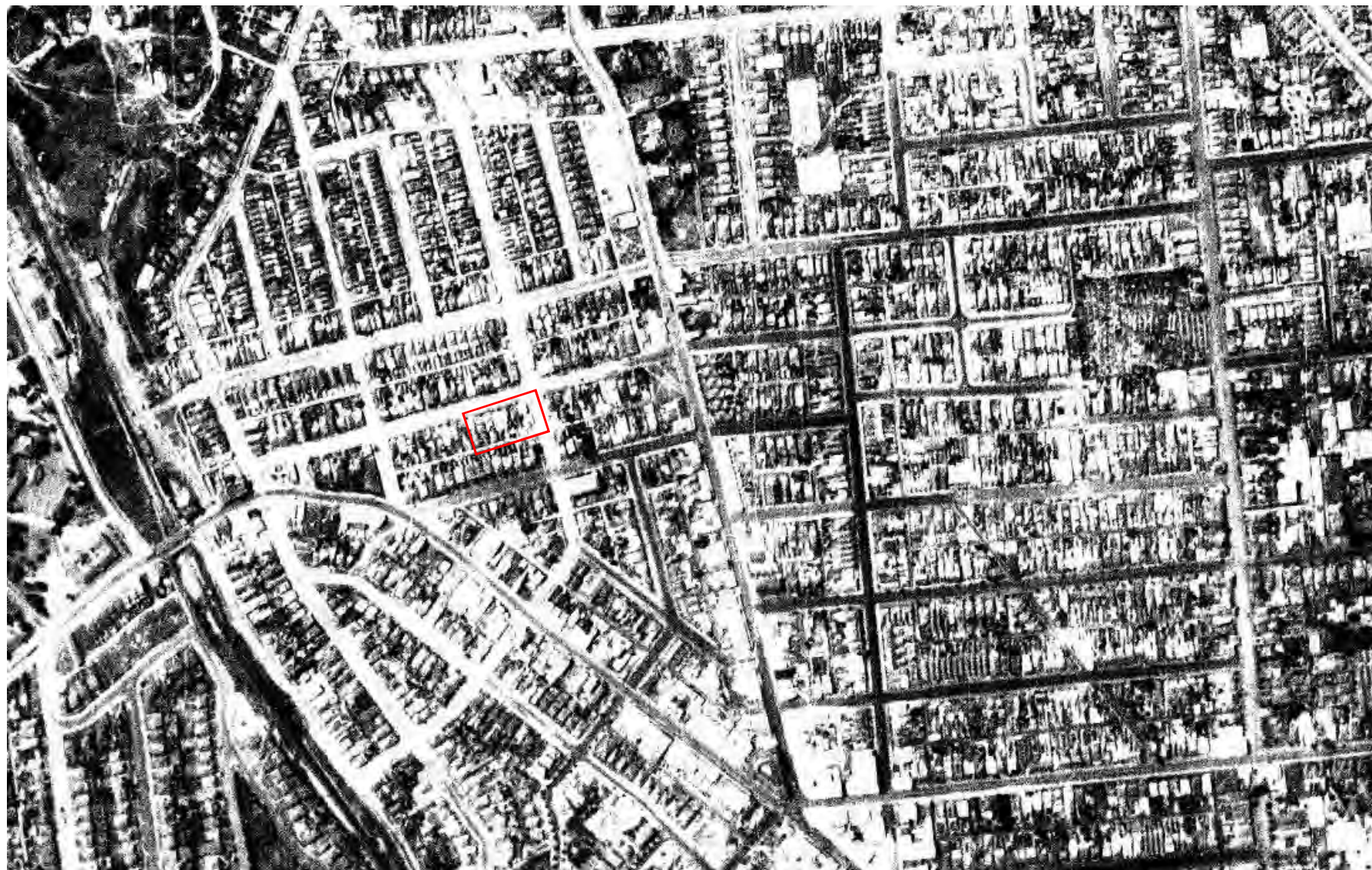
ADRIAN PANUCCIO
A/GENERAL MANAGER

*Electronically generated certificate
– no signature required*

APPENDIX E

AERIAL PHOTOGRAPHS






Approximate site boundary

Historical Aerial Photograph 1930



 Approximate site boundary


Historical Aerial Photograph 1951



Approximate site boundary

Historical Aerial Photograph 1961



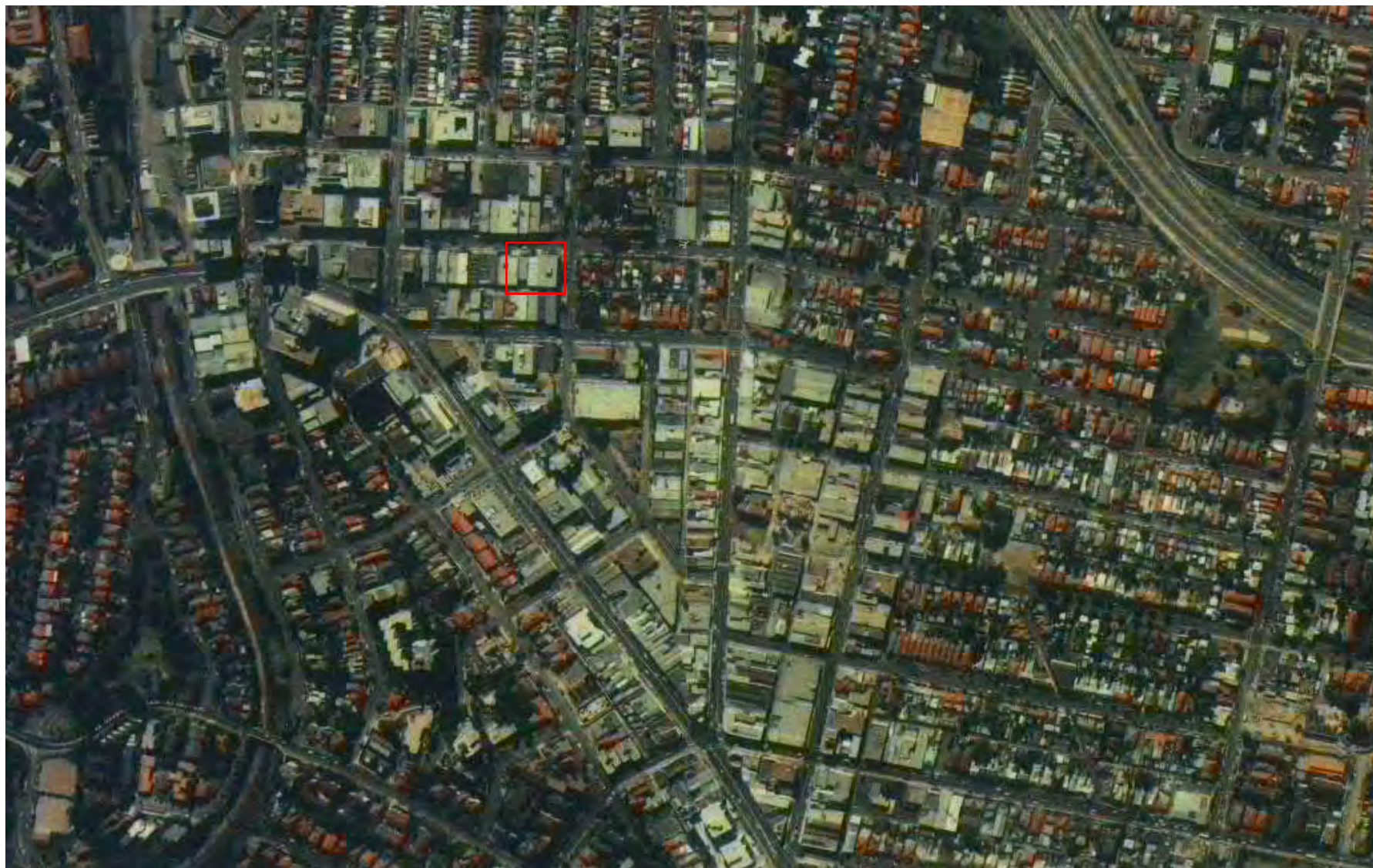
 Approximate site boundary

Historical Aerial Photograph 1970



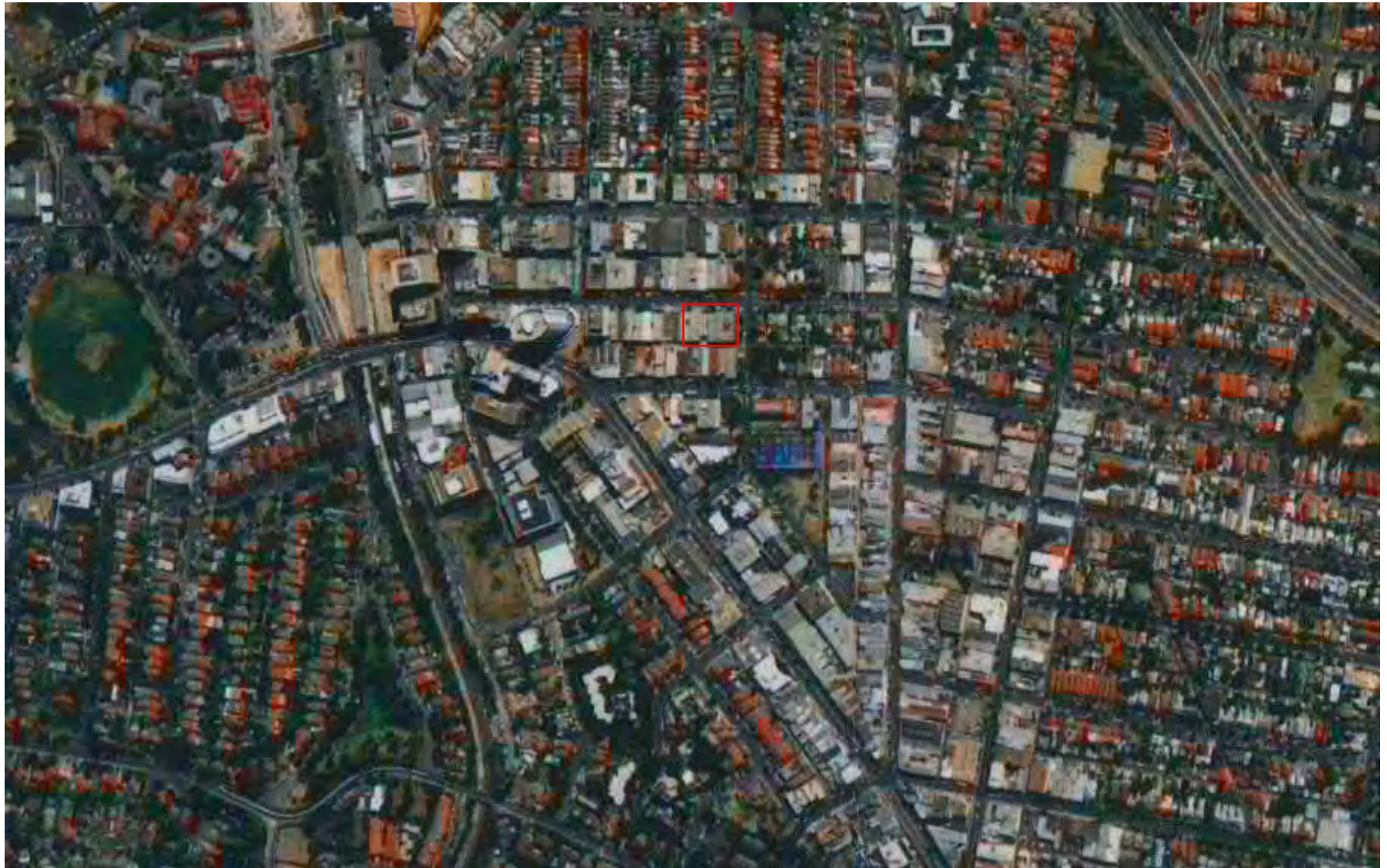
Approximate site boundary


Historical Aerial Photograph 1978



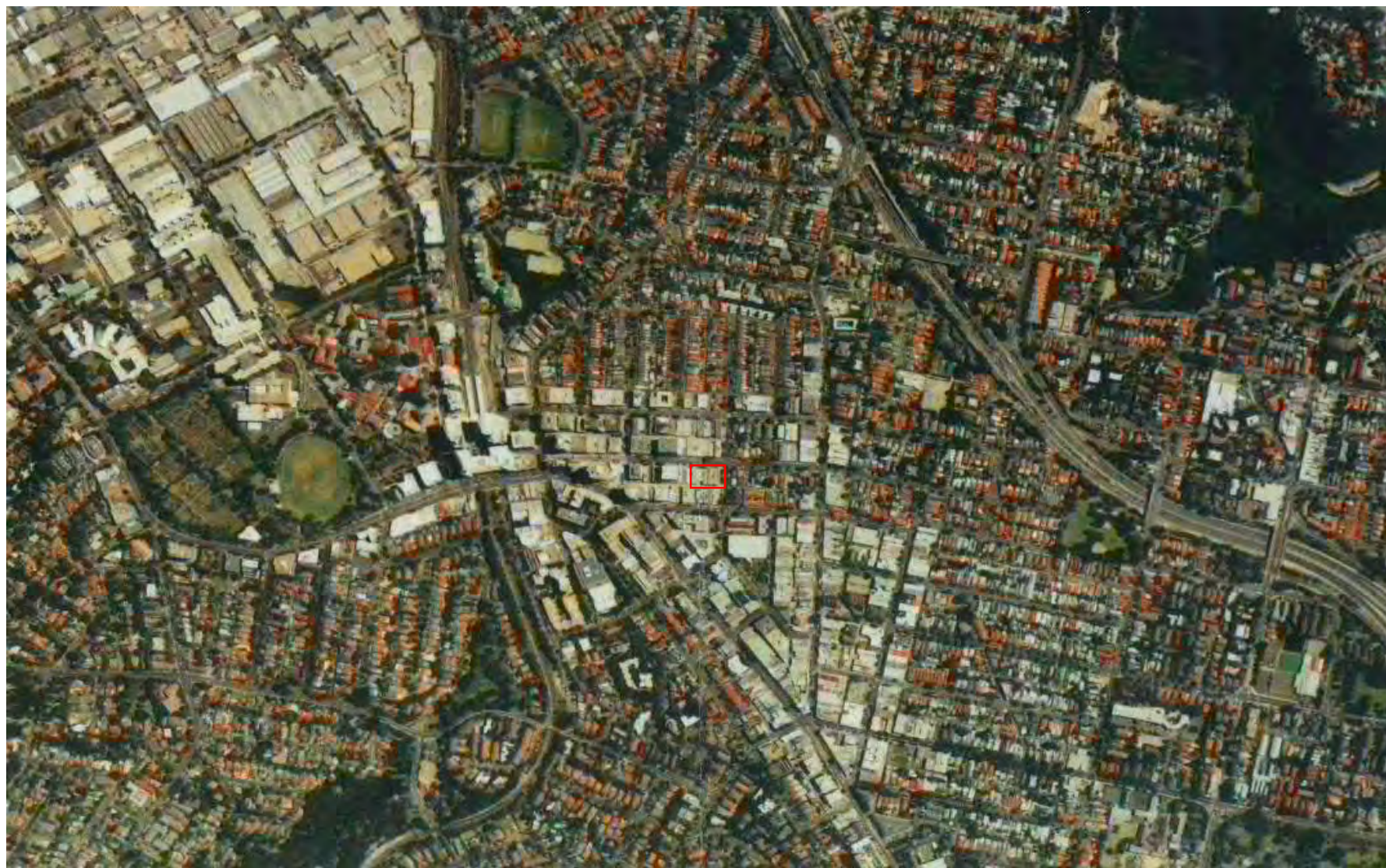
Approximate site boundary

Historical Aerial Photograph 1986



 Approximate site boundary

Historical Aerial Photograph 1994



Approximate site boundary

Historical Aerial Photograph 2005

APPENDIX C TRAFFIC ASSESSMENT



Our Ref: 15018

12 July 2018

TWT Property Group Pty Ltd
Level 5, 55 Chandos Street
St Leonards NSW 2065

Attention: Mr Nelson Silva

Dear Nelson,

**RE: 23 – 35 ATCHISON STREET, ST LEONARDS (SITE 1) – PLANNING PROPOSAL
TRANSPORT IMPACT ASSESSMENT**

As requested by TWT Property Group Pty Ltd (TWT), The Transport Planning Partnership (TPPP) has undertaken a transport assessment of the planning proposal for the site located at 23 - 35 Atchison Street, St Leonards.

TWT is proposing to lodge a Planning Proposal with North Sydney Council (Council) seeking approval to rezone the 'Site' at 23-35 Atchison Street for the purpose of constructing a mixed-use development.

Location of the Site

The Site is generally bound by Atchison Street, Oxley Street and Albany Lane in St Leonards. The property lots which make up the Site are shown in Figure 1.

The Site is located within easy walking distance of:

- St Leonards Railway Station and Bus Interchange;
- High frequency bus routes along the Pacific Highway and Willoughby Road;
- St Leonards town centre;
- Crows Nest urban village with its restaurants and retail land uses;
- Royal North Shore Hospital, which is a major employer in the area; and
- To be constructed Sydney Metro Crows Nest Station.

The proximity of the Site to the above transport infrastructure is shown in Figure 2.

Figure 1 – Planning Proposal Site Location



Source : www.maps.six.nsw.gov.au

Figure 2 – Proximity of Site to Transport Infrastructure



Source : AJ+C, July 2016



Background to Transport Assessment of the Planning Proposal Site

In August 2014, GTA Consultants prepared a Transport Impact Assessment¹ as part of a Planning Proposal for a larger land holding by TWT in St Leonards. The author of the GTA report (Jason Rudd) is now the Director at TPP and author of this report. Subsequent addendums were prepared by GTA and TPP² to consider changed traffic and transport outcomes associated with modified development yields.

The 2014 proposal included the 23-35 Atchison Street site as part of the proposal.

This assessment considered the traffic implications to surrounding road network associated with the development of 102 residential apartments and 3,165m² of non-residential floor space on the site.

The assessment which included traffic surveys and SIDRA modelling of existing road network conditions considered the net change to traffic generation of the site and concluded that:

"there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development".

Through consultation with Council and the Department of Planning a modified Planning Proposal was presented to the Joint Regional Planning Panel (JRPP) in November 2015 in which the residential yields were reduced and non-residential floor space increased to better align with Council's strategic objective of retaining and promoting commercial floor space within the St Leonards CBD.

In response to the JRPP and developments within the St Leonards Planning Precinct, TWT is currently seeking rezoning approval for only 23-35 Atchison Street.

With regard to traffic and transport, the purpose of this report is to present the assessment findings with regard to:

- Comparative assessment of the existing and proposed Planning Proposal traffic generation potential for the Site;
- Consideration of existing traffic conditions in St Leonards generally; and
- Consideration of Sydney Metro transport infrastructure improvements and other strategic planning policy frameworks.

¹ Chandos Street and Atchison Street St Leonards, Planning Proposal Transport Impact Assessment (GTA Consultants, 5 August 2014) Main Author Jason Rudd now at TPP

² New Life St Leonards Planning Proposal – Transport Impact Assessment Addendum #2 (August 2016) prepared by The Transport Planning Partnership.



Strategic Transport Planning Context for St Leonards

A PLAN FOR GROWING SYDNEY

This NSW Government Plan (2014) provides an outline of the transport infrastructure and actions to facilitate and support Sydney's growing population. St Leonards is identified in this document as a strategic health, education and employment centre. Further growth in employment and housing is considered for St Leonards as a result of the planned Sydney Metro station at Crows Nest which will add to the existing public transport infrastructure, namely the St Leonards Railway Station and bus interchange.

NSW LONG TERM TRANSPORT MASTER PLAN

The residential and economic growth of St Leonards as a major employment hub is supported by the NSW Long Term Transport Master Plan which seeks to improve the integration of all modes. The North West Rail Link is considered as an important piece of infrastructure connecting the NW growth areas to the St Leonards Employment Hub.

SYDNEY METRO – CROWS NEST STATION

In May 2016, Transport for NSW released an Environmental Impact Statement for the Sydney Metro – City and Southwest, Chatswood to Sydenham metro line.

The Sydney Metro includes construction of a rail way station at "Crows Nest" with entrances at Oxley Street and Hume Street. An extract from the EIS is reproduced below (Figure 3) showing the new station details.

As shown in Figure 2 above, the new Metro Station will be located within 3 minutes' walk of the Planning Proposal Site. This will be in addition to the St Leonards Railway Station which is located within 5 minutes walk of the Site.

As such future employees, residents and visitors of the Site will have a choice of two separate rail lines to use each within very convenient walking distance.

It is considered that the development of the Sydney Metro with a station in such close proximity will enhance the attractiveness of public transport as a mode of travel and further increase the already high levels of public transport use by people to and from St Leonards.

Figure 3 – Proposed Sydney Metro Crows Nest Station



Source: Sydney Metro, Chatswood to Sydenham Environmental Impact Assessment (May 2016) prepared by Jacobs Group (Australia) and Arcadis Australia Pacific Pty Ltd

NORTH SYDNEY COMMUNITY STRATEGIC PLAN (2013)

This Plan provides a range of objectives and directions aimed at addressing transport issues identified by the community. The prioritised community issues include:

- High level of vehicle congestion;
- Lack of on street parking; and
- Impacts to pedestrian accessibility and amenity.

The directions outlined by Council promote the use of public and active transport.



ST LEONARDS / CROWS NEST PLANNING STUDY – PRECINCTS 2 & 3

The Planning Study for St Leonards / Crows Nest – Precincts 2 & 3 was adopted by North Sydney Council in May 2015. The plan was prepared to manage the high level of development interest near St Leonards Station, protect jobs and deliver much needed public domain and services. The study moves away from the ‘stepping down’ principle for key landholdings located in the centre.

The North Sydney DCP 2013 was subsequently amended in line with the St Leonards / Crows Nest Planning Study with maximum on site parking provision rates reduced for new development within Precincts 2 & 3.

The proposed development site (Site 1) is located within Precinct 2 & 3.

INTERIM STATEMENT ON THE FUTURE OF CROWS NEST, ST LEONARDS AND THE ARTARMON INDUSTRIAL AREA (AUGUST 2017)

On 4 August 2017 the NSW Government released its Interim Statement on the future of Crows Nest, St Leonards and the Artarmon industrial area. The statement includes a draft vision, objectives, guiding principles and 10 character statements that are to guide future development and infrastructure delivery in the precinct over the next 20 years.

The Precinct is identified as a Strategic Centre in the Greater Sydney Commission’s (GSC) draft North District Plan. The importance of the Precinct as a key employment centre in Sydney, combined with a new metro station at Crows Nest presents a unique opportunity for renewal and a co-ordinated plan for the Precinct. The NSW Government is looking to provide new homes and jobs located close to transport and social infrastructure such as open space and schools.

The DPE is proceeding to Stage Two of the study which will identify areas within the Precinct suitable for redevelopment and guide future development and infrastructure delivery over the next 20 years. A Special Infrastructure Contribution will be developed to fund new infrastructure.

Overview of Planning Proposal Development Yields

The Planning Proposal for 23-35 Atchison Street seeks approval to demolish the existing commercial / retail buildings on the site to construct a mixed use development comprising a commercial / retail podium with a single residential tower.

Basement parking would be provided with vehicle access from Albany Lane. The design concepts would also allow public through site links between Albany Lane and Atchison Street.

It is understood that the planning proposal for 23-35 Atchison Street would include:

- Non Residential Floor Space (GFA) = 3,165 m²
- Residential (Apartments) = 102 apartments
- Car Parking = 49 spaces
(44 residential + 5 non-residential)

It is noted that the envisaged car parking provisions listed above reflect the relevant car parking controls set out in North Sydney Council's Development Control Plan (DCP) 2013 for Precinct 2 & 3 based on the proposed apartment mix. Further details are provided below.

Furthermore, bicycle parking, car share and loading dock facilities will need to be accommodated within the development proposals in line with Council's DCP requirements.

Traffic Generation Potential of Planning Proposal Site

The traffic generation potential of the current Planning Proposal for the Site has been estimated utilising the RMS guidelines (TDT 2013/04a) and specifically the surveyed results of St Leonards site contained in the RMS guidelines.

The estimated traffic generation of the current proposal is shown in Table 1.

Table 1 – TWT Planning Proposal Estimated Traffic Generation – 23-35 Atchison St

Land Use	Apartments / Floor Area (m ²)	Traffic Generation Rate (veh/hr)		Traffic Generation Trips (veh/hr)	
		AM Peak Hr	PM Peak Hr	AM Peak Hr	PM Peak Hr
Residential	102 apartments	0.14 trips / apartment	0.07 trips / apartment	14	7
Non-Residential	5 car spaces (3,165m ²)	1 trip / car space	2 trips / car space	5	10
Total				19	17

In considering the traffic implications of the Planning Proposal site, it is considered important to assess the net change in traffic generation potential between the existing site uses (ie. commercial / retail uses) with the proposed site uses.

The traffic generation of the existing Site 1 uses have been estimated based on surveys of the existing on site parking provisions and applying the same traffic generation rate for commercial uses as set out in Table 1.



The existing Site 1 land use traffic generation is shown in Table 2 and compared with the potential traffic generation of the proposed site uses.

Table 2 indicates that with the Planning Proposal for the site, there is expected to be a net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared with the existing site uses.

Table 2 – Comparison of Traffic Generation Potential – Existing Site Use & Planning Proposals

	Traffic Generation (veh / hr)
Existing On-site Car Parking Spaces (Office Uses)	33 spaces
Existing Office Uses Traffic Generation Rate - AM / PM	1 trip per parking space ¹ .
Existing Office Uses Traffic Generation - AM / PM	33 veh / hr
Existing Smash Repair Site Traffic Generation	4 / 6 veh / hr
Existing Traffic Generation AM / PM	37 / 39 veh / hr
Planning Proposal Traffic Generation (See Table 1)	19 / 17 veh / hr
Net Change Existing v Planning Proposal	-18 to -22 veh / hr

Notes: (1) Existing parking spaces are generally commercial tenant spaces, with little to no retail parking. Hence AM rate applied to both AM / PM (2) Existing Smash Repair traffic generation based on observation surveys undertaken by TPPP (2017)

This is a direct result from the reduction in parking spaces allocated to office uses (ie 33 spaces reduced to 5 spaces) and the removal of the existing vehicle repair business which by its very nature generates vehicle movements with the drop off and / pick up of vehicles for repair.

Implication of Planning Proposal Traffic Generation

As noted above, the Planning Proposal Site is currently occupied by a range of commercial / retail uses, each of which generates existing traffic. This existing traffic generation would not occur and be replaced by traffic associated with the Planning Proposal, should it proceed.

As shown in Table 2 some 33 car parking spaces are currently provided on site within the existing uses of the Planning Proposal Site. In addition to these spaces a car repair business operates from one of the lots (31 Atchison Street).

It is noted that Planning Proposal would reduce the existing number of on site car parking spaces allocated to non-residential development. The reduction of car parking spaces will increase the attractiveness of alternate modes of transport (ie. public and active transport) for non-residential land uses.

As shown in Table 2, the reduction of "destination" car parking spaces for non-residential land uses will potentially result in a nett decrease of Site traffic generation with the Planning Proposal development.

Moreover, the planning proposal is consistent with the strategic transport objectives for the St Leonards precinct as outlined above. And, along with the existing and planning improvements to public transport, the planning proposal on the 23-35 Atchison Street site, will be part of the development of a major employment hub supported by housing and services.

Parking and Vehicle Access Arrangements

The proposed car parking provisions for the planning proposal site would be provided in accordance with North Sydney Council's Development Control Plan. This would include car, motorcycle and bicycle parking provisions.

With regard to bicycle parking, the proposed development yield would require a minimum provision of:

- 102 residential bicycles spaces
- 10 visitor bicycle spaces

The proposed on site car parking provisions compared with DCP 2013 controls are set out in Table 3.

Table 3 – Proposed On Site Parking Provisions

Land Use	Yield	DCP Max. Parking Rate	DCP Max Allowable Spaces	Proposed Car Parking Provision
Residential				
1 bedroom apartment	34	0.25 spaces / apartment	9	9
2 bedroom apartment	59	0.5 spaces / apartment	30	30
3 bedroom apartment	9	0.5 spaces / apartment	5	5
Visitor	-	NIL	0	
<i>Residential Car Spaces</i>			44	44
Motor Cycle		1 / 10 car spaces	5	4
Non Residential	3,165 m2	1 / 400m2 GFA	8	5

The site is currently serviced by some 5 driveways and additional direct accessed parking spaces.

Vehicle access to the site is proposed to be via a single driveway accessed via Albany Lane with all redundant driveways removed. This arrangement would remove existing vehicle driveways along Atchison Street and thereby promote pedestrian accessibility and amenity.



Summary and Conclusion

This report has been prepared to consider the traffic implications associated with the modified Planning Proposal for the TWT Property Site at 23-35 Atchison Street, St Leonards.

The potential traffic and transport implications of development on the Site has been considered as part of previous Planning Proposals.

The assessment presented in this report has concluded that:

- Compared to the existing uses of the Site, the reduction of non-residential car parking spaces (ie. destination parking) by the Planning Proposal will potentially result in a nett reduction in total site peak AM and PM period traffic generation compared with existing Site uses.
- The construction of the Sydney Metro rail line with a new station within 3 minutes walk of the Site will facilitate urban developments such as the Planning Proposal and further enhance St Leonards functionality as a Transit orientate hub for travel to, from and through the centre.
- The planning proposal is consistent with the transport objectives of the various state and local government strategic plans for the St Leonards precinct.

Should you have any queries regarding the above or require further information, please do not hesitate to contact us at TTPP Pty Ltd on (02) 8437 7800.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jason Rudd', written over a light blue rectangular background.

Jason Rudd
Director

APPENDIX D WASTE MANAGEMENT



WASTE MANAGEMENT BREIF

PREPARED FOR
TWT Property Group Pty Ltd

ON BEHALF OF
Allen Jack Cottier Architects

Mixed Use Development
23-35 Atchison St
St Leonards NSW

11/01/2018

Ph: 1800 025 073

The information contained in this document produced by Elephants Foot Recycling Solutions is solely for the use of the client identified on the cover sheet for the purpose for which it has been prepared for. Elephants Foot Recycling Solutions undertakes no duty, nor accepts any responsibility to any third party who may rely upon this document. This document may not be copied or reproduced without written permission from Elephants Foot Recycling Solutions.



REVISIONS

Revision	Copy No.	Date	Prepared by	Reviewed by	Approved by
A	1	20/12/2017	H Wilkes	A Armstrong	N Beattie
B	1	11/01/2018	H Wilkes	A Armstrong	Name
Rev #	Copy #	Select Date	Name	Name	Name

DISTRIBUTION LIST

Recipient Name	Company	Revision
Jim Koopman	Allen Jack & Cottier Architects	A
Nelson Silvia	TWT Global	A
Adrian Balatinac	Argentum Group	A



INTRODUCTION

The document provide a brief the waste management requirements for the development proposed at 23-35 Atchison St St Leonards NSW within North Sydney Council.

For the purpose of this waste management brief the proposed development will consist of:

Building 1 with 16 Level Building consisting of;

- 102 residential units in total
- 3 165m² in total for retail and commercial tenancies

Comments and recommendations regarding the waste strategy have been provided in the sections below.

Please note: This document is not a waste management plan. Information provided in this document is indicative and must be reviewed when plans of the development are available.

NORTH SYDNEY COUNCIL

The residential garbage and recycling will be guided by the services and acceptance criteria of the North Sydney Council. All waste facilities and equipment are to be designed and constructed to be in compliance with the North Sydney Council's *North Sydney Development Control Plan 2013*, Australian Standards and statutory requirements.

COUNCIL OBJECTIVES

- Reduce the demand for waste disposal.
- Maximise reuse and recycling of building and construction materials, as well as household, industrial and commercial waste.
- Assist in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans.
- Minimise the overall environmental impacts of waste.
- Require source separation, design and location standards which complement waste collection and management services offered by Council and private providers.
- Encourage building design and construction techniques which will minimise future waste generation.



WASTE GENERATION SUMMARY

Residential

Residential	# Units	Waste Calculation (L/unit/week)	Generated Waste (L/week)	Compacted Waste (2:1) (L/week)	Recycling Calculation (L/unit/week)	Generated Recycling (L/week)
	102	60	6120	3060	60	6120
TOTAL	102		6120	3060		6120

Retail

Retail Operations	NLA (m ²)	Waste Calculation (L/100m ² /day)	Generated Waste (L/week)	Recycling Calculation (L/100m ² /day)	Generated Recycling (L/week)
Food	1055	80	5908	135	9969.75
Restaurant	1055	670	49479.5	135	9969.75
Non-Food (>100m²)	1055	50	3692.5	50	3692.5
TOTAL	3165		59080		23632

CHUTES

A single Chute with 240L recycling bins is the recommend for the residential component.

As the development has a lift, a waste chute must be included in the development as per Section 1.5.13 Provision 3 of the North Sydney Development Control Plan 2013.

WASTE AND RECYCLING COLLECTIONS

Residential – it is recommended that North Sydney Council Collects the residential waste and recycling. It is understood that North Sydney Council preferred collection method a wheel in wheel out method from a bin holding room within 2m of the street. The waste collection vehicle will park on the street during servicing.

Retail – The retail and commercial waste and recycling will be serviced by a private contractor. A wheel in wheel out arrangement directly from the retail waste room is recommended.

Private contractor offer various sizes of collection vehicle, including SRVs and MRVs.



WASTE & RECYCLING ROOMS AND EQUIPMENT

Please see the table below for the recommended waste rooms and equipment based on the preliminary information.

Facility	Location	Comment / Consideration
Residential		
Garbage Chutes - Single waste chute with Recycling bins on each level	Single Waste Chute accessible from every residential level for each core.	The waste chute will be used for the disposal of residential waste. 240L MGB will be placed in a compartment on each residential level. The recycling compartment on each floor must be a minimum of 1.5m ² . The waste chute must be accessible from the recycling compartment.
Waste Discharge Rooms	Corresponding to each single chute system on basement level 1 for each core. .	<p>Each waste discharge room will require approximately 1 days' worth of 660L MGBs plus an additional servicing MGB.</p> <p><u>Minimum equipment for the waste discharge room:</u></p> <ul style="list-style-type: none"> • Waste: 2x 660L MGBs • 1x 2-bin linear track • 1x 660L MGB (servicing) <p>Estimated required area: 12m²</p> <p>Assumptions</p> <ul style="list-style-type: none"> • There is one residential core in the development. <p>The building caretaker will transfer full MGBs from each waste discharge room to the central bin holding room as required.</p>

ELEPHANTS FOOT WASTE COMPACTORS PTY LTD ABN 70 001 378 294

Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | **PH:** +612 9780 3500 | **Fax:** +612 9707 2588

Website: www.elephantsfoot.com.au | **Email:** info@elephantsfoot.com.au

Offices in Victoria & Queensland – **Toll Free:** 1800 025 073



Bulky Goods Storage Rooms	Located on the parking level for each building	<p>A bulky goods room is required for the disposal of bulky household waste.</p> <p>The recommended minimum size for the bulky goods room is 8m²</p> <p>The bulky goods room should be in a location that can be safely accessed by residents and can be collected from easily.</p>
Residential Bin Holding Room (collection Area)	A room large enough to hold all of the bins requiring serving – located on the street level adjacent to the collection street.	<p>It is recommended that the bin holding area is located within 2m of the street boundary to allow for council to conduct collections of residential waste and recycling.</p> <p><u>Equipment in residential bin holding room</u></p> <ul style="list-style-type: none"> • 10x 660L MGBs (waste) • 26x 240L MGBs (recycling) <p>Estimated required size: 45m²</p> <p>Assumption</p> <ul style="list-style-type: none"> • Waste and recycling is collected weekly • Waste is not compacted • Recycling bins calculated on total recycling generated. More bins may be needed depending on the number of units on each level and the number of cores in the building. • Council's preferred collection method is a wheel in wheel out arrangement while the collection vehicle is parked on the street. <p>Bin wash down area must be provided</p>

ELEPHANTS FOOT WASTE COMPACTORS PTY LTD ABN 70 001 378 294

Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | **PH:** +612 9780 3500 | **Fax:** +612 9707 2588

Website: www.elephantsfoot.com.au | **Email:** info@elephantsfoot.com.au

Offices in Victoria & Queensland – **Toll Free:** 1800 025 073



Retail Waste Room	Accessible to all retail tenants and adjacent to vehicle loading area.	<p>Retail garbage and recycling is to be collected by a private waste contractor.</p> <p>Collection frequency to be confirmed and adjusted according to commercial/retail use and stakeholder needs. 240L, 660L & 1100L MGBs available.</p> <p><u>Estimated Equipment in residential retail waste room</u></p> <ul style="list-style-type: none"> • Waste: 7x 1100L MGBs collected daily • Recycling: 4x 1100L MGBs collected daily <p>Estimated required size: 40m²</p> <p>Assumption</p> <ul style="list-style-type: none"> • Each of the retail tenancies will share a waste room and bins. • There is 3 176m² of retail/commercial areas • Waste and recycling is collected daily. If collection is conducted less frequently the bin numbers will increase. • Waste is not compacted. • As the type of retail and commercial tenants are not known, Retail calculations are based on a 'worst case scenario'. Retail calculations can be revised once more detail is known about the type of retail/commercial operations. <p>Bin wash down area must be provided in the waste room.</p>
-------------------	--	--

ELEPHANTS FOOT WASTE COMPACTORS PTY LTD ABN 70 001 378 294

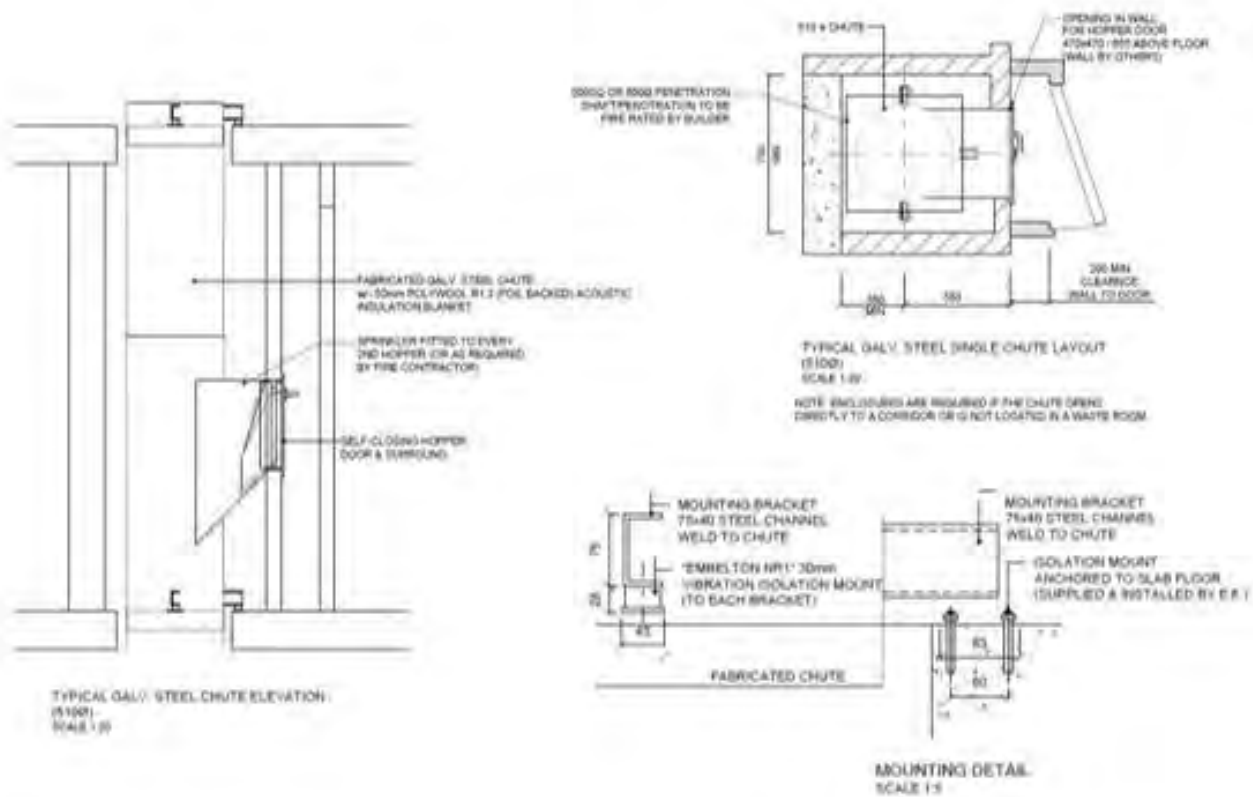
Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | **PH:** +612 9780 3500 | **Fax:** +612 9707 2588

Website: www.elephantsfoot.com.au | **Email:** info@elephantsfoot.com.au

Offices in Victoria & Queensland – **Toll Free:** 1800 025 073



APPENDIX A.1 TYPICAL SINGLE WASTE CHUTE SPECIFICATIONS



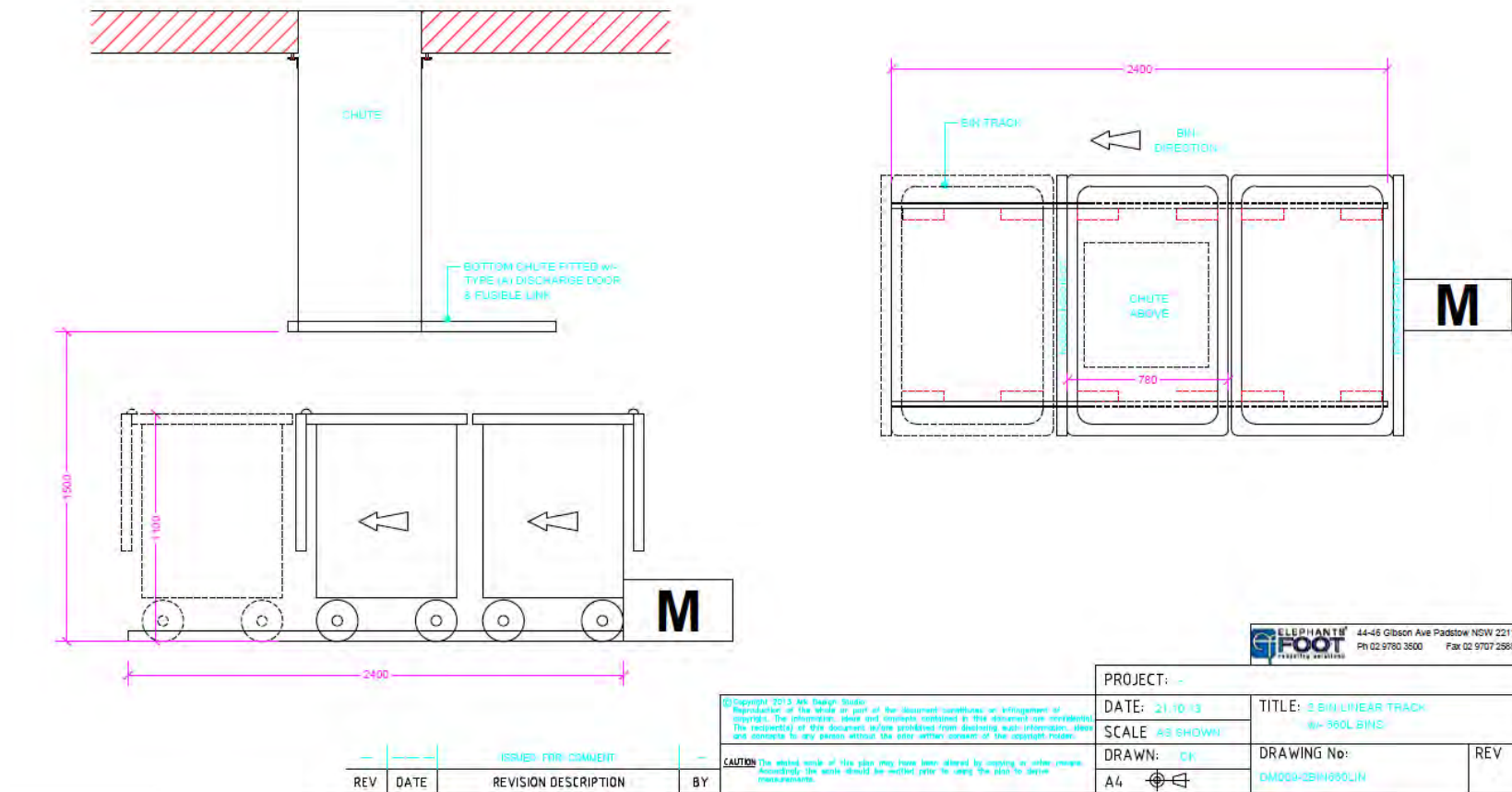
Waste chutes are supplied per the following specifications:

- Either 510mm or 610mm (for 20+ levels) galvanised steel or recycled LLDPE polyethylene plastic;
- Galvanised steel chute hoppers are wrapped with 50mm poly-wool R1.3 noise insulation foil to assist in noise reduction (or equivalent);
- Penetrations on each building level at vertically perpendicular points with minimum penetration dimensions of either 600x600/700x700mm (square) or 650/750mm diameter (round) are required to accommodate the chute installation;
- A wash down system and vent should also be included as part of the chute system;
- Council and supplier require that all chutes are installed without offsets to achieve best practise operationally for the building; and
- Two hour fire-rated (AS1530.4-2005) stainless steel refuse chute doors at each service level. All doors are to be fitted with a self-closing mechanism to meet BSA fire standards.

NOTE: Chute doors are installed after walls rendered, painted or when required. Information stickers will be placed on each chute door at each residential level..



APPENDIX A.2 TYPICAL LINEAR TRACK SPECIFICATIONS FOR 660L MGBS



ELEPHANTS FOOT WASTE COMPACTORS PTY LTD ABN 70 001 378 294

Sydney Head Office 44-46 Gibson Ave Padstow NSW 2211 | PH: +612 9780 3500 | Fax: +612 9707 2588

Website: www.elephantsfoot.com.au | Email: info@elephantsfoot.com.au

Offices in Victoria & Queensland – Toll Free: 1800 025 073

APPENDIX E DESIGN REPORT

ST LEONARDS PRECINCT PLANNING PROPOSAL SITE ONE

23-35 ATCHISON STREET

ST LEONARDS PRECINCT PLANNING PROPOSAL SITE ONE

23-35 ATCHISON STREET



Allen Jack+Cottier Architects Pty Ltd
ABN 53 003 782 250

Principals + Nominated Architects
Michael Heenan 5264
Peter Ireland 6661

Sydney Office
79 Myrtle Street Chippendale
NSW 2008 AUSTRALIA
tel +61 2 9311 8222
fax +61 2 9311 8200

architectsajc.com

DATE	REVISION	STATUS	REASON
11.12.2017	1	Design Review Excellence Panel	
11.01.2018	AA	Final	Planning Proposal Submission
05.07.2018	AB	Final	Planning Proposal Submission

TABLE OF CONTENTS

01 INTRODUCTION	4
1.1 EXECUTIVE SUMMARY	4
1.2 SITE IDENTIFICATION	6
02 PLANNING CONTEXT	8
2.1 DISTRICT CONTEXT	8
2.2 ST LEONARDS PRECINCT STUDY	10
03 SITE ANALYSIS	12
3.1 LOCAL CONTEXT + STREET NETWORK	12
3.2 TOPOGRAPHY	13
3.3 PEDESTRIAN ENVIRONMENT	14
3.4 PEDESTRIAN LINKS AND DESIRE LINES	16
3.5 OPEN SPACE	17
3.6 LAND USE	18
3.7 ST LEONARDS REDEVELOPMENT	19
3.8 LAND OWNERSHIP	20
3.9 TRAFFIC	21
3.10 VIEWS AND VISTAS	22
3.11 ISOLATED SITES	24
3.12 ISOLATED SITES	25
3.13 CONSTRAINTS	26
3.14 OPPORTUNITIES	27
04 DESIGN STATEMENT	36
4.1 CONTEXT+NEIGHBOURHOOD CHARACTER	28
4.2 SCALE+BUILT FORM	32
4.3 DENSITY	38
4.4 RESOURCE , ENERGY+WATER EFFICIENCY	40
4.5 LANDSCAPE	42
4.6 AMENITY	44
4.7 SAFETY	46
4.8 HOUSING DIVERSITY+SOCIAL INTERACTION	47
4.9 AESTHETICS	48
05 CONCEPT DESIGN	50
5.1 INDICATIVE DESIGN	50
06 APPENDIX	70
6.1 CONCEPT LANDSCAPE MASTERPLAN	70
6.2 ISOLATED SITES	74
6.3 OVERSHADOWING MINIMISATION	76
6.4 SOLAR STUDIES	78

01 INTRODUCTION

1.1 EXECUTIVE SUMMARY

The St Leonards/Crows Nest area adjoins both the Willoughby and Lane Cove Council LGA's which are also currently experiencing a transition in development height and scale.

AJ+C have prepared this Urban Design Report abd indicative design for the site known as TWT Site 1, being six (6) amalgamated lots, known as 23-35 Atchison Street (on the corner of Oxley Street)

The proposal for TWT 1 is generally in accordance with Councils proposed controls for Precinct 3 as defined in the St Leonards/Crows Nest Planning Study - Precincts 2 & 3 (The Planning Study) undertaken by North Sydney Council in 2015. This proposal has followed a process of consultation with Council resulting in Council's agreement to support the matter being considered by the Design Excellence Panel after consideration of the following items;

- + Shared basement access with 21 Atchison Street to be incorporated into design.
- + The built form to be amended to avoid overshadowing the proposed children's playground at Hume Street Park.
- + The built form to be amended to minimise overshadowing residential development at 30-46 Albany Street, and 7-19 Albany Street.
- + The relationship between building entrances, public access around the site and terraced areas are better resolved to deal with the slope across the site. Upgraded and expanded footpaths, including the new laneway, should be at grade where possible. Oxley St and Atchison St footpaths to be fully covered by awnings. There needs to be sufficient space for trees to grow without awning cut-outs. Café seating is encouraged within the setback and laneway.

This proposal notes that Council's policy is for a 3m full building setback to Atchison St and no isolation of sites. The Design Statement in Part 04 provides a justification for departures from Council's policy on the basis of the urban design considerations arising from the existing context.

As a consequence of the desired future character sought by the draft North District Plan and the latest St Leonards strategic area planning, and the future intensification expected as a result of the go ahead for the proposed Crows Nest Metro Station Council asked for the scheme to provide additional outcomes that were not part of the built form strategy set out in the Planning Study: These outcomes included;

- + Create a podium with a distinct non-residential character to reflect the desired future character sought by the draft North District Plan and the latest St Leonards strategic area planning

- + Create a new open to the sky through site link to improve the street quality and access to sunlight of Albany Lane and the walkability of the precinct with reduced block lengths

A scheme to deliver a non residential FSR of 1.9:1 in with a full commercial podium was able to be delivered with a maximum height in storeys of 18. This additional height in storeys was not accepted by Council so therefore the podium character in the proposal is in accordance with the built form strategy of the Planning Study.

The proposal will deliver a 6m wide open to the sky through site link.

The proposal seeks

- + A floor space ratio of 6.3:1 of which a minimum 1.5:1 is to be non-residential (approx. 3,170m²)
- + A height limit in metres of 62m (and a max height to RL 142.60)
- + A maximum height in storeys of 16.



Figure 01: Render of indicative design





Figure 02: Figure 1.1 - Render of indicative design

01 INTRODUCTION

1.2 SITE IDENTIFICATION

The subject sites are composed of thirteen lots, namely 55-89 Chandos Street (DP172499, Lot 1 DP927407, Lot 1 DP104816, SP57119, Lot 1 DP900998, Lot 1 DP115581, Lot 28/29 DP455939, Lot A/B DP443166, Lot 31 DP2872 and Lot 32 DP2872), 58-64 Atchison Street (Lot 2 DP2872, Lot 3 DP2872, Lot 4 DP2872 and Lot 1 DP1029839) and 23-35 Atchison Street (Lot 27 DP2872, Lot 28 DP2872, Lot 29 DP2872, Lot 30 DP2872, Lot 31 DP2872, Lot 321 DP566480).

The lots are amalgamated under one ownership of TWT Property Group Pty Ltd.

The site areas are:

TWT1 23-35 Atchison Street: 2109.8sqm.

TWT2 58-64 Atchison Street: 1440.9sqm;

TWT3 55-89 Chandos Street: 4211.8sqm;

This report will undertake investigations focused upon site TWT1 (23-35 Atchison Street).

01 INTRODUCTION

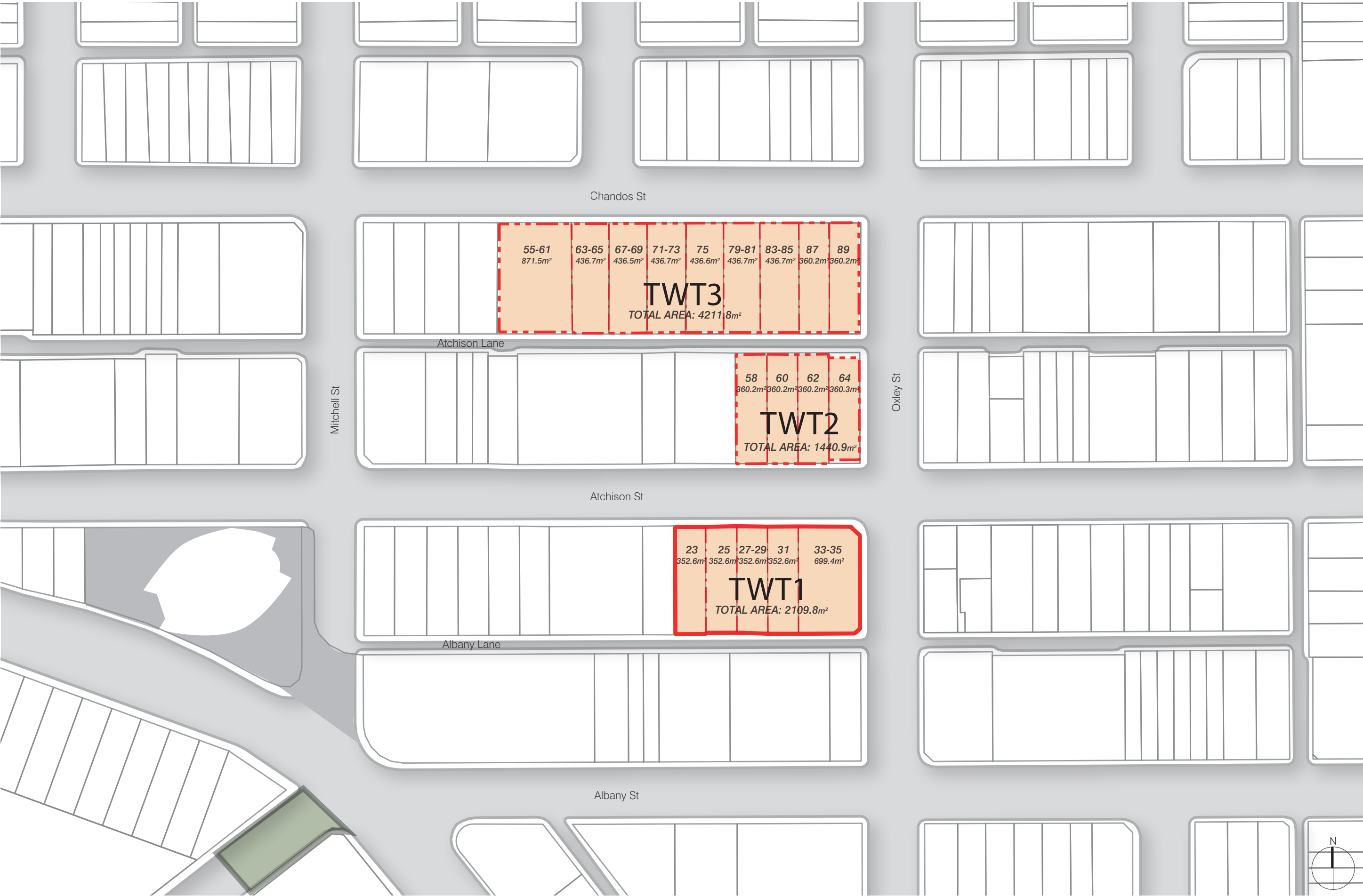


Figure 03: Figure 1.2 - Site identification

02 PLANNING CONTEXT

2.1 DISTRICT CONTEXT

Greater Sydney Region Plan: A metropolis of Three Cities

Is NSW Governments 40 year strategic vision for the growth of the Sydney Metropolitan region. It provides key directions and actions to guide Sydney’s productivity, environmental management, and liveability including the delivery of new housing, employment, infrastructure and open space via 6 directives.

The transformation of the Site located at 23-35 Atchison Street in St Leonards recognises the opportunity to provide new homes, mixed use activities, retail, and create new places and a laneway all with easy access to existing and planned public transport.

North District Plan

The North District Plan, developed by the Greater Sydney Commission identifies St Leonards as a strategic centre in the Eastern Economic Corridor. It is a designated Health and Education Precinct and Planned Precinct and also undertaking a collaborative role by providing expert advice on the significant precincts adjacent.

The Department of Planning and Environment is working with Lane Cove, North Sydney and Willoughby councils to examine the St Leonards and Crows Nest Station Precinct. This Collaboration area will include considerations to “leverage off the new Sydney Metro station at Crows Nest to deliver additional employment and residential capacity.” The Plan proposes actions to facilitate place making and the growth and diversification of job opportunities in St Leonards. Any residential intensification proposed will need to carefully balance the capacity for further jobs growth.

The North District Plan identifies St Leonards as a health and education super precinct. Planning for the area will include considerations to:

- + Leverage off the new Sydney Metro station at Crows Nest to deliver additional employment and residential capacity
- + Identify actions to grow jobs in the centre
- + Reduce the impact of vehicle movements on pedestrian and cyclist accessibility
- + Protect and enhance Willoughby Road’s village character and retail/restaurant strip while recognising increased growth opportunities due to significant NSW Government infrastructure investment
- + Deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives
- + Promote synergies between the Royal North Shore Hospital and other health and education-related activities, in partnership with NSW Health
- + Define the northern perimeter of St Leonards to protect the adjoining industrial zoned land for a range of urban services.

Accelerating housing opportunities

Urban renewal provides opportunities to focus new housing in existing and new centres with frequent public transport so that more people can live in areas that provide access to jobs and services.

Sydney Metro

Transport for NSW has committed to delivering a new world-class metro system for Sydney. The Chatswood to Sydenham section of the Sydney Metro City & Southwest project received planning approval in January 2017.

The Crows Nest Metro station will provide new improved rail access to the residential area, urban renewal areas of St Leonards and creates a transport focus on the southern side of the St Leonards supporting the southern gateway to commercial and mixed-use activities.

The Crows Nest Metro Station will be located 25 metres underground on the eastern side of the Pacific Highway between Oxley Street and Hume Street.

The proposed Site is a 300 metres walk within 400m radius to the new Sydney Metro station at Crows Nest. This proximity adds value to the planning proposal to help deliver additional employment and increase residential capacity in the precinct.

The anticipated construction program is from 2017 to 2024

St Leonards & Crows Nest StationPrecinct Preliminary UD Analysis

The St Leonards and Crows Station Precinct Preliminary Urban Design Analysis (May 2017) developed by the Department of Planning and Environment identifies design principles and structure plans for the area addressing open space, activity, movement and built form.

The site is in the St Leonards Centre and Crows Nest Station character area and is;

- + Identified in 4.2 Constraints - Built Form as one of the largest development sites in the area.
- + Identified in 4.8 Opportunities - Access to proposed Plazas and Local Parks as capable of delivering Item 11 Oxley Street Linear Park .
- + Identified in 4.8 Opportunities - Land Uses as a Local Centre .
- + Identified in 5.1 Challenges Item 4 which notes the difficulty of increasing the provision of open space within the St leonards Centre due to land ownership patterns as well as balancing development potential with the retention of amenity and public benefit.
- + Identified in 5.2 Opportunities Item 2 which notes any additional development value should be captured through appropriate mechanisms to improve the public domain throughout the centre.

02 PLANNING CONTEXT

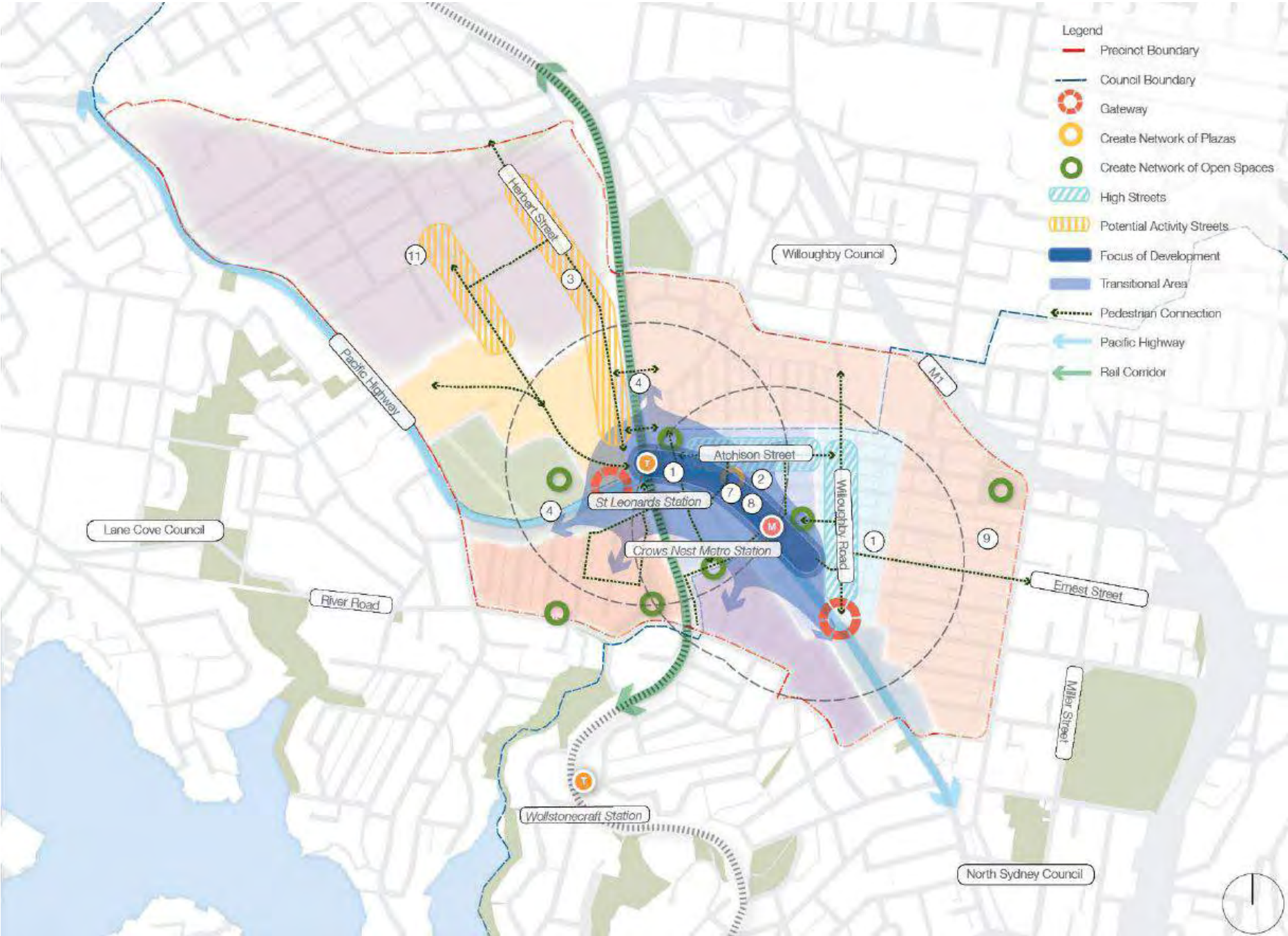


Figure 04: Figure 2.1 - St Leonards & Crows Nest Station Precinct Preliminary urban Design Analysis 2016. p57

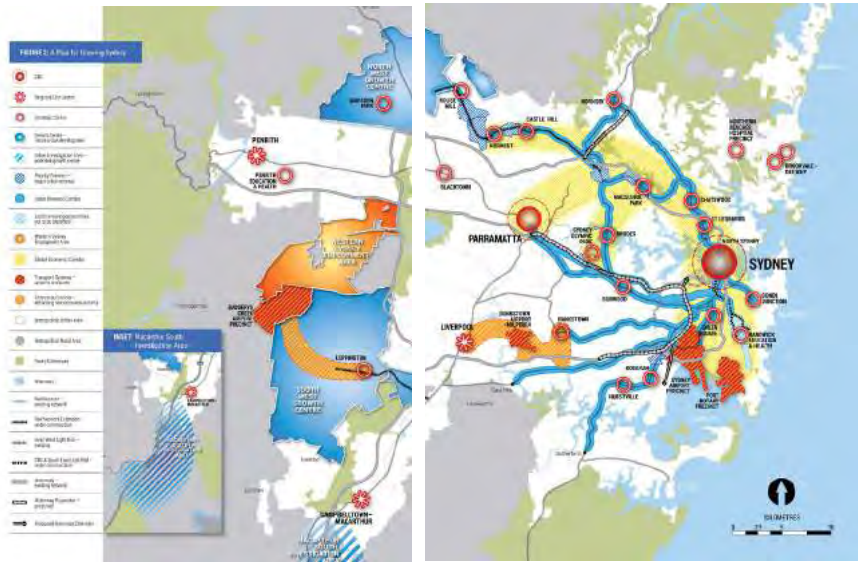


Figure 05: Figure 2.2 - Sydney Metro Plan. Source: Sydney Metro City & Southwest - Chatswood to Sydenham Design Guideline, 2016. pg4

02 PLANNING CONTEXT

2.2 ST LEONARDS PLANNING STUDY

The subject site, known as TWT Site 1, consists of namely 23-35 Atchison Street (on the corner with Oxley Street)(TWT1). This site is within Precinct 3 of the St Leonards / Crows Nest Planning Study undertaken by North Sydney Council.

The aim of the Planning Study is to develop new strategies and initiatives that will provide for:

- + New open space in St Leonards/Crows Nest;
- + Increased investment in St Leonards and decreased commercial vacancy rates;
- + Improved connectivity, particularly between St Leonards/Pacific Highway and Willoughby Road;
- + Improved urban design and street level amenity in St Leonards;
- + Improved building design and residential amenity in St Leonards;
- + A new creative precinct with civic and cultural amenity.

The St Leonards Crows Nest Planning Study outlines key guidelines to inform design decisions, this includes built form controls to stimulate job growth and support a modern, mixed use centre.

The site lies within the area identified in the St Leonards Vision as the West Oxley Creative Quarter situated to the east of The Centre and west of the Crows Nest Residential Precinct. *(1.3 Vision, Region, St Leonards Crows Nest, Planning Study, 2015 pg 12)*
It forms the southern component of the Oxley Street Masterplan, comprised of TWT sites 1 through to 3. (55-89 Chandos Street, 23-35 and 58-64 Atchison Street) *(6.4 Built Form Strategy, pg 101)*

The precinct vision identifies the site as part of the Oxley St Linear park, Atchison St civic ‘main street’ and a public benefit opportunity site. *(1.3 Vision, Precinct., pg 13)*

The Oxley Street linear park will provide additional open space, supporting the future residential and working community, a setback along the western side of Oxley street will be located on the ground floor with a transfer of developable area from the ground plane for additional height considered as incentive.

Atchison St will become the civic ‘main street’ connecting St Leonards Station to Crows Nest. The focus of this is to create a safe and engaging pedestrian focused street through streetscape upgrades. *(3.4 Placemaking Strategy, Map 3A, pg 47)*

The Employment Strategy identifies that Floor Space Ratio is important in giving businesses room to grow. Non-residential podium floor space within a mixed scheme provides the opportunity to provide affordable start-up space for businesses. This will provide active, beneficial podium levels with a diversity of uses, services and activities.

- + TWT1, 23-35 Atchison Street is identified as lying within area 13 on Map 5A_ Non-Residential Floor Space Ratio with a new FSR minimum of 1.5:1 *(5.4 Employment Strategy, Map 5A, pg 77)*

The Built Form Strategy outlines key factors informing design these include future character, ground level setbacks and podium heights, minimum above podium setbacks and building heights.

- + TWT1, 23-35 Atchison Street is identified as lying within the West of Oxley Street Creative Quarter, the west end of this precinct is outlined to remain a predominantly 12 storey mixed use area. *(6.4 Built Form Strategy, Future Character, pg 95)*
- + TWT1 has a podium requirement of 4 storeys with 3 storeys to laneways (except on corner sites) with a 3m whole building setback to Atchison Street, 5m whole building setback to Oxley Street and a 1.5m whole building setback to Albany Lane. *(6.4 Built Form Strategy, Map 6A, pg 97)*
- + Non residential uses are proposed for the for two building levels *(6.4 Built Form Strategy, Atchison Street - the civic street pg 100)*
- + TWT1 has three minimum above podium setbacks: 3m to Atchison Street, 7m to Oxley Street and 4m to Albany Lane. *(6.4 Built Form Strategy, Map 6B, pg 97)*
- + TWT1 has been identified in a zone that has an adjustment to height. the maximum building height in storeys is indicated as 16 storeys *(6.4 Built Form Strategy, Map 6C, pg 105)*
- + TWT1 lies in within a height transition zone between Mitchell and Oxley street also identified as the West of Oxley Creative Quarter, along with the Abode building with a hight of 60m and the Ralan building with a height of 50m. The planning studies outlines that the Abode building will remain the tallest built form within this precinct “The western end will remain a predominantly 12 storey mixed use area with the Abode remaining the tallest built form.” *(6.4 Built Form Strategy, pg 95,102,103)*

02 PLANNING CONTEXT



Figure 07: Figure 2.3 - Precinct Study Plan. Source: St Leonards Crows Nest, Planning Study, 2015, Page 11

03 SITE ANALYSIS

3.1 LOCAL CONTEXT + STREET NETWORK

The subject site is located within St Leonards Town Centre, which falls into the North Sydney Council municipal area.

St Leonards Railway Station is approximately 400m away to the west of the subject site.

The Pacific Highway and the Warringah Freeway(M1), which are in proximity to the subject site provide access to the broader regional area while the local street network provides access to the local and immediate surrounding areas.

Connecting St Leonards to the greater Sydney Region is the Planned Crows Nest Metro Station, located to the south of the Town Centre, in the Crows Nest Residential Area. Providing new metro rail access to the Crows Nest residential area, it improves travel to local schools, businesses and Crows Nest village. The station creates a new transport focus on the southern side of the St Leonards specialised centre which supports the St Leonards southern gateway to commercial and mixed-use activities. The Metro will provide services that connect to Central Station (11 minutes) and Sydney Metro’s Martin Place Station (7 minutes).

Two local parks, namely Hume Street Park and Christie St Reserve, are within 400m walking distance from the subject site, while two other bigger parks, being St Thomas’ Rest Park and Newlands Park are located further from the subject site.

The Pacific Highway and North Shore Train line are divisive elements in the overall context, acting as barriers between the east and west of St Leonards

The current Hume St Indoor Sports Centre is outlined in figure 3.1 as under development to be demolished to contribute to the Hume St Park upgrades and extensions.

Key

Site

Town Centre

Road Network

Divisive Road/Trainline

400m (5min) Catchment

Activation Centres

Through Site Links

Open Space

Proposed Open Space

Hume St Park Extension

T

St Leonards Station

B

Bus Interchange

M

Metro Station



Figure 08: Figure 3.1 - Local Context + Street Network

03 SITE ANALYSIS

3.2 TOPOGRAPHY

The subject site sits on the edge of a high point that occurs roughly at the intersection of Mitchell Street and Atchison Street.

There is approx 6 metres of elevation change across the site of 23-35 Atchison Street and approx 2.5 metres of elevation change across the site of 58-64 Atchison Street, both at ratio between 1:10 and 1:11 declining from their western boundaries to Oxley Street, which is to the east of the site. The fall across site of 55-89 Chandos Street is much more gentle and is at a ratio between 1:14 and 1:26.

Key

Site

2m Contours

High Points



Figure 09: Figure 3.2 -Topography

03 SITE ANALYSIS

3.3 PEDESTRIAN ENVIRONMENT

The pedestrian environment within the subject site and within close proximity is free from the high traffic volumes and noise experienced along the Pacific Highway.

Most footpaths are of standard width and tree-lined. The footpaths along Oxley Street and the southern sides of Chandos Street and Atchison Street (near Oxley Street) enjoy good solar access. No awnings are provided on the subject site. However there is a relatively continuous provision of awnings along part of Atchison Street and Albany Street, which protect pedestrians from the inclement weather. Some landscaped building frontages are well established along a segment of the southern side of Chandos Street in lieu of awnings. Oxley Street has a 6.6m wide landscaped range from Chandos Street to Albany Lane which has the potential to create a well landscaped pedestrian boulevard.

Atchison Lane and Albany Lane mainly serve vehicle access. Both of them are hard-edged with sporadic provision of footpaths. There is minimal solar access to both lanes

Key

Site

Awnings

Active Frontages

Laneways

Through Site Links

Existing Arcades

Planned Links

Indicative Laneways

Grassed Open Space

Paved Open Space

Landscaped Frontages

Noise Issues

St Leonards Station

Bus Interchange

Metro Station



Figure10: Figure 3.3 -Pedestrian Environment

03 SITE ANALYSIS



01 Figure 11: Figure 3.3.01 - Footpath on Chandos Street



03 Figure 12: Figure 3.3.03 - Landscaped Frontage on Chandos Street



05 Figure 13: Figure 3.3.05 - Atchison Lane



02 Figure 14: Figure 3.3.02 - Footpath on Atchison Street



04 Figure 15: Figure 3.3.04 - Footpath on Oxley Street



06 Figure 16: Figure 3.3.06 - Albany Lane

03 SITE ANALYSIS

3.4 PEDESTRIAN LINKS

St Leonards Railway Station is connected with the northern end of Willoughby Road via footpaths along Chandos Street and Atchison Street. The trip length is approximately 600m with limited points of interest and no public open space along the way.

Oxley Street provides part of a connection from the St Leonards Railway Station to the southern end of Willoughby Road via the existing Hume Street Park which is designated for enlargement and improvement.



Key

Site

Pedestrian Links

Open Space

400m (5min) Catchment

Activation Centres

St Leonards Station

Bus Interchange

Metro Station

03 SITE ANALYSIS

3.5 OPEN SPACE

St Leonards is a high population density area with a low provision of parks and open spaces.

There is a lack of connections and linkages between existing open spaces and parks that hampers any potential for individual open spaces to form part of a greater whole.

The existing parks offer limited diversity or opportunities for recreational or cultural activities. The GHD Recreation Needs Study (June 2005) shows that there is no existing provision for children's play area in St Leonards. The closest children's playground is in St Thomas Rest Park which is 670m walk from the corner of Atchison Street and Oxley Street.

In 2015, North Sydney Council resolved to expand the Hume Street Park to the site occupied by the Indoor Sports Centre.

It is envisaged this will be developed within a 10 year period.



Figure 18: Figure 3.5 - Open Space

03 SITE ANALYSIS

3.6 LAND USE

St Leonards is a mixed use centre with a B3 Commercial Core zoning located around the St Leonards Railway Station and the Forum development, being a public transport hub.

The Royal North Shore Hospital site is to the northwest of the transport hub and forms a Hospital & Education Precinct.

To the east of the St Leonards Commercial and Transport Hub is a mixed use precinct, zoned B4, which forms part of Emerging St Leonards Town Centre Precinct. This use extends northward across Chandos Street into Willoughby Council area, and southward across Pacific Highway into Lane Cove Council area.

Key

R3 - Medium Density Residential

R4 - High Density Residential

RE1 - Public Recreation

SP2 - Infrastructure

Residential Centres

Precinct Centres

St Leonards Station

Bus Interchange

Metro Station

B2 - Local Centre

B3 - Commercial Core

B4 - Mixed Use

R2 - Low Density Residential

Activation Centres

Figure 19: Figure 3.6 - Land Use

20 Date 04.07.2018 Rev AB

03 SITE ANALYSIS

3.7 ST LEONARDS REDEVELOPMENT

Transition To New Built Forms

St Leonards is currently experiencing development pressure in high rise, mixed use development due to its proximity to St Leonards Railway Station which provides convenient access to the Sydney CBD, its close proximity to the restaurant strip in Willoughby Road Crows Nest, and potential harbour views. The JRPP have approved development which is non-compliant with height controls in the St Leonards area, where impact on existing amenity has been reasonably considered, and the built form of the area is undergoing transformation. North Sydney Council have supported this transition following completion of the St Leonards / Crows Nest Planning Study - Precinct 1, " where increased development opportunities are matched by public benefits of commensurate value."

Built Form: Approved Developments

1. Under Assessment: 617-621 Pacific highway – Mixed Use, 50 storeys

2. Determined: 20 – 22 Atchison Street – staged development (JRPP)

Stage 1: 22 Atchison Street – 16 Storeys

Stage 2: 20 Atchison Street – 15 Storeys

3. Under Construction/Recently built: 51 – 53 Chandos Street – 12 storeys – mixed use

4. Under Construction/Recently built: 32 – 38 Atchison Street – 16 storeys – mixed use

5. Determined: 1 Atchison St, Alterations and additions to ground floor of commercial building.

6. Under Construction/Recently built: 9 – 11 Atchison Street (T1) – 13 storeys – mixed use

7. Under Construction/Recently built: 66-70a Atchison Street – DA 449/12

8. Under Assessment: 84 – 90 Atchison Street, Crows Nest, Residential Flat building. Demolition of existing structure and construction of a 6 storey RFB containing 39 apartments with basement parking for 53 cars.

9. Under Construction/Recently built: 48 Albany Street – 6 Storeys – Mixed use

10. Determined: 575-583 Pacific highway – Mixed Use. Increase maximum Building height and FSR to 7:1.

11. Determined: 7- 9 Albany Street, To add an additional lot to the approved subdivision

12. Under Construction/Recently built: 11 – 19 Albany Street – 10 Storeys (JRPP) (Application lodged for 13 storeys)

13. Determined: 34 Oxley Street, Alterations and additions to mixed use building

14. Determined: 38 Oxley Street, Demolition of an existing building and construction of a 9 storey mixed use building.

15. Under Construction/Recently Built: 545 Pacific highway – JRPP approved, 15 storeys.

16. Under Construction/Recently Built: 521 Pacific highway – 12 Storey mixed use

17. Under Assessment: 101-111 Willoughby Road, Mixed use redevelopment

18. Under Assessment: 100 Christie Street – Conversion of levels 4-11 to 96 residential apartments

19. Determined: 655-657 Pacific highway, Rezoning from B3 commercial Core to B4 Mixed use, increase building height, introduce a maximum FSR of 26:1 and a minimum non-residential FSR of 7:1

20. Under Assessment: 548-552 Pacific Highway. Demolition and construction of hotel comprising of 194 rooms 49 car parking spaces

21. Under Assessment: 75 – 79 Lithgow St & 84 – 90 Christie Street – 2 Residential towers, Mixed use podium and basement car parking.

22. Under Assessment: 500-504 Pacific Highway, New Hope Development.

23. Under Construction/Recently Built: 472-486 Pacific highway & Nicholson street, 37, 34 and 24 storeys – mixed use

24. Under Construction/Recently Built: 72 – 76 Chandos Street – 6 storeys – mixed use

25. Under Construction/Recently Built: 78 Chandos Street – 6 storeys – mixed use

26. Recently Built: 10 Atchison Street – 26 storeys – Commercial



Figure 20: Figure 3.7 - Redevelopment Sites

03 SITE ANALYSIS

3.8 LAND OWNERSHIP

The subject sites, owned by Auswin TWT Development Pty Ltd, consists of three sites, namely

- 23-35 Atchison Street (TWT1, 2109.8m² of site area).
- 58-64 Atchison Street (TWT2, 1440.9m² of site area); and
- 55-89 Chandos Street (TWT3, 4211.8m² of site area);

This land ownership amalgamates thirteen different lots and provides a unique opportunity to deliver significant linked public open spaces on the site for public benefit.

Land on the eastern side of Oxley Street is characterised by small land holdings. Land on the western side of Oxley Street contains relatively large land holdings, many of which are residential or commercial strata plans.

Key

Site

TWT Properties

Private Owner

Residential Strata Plan

--- Planning Study Precinct

T

St Leonards Station

B

Bus Interchange

M

Metro Station

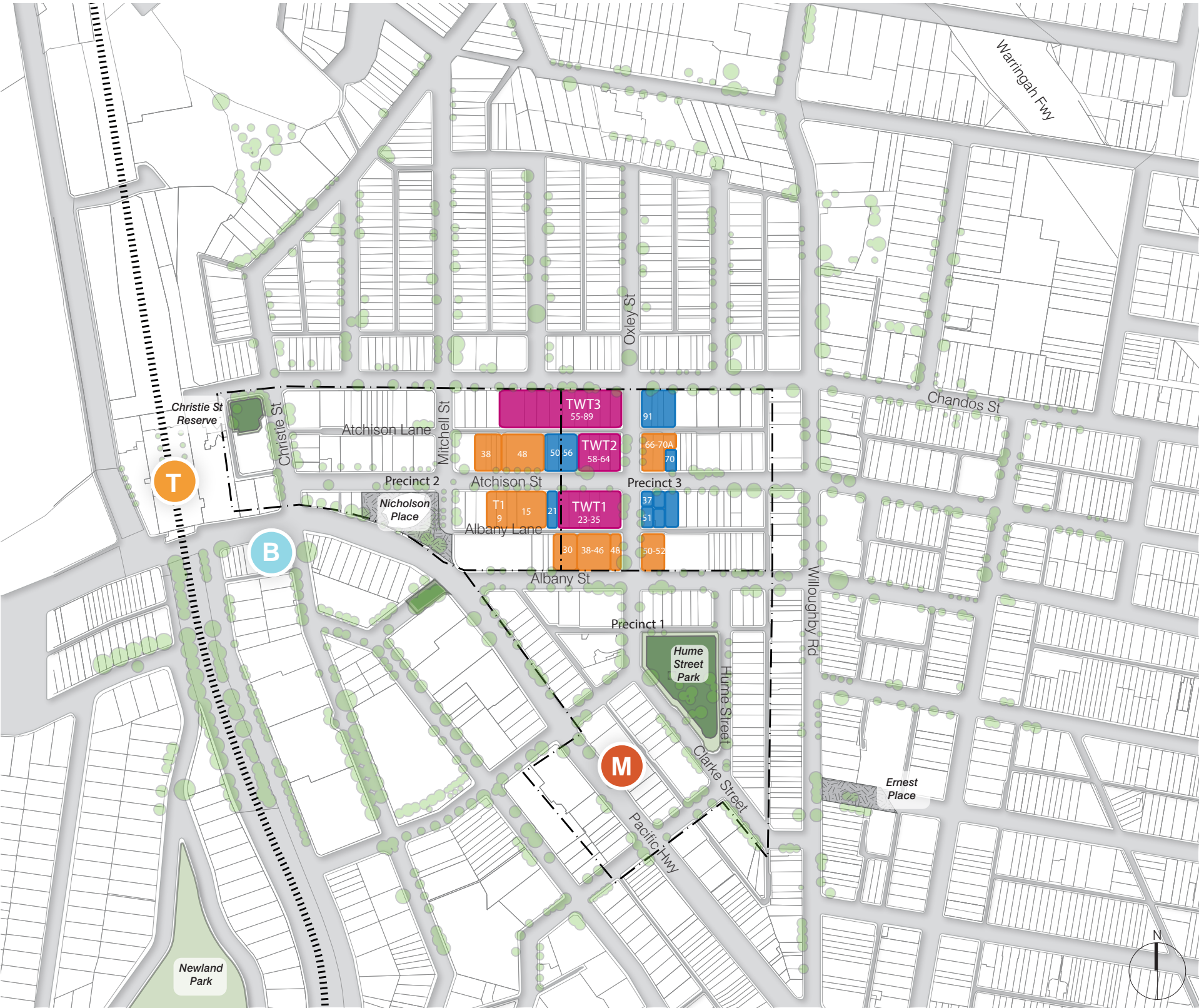


Figure 21: Figure 3.8 - Land Ownership

03 SITE ANALYSIS

3.9 TRAFFIC

The Pacific Highway, as a part of state road network, accommodates very high traffic volumes. The streets within the local area to the east of Pacific Highway carry much less traffic while some streets and lanes, such as Atchison Lane and Albany Lane, carry a very low volume of traffic.

Site Analysis Existing Traffic Volumes counted on site by GTA

Road	Daily Traffic Volume [1]	Classification
Pacific Highway	~35,000vpd	Very High
Albany Street	~11,000vpd	High
Chandos Street	~10,000vpd	High
Oxley Street	~7,000vpd	Medium
Atchison Street	~1,500vpd	Very Low
Atchison Lane	~900vpd	Very Low
Albany Lane	~750vpd	Very Low
Mitchell Street	NA	NA

[1] Based on peak hour traffic counts and adopting a peak-to-daily ratio of 10%.

Key

Site

Very High

High

Medium

Low

Very Low

Street Parking

St Leonards Station

Bus Interchange

Metro Station



Figure 22: Figure 3.9 - Traffic

03 SITE ANALYSIS

3.10 VIEWS AND VISTAS

Only two buildings in Atchison Street have the potential to suffer loss of existing views as a result of development on the subject site with increased building heights.

No. 48 Atchison Street (Arden) enjoys district views to the east and north. The building is 11-storey high. Generally the eastern elevation windows are secondary windows to living spaces or bedrooms. Views to the Sydney CBD are restricted by the built form of the Nexus building at No. 15 Atchison Street.

No. 15 Atchison Street (Nexus) enjoys district views to the east and Sydney CBD views to the south. The building is 13-storey high. District views to the east are only available from the top four levels. Sydney CBD views are generally available from the top four levels on the southern facade.



Key

Site

Existing Residential

Neighbouring Developments

Iconic Views to Sydney

District Views

03 SITE ANALYSIS



Figure 24: Figure 3.10.1 - Views to Chatswood CBD



Figure 25: Figure 3.10.2 - Views to Districts



Figure 26: Figure 3.10.3 - Views to Harbour Bridge & Sydney CBD



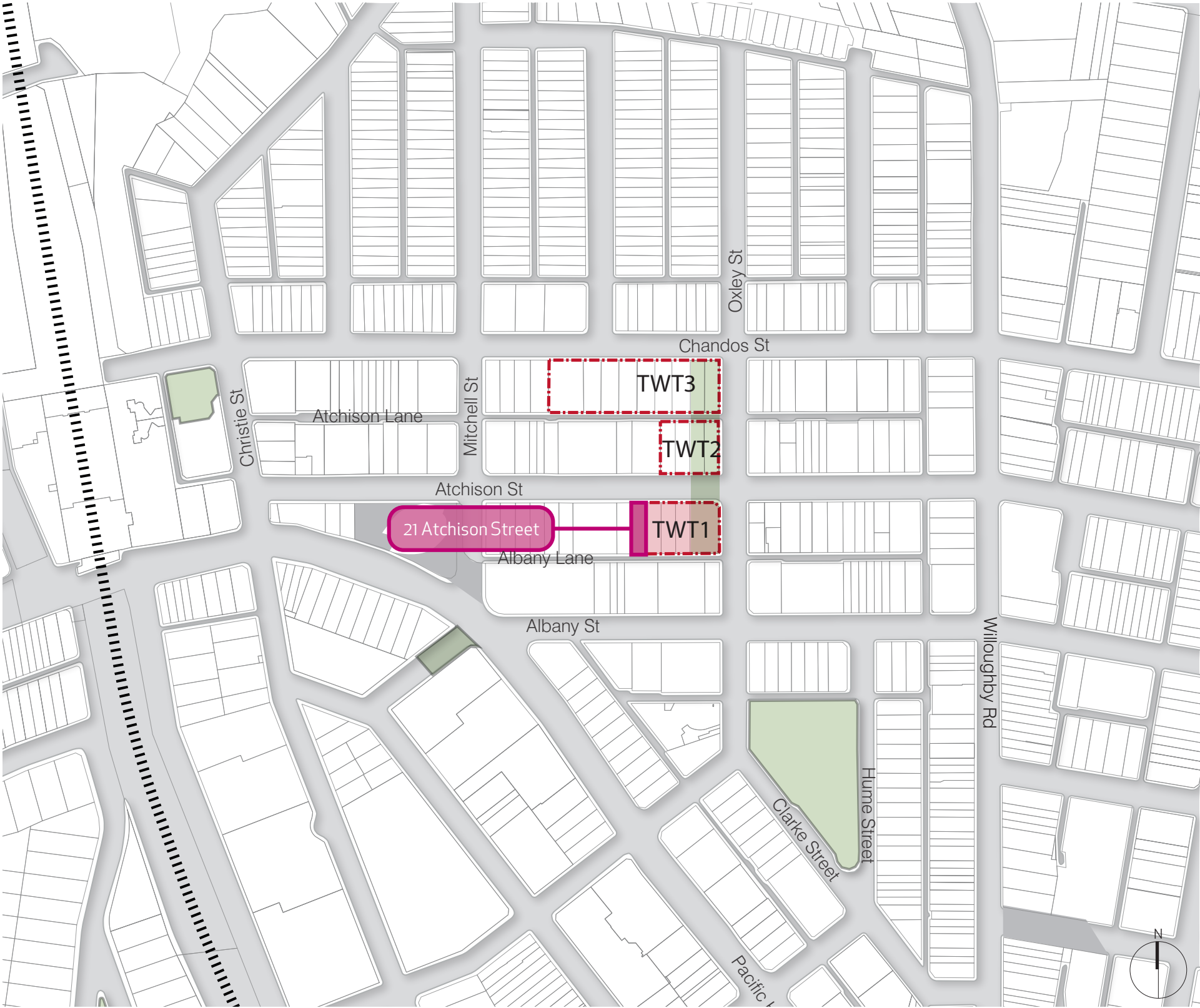
Figure 27: Figure 3.10.4 - Site Analysis_Views and Vistas_Key Map

03 SITE ANALYSIS

3.11 ISOLATED SITES

21 Atchison Street

Council have identified 21 Atchison Street as a potential isolated site. An assessment of the development potential of 21 Atchison Street is included in 06: Appendix of this report. This assessment concludes that there is no reduction in development potential as a result of this planning proposal.



Key

- Site
- Isolated Site
- Potential Open Space

Figure 28: Figure 3.11 - Isolated Sites

03 SITE ANALYSIS

3.12 BUILT FORM

Existing Built Form

The Planning Study observes (6.2 Site analysis_Built form) that the “alignment of podiums and street frontage reduces the perceived bulk and scale of development when viewed from the street.

Streets in the Study Area (are) generally well defined by developments that provide a continuous 4-storey podium along all the main streets in the B4 Mixed Use zone.”

It remarks that (6.2 Site analysis_Public Domain)“Most streets have a strong building line which also assists with way-finding and establishes a strong spatial character to the area.” (3.3 Place Quality Assessment)observes that in terms of place quality assessment “the study area rates are quite poor with only portions of Atchison St and Albany St achieving a ‘good’ place quality rating.”

The consistency of the podium/tower built form in Atchison Street from Mitchell Street to the Nexus building contribute to the strongest spatial identity and the highest place assessment ratings in the St Leonards Precinct 2/3 study area. The podium forms on both sides of this section of Atchison street contribute to what is an existing human scale street.

The Planning Study(6.2 Site analysis_Built form)states that Atchison Street, as the primary east west spine connecting Willoughby Road with the railway station, is to remain a human scale street and is to have upgraded streetscape to transform it into a “civic street’.

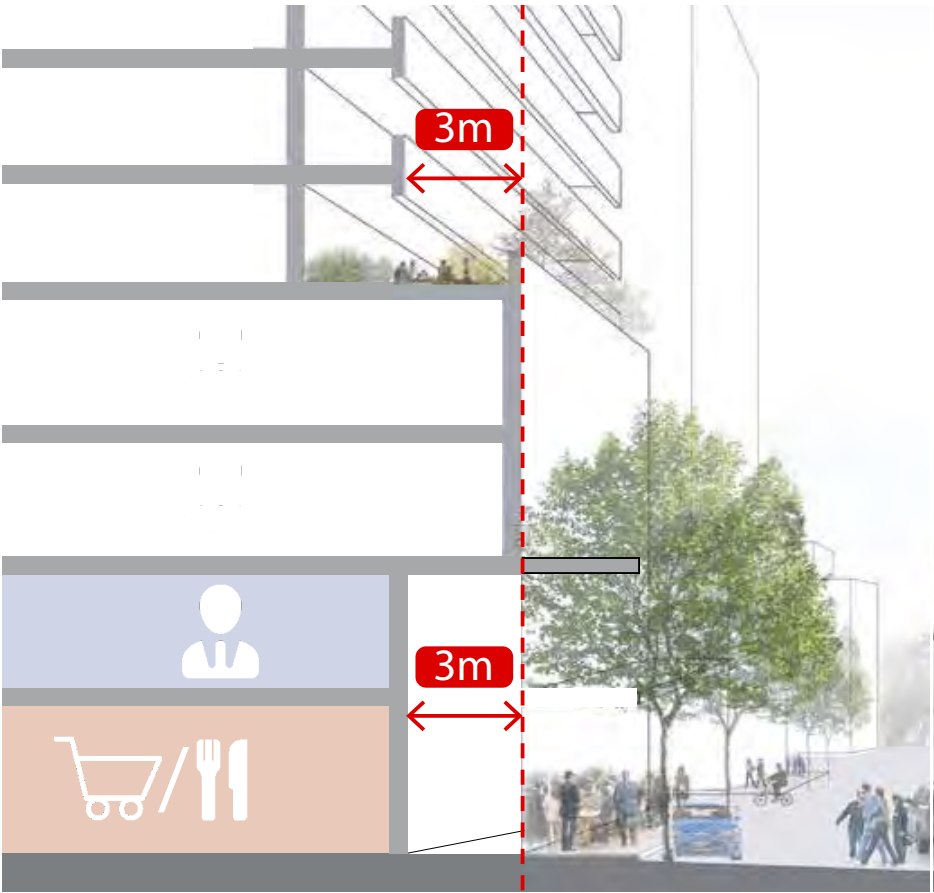


Figure 29: Figure 3.12.2 - T1, 9 Atchison Street



Figure 30: Figure 3.12.4 - Nexus, 15 Atchison Street



1 Figure 31: Figure 3.12.3 - T1, 9 Atchison Street



2 Figure 32: Figure 3.12.5 - 50 Atchison Street

3.13 CONSTRAINTS

-

03 SITE ANALYSIS

3.14 OPPORTUNITIES

- 1 Close proximity to public transport hubs
St Leonards Train Station, Metro Station
and Bus Interchange
- 2 Improved critical circulation links and
pedestrian amenity
- 3 Potential for new public open space
- 4 Potential for lane-way activation and new
through site links providing better site
permeability and activation thresholds
- 5 Views: Iconic views to District and
Sydney CBD
- 6 Access to existing open space
- 7 Inclusion in emerging mixed use Town
Centre
- 8 Potential for street-front activation
- 9 Street tree coverage: potential for good
coverage and improved public domain



Figure 34: Figure 3.14 - Opportunities

04 DESIGN STATEMENT

4.1 CONTEXT + NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites streetscape and neighbourhood. Consideration of local context is important for all sites in established area, those undergoing change or identified for change.

The proponent owns three amalgamated development sites being;

- + 23-35 Atchison Street (on the corner with Oxley Street) (TWT1) – 2109.8m2
- + 58-64 Atchison Street (TWT2) – 1440.9m2
- + 55-89 Chandos Street (on the corner with Oxley Street) (TWT3) – 4,211.8m2

The subject site is TWT Site 1. The site is bounded by Atchison St to the North, Oxley St to the East and Albany Lane to the South. The site lies within a developing area, undergoing substantial change; therefore the existing context is not fixed. As such, it is necessary to take into account the desired future character of the area.

EXISTING CHARACTER

The existing area is characterised by a mix of land uses, building types and architectural styles, often inconsistent. North Sydney Council have undertaken planning studies for 3 precincts in the St Leonards area which are identified in the St Leonards /Crows Nest Planning Study of May 2015.

- + Precinct 1 is a high density commercial and mixed use area containing the site identified as the future Crows Nest Metro Station. With building heights up to 38 storeys. Hume Street Park which is the only public green space planned to be extended within the next 10 years.
- + Precinct 2 is a high density commercial and mixed use area immediately east of the St Leonards train station with building heights up to 38 storeys. Christie Street reserve is the only public green space in the precinct.
- + Precinct 3 is a low to medium density mixed use and residential area that extends east to towards Willoughby Rd with building heights ranging from 1-5 storeys

23-35 is a 4 storey office block with no street setback and the remaining buildings are two storey commercial buildings with an approximate 3m setback. There are no through-site links and the interface with the street is substandard. No amenity such as awnings or balconies contribute to an animated building edge, with high sill, mirrored glass façades contributing to an impersonal conversation to the streetscape.

DESIRED FUTURE CHARACTER

The Draft North District Plan (November 2016) developed by the Greater Sydney Commission identifies St Leonards as a strategic growth centre. The Plan also identifies St Leonards as a Collaboration Area.

The Department of Planning and Environment is working with Lane Cove, North Sydney and Willoughby councils to examine the St Leonards and Crows Nest Station Precinct. This Collaboration area will include considerations to “leverage off the new Sydney Metro station at Crows Nest to deliver additional employment and residential capacity.” The Plan proposes actions to facilitate place making and the growth and diversification of job opportunities in St Leonards. Any residential intensification proposed will need to carefully balance the capacity for further jobs growth. Figure 3-8 identifies the TWT sites as being in a mixed use zone.

The three amalgamated TWT sites are within Precincts 2 and 3 of the St Leonards /Crows Nest Planning Study undertaken by North Sydney Council and are identified collectively as masterplan sites. The Study refers to the St Leonards Strategy of 2006 that envisages;

“St Leonards will continue to develop as one of the major employment centres for knowledge-based industries within the Sydney metropolitan region, by capitalising on its location within Sydney’s ‘global arc’ and building on opportunities arising from its excellent accessibility and co-location with regional scaled health and educational facilities.

New and diverse housing opportunities will also continue to emerge and be supported by convenience shopping, cafés, bars, entertainment venues, community facilities, a high quality environment and excellent public transport, walking and cycling accessibility, creating a desirable place for

cosmopolitan urban living.

New development and public domain improvements will create a more consistent and high quality image throughout the centre, leading to an identifiable ‘sense of place’.”

The Study identifies the area containing the TWT sites as ‘West Oxley’ being “an exciting ‘creative quarter’ supporting small-medium sized firms, start-ups, galleries, specialty retail and urban living”



TWT Creative Precinct
<http://twstleonards.com.au/auswin-twt>
“A major arts undertaking by TWT, the TWT Creative Precinct is an exciting, vibrant new initiative which involves the conversion of a number of commercial buildings between Atchison St and Chandos St to be used as creative spaces.”

04 DESIGN STATEMENT

DESIGN PRINCIPLES

- + Provide a linear park along Oxley Street. A public domain strategy has been prepared by council that provides further detail as to how this may be designed
- + Ensure Atchison Street will become a civic 'main street'. Connecting St Leonards Station to Crows Nest
- + Provide new publicly accessible through site links, to reduce excessive block lengths and produce fine grained pedestrian laneways. (The transfer of developable area from the ground plane for additional height may be considered)
- + Enable a greater mix of employment, dining, recreation, entertainment, retail community and other non-residential uses
- + Encourage active street level uses and outdoor dining activities
- + Provide rooftop gardens, social and recreational uses on upper levels of developments
- + Activity will originate from urban renewal projects that include additional space for businesses in the podium levels

THE PROPOSAL

The subject site is within 10 minutes' walk from both the St Leonards Station and the proposed Crows Nest Metro Station. The proposal will provide approximately 4,200m² of specialty retail, entertainment and commercial space in a 3-4 storey podium that will ensure the stronger employment and economic function of St Leonards, envisaged by both the Planning Study and the Draft District Plan.

The podium at street level will be set back with landscaped terraces to contribute to the concept of Atchison Street as a civic street and to ensure an activated street with outdoor dining activities.

On Oxley Street a 5m setback will deliver the first stage of the Council's "linear park" concept. Following discussions with Council it was agreed that a 6m wide laneway open to the sky could be provided ensure a finer grain street pattern that would also contribute to the longer term activation of Albany Lane. This laneway was not expressly identified in Map 3B of the Planning Study. The floor area that was lost to deliver the laneway has been transferred to upper levels of the building without any additional impact on the winter solar access of adjoining properties. Refer to *4.2 Scale+Built Form Concept Diagrams Pg.34*

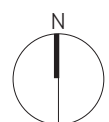
Above this podium will be a residential apartment building to contribute to increasing the residential density with a GFA of approximately 9,900m². The residential component will contribute to the 18 hour economy, the vibrancy and viability of St Leonards by improved safety, increasing al fresco and retail demand. In addition, make better use of existing and proposed public transport infrastructure. The residential lobby leads directly off the western laneway, ensuring activation of the ground floor. The residential apartments will have access to rooftop gardens for social and recreational purposes on the podium and at the upper levels.



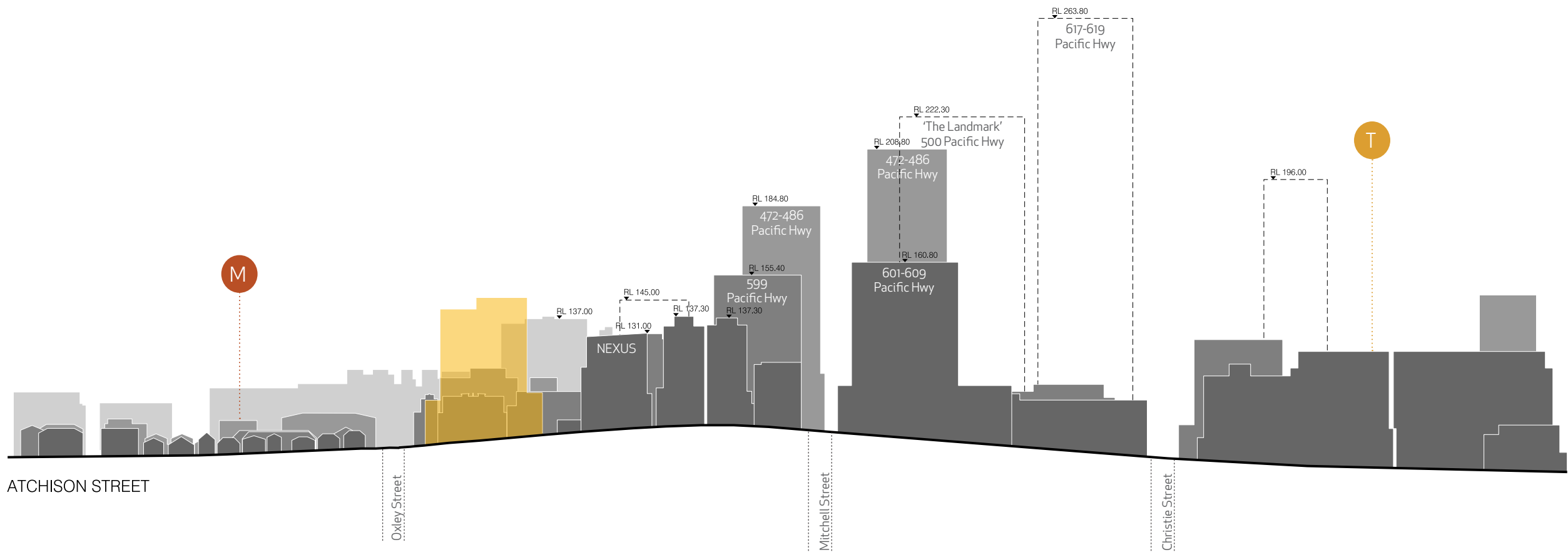
Figure 35: Figure 4.1.1 - Context + Neighbourhood Character

Key

- | | | |
|----------------------|---------------------|---------------------|
| Site | Existing Arcades | 400m Catchment |
| Key Pedestrian Links | Planned Links | St Leonards Station |
| Active Frontages | Indicative Laneways | Bus Interchange |
| Activation Centres | Grassed Open Space | Metro Station |
| Through Site Links | Paved Open Space | |



04 DESIGN STATEMENT

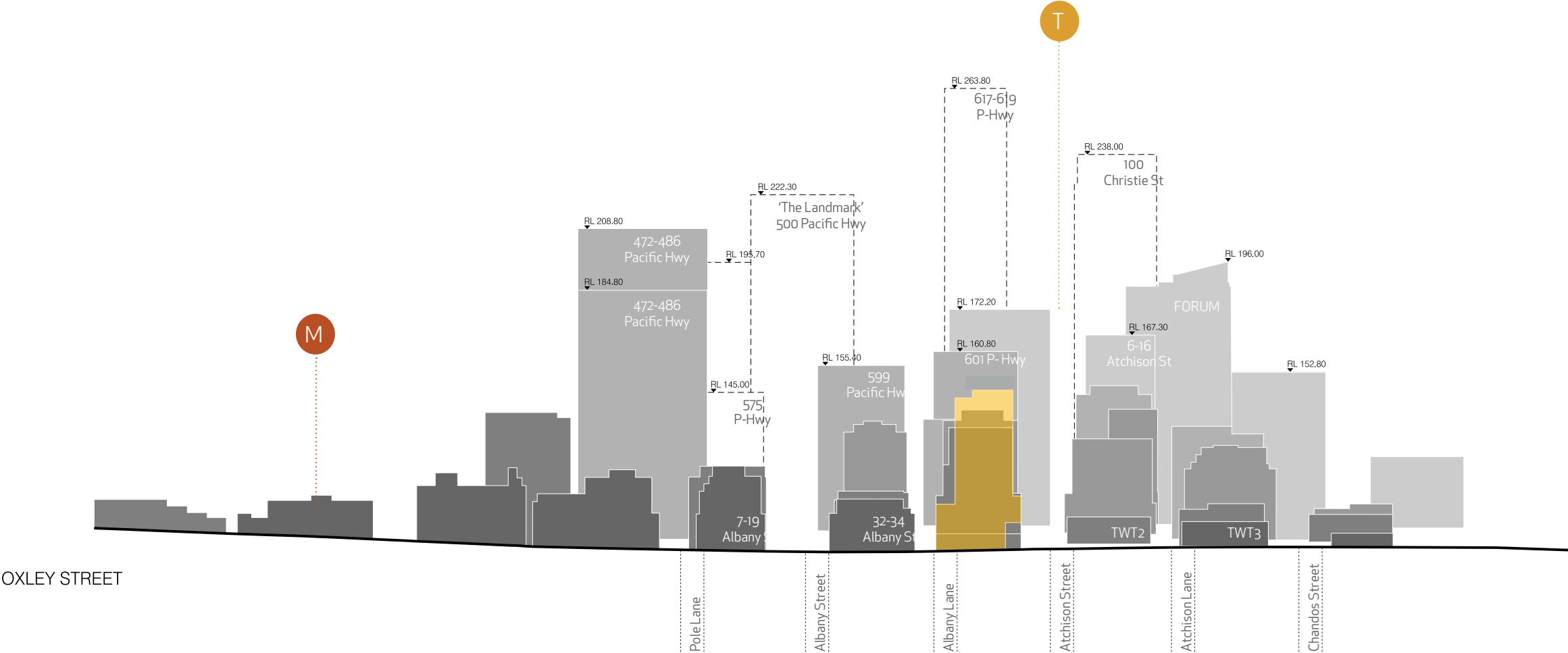


Context Cityscape Elevations

Date 6.12.17 Rev D 1:2000 @ A3

- Key
- Twt1 Proposal
 - M Metro Station
 - T St Leonards Train Station

04 DESIGN STATEMENT



Context Cityscape Elevations

Date 6.12.17 Rev D

1:2000 @ A3

- Key
- Twt1 Proposal
 - M Metro Station
 - T St Leonards Train Station

04 DESIGN STATEMENT

4.2 SCALE + BUILT FORM

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the buildings purpose in terms of building alignments, proportions, building types, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas and provides internal amenity and outlook.

EXISTING BUILT FORM CONTEXT

- Density and height is currently concentrated around the railway station with the taller buildings being
- + Forum: 115m RL 196.3 and 86m RL 166.50.
 - + IBM: 601 Pacific Hwy 65m
 - + Air: 6-16 Atchison 95m RL 196.25
 - + Abode: 60m
 - + 601 Pacific Hwy: 65m

The scale of development transitions down towards lower scale, predominantly 2-5 storey residential buildings further away from the railway station, before the busy, fine grain strip of Willoughby Rd. On the TWT sites almost all buildings are more than 25 years old. The taller existing buildings in immediate proximity to the site are

- + Nexus: 15 Atchison Street RL 132 40m 12 storeys
- + Arden: 40-48 Atchison Street RL 12 storeys
- + 32-38 Atchison Street: RL 136 16 storeys

The existing podium and tower form of Atchison Street in the Precinct 2 study area create a consistent, strong building line which, the Planning Study notes, “establishes a strong spatial character to the area.”

FUTURE BUILT FORM CONTEXT

- St Leonards is currently experiencing development pressure in high rise, mixed use development due to its proximity to St Leonards Railway Station and the proposed Crows Nest Metro Station which provides convenient access to the Sydney CBD. Its close proximity to the district health infrastructure and the amenity provided by the restaurant strip in Willoughby Road Crows Nest, adding to this pressure. Recent development is changing the character of the area and this will continue to evolve under the strategic directions set by State government policies for the area as identified in A Plan for Growing Sydney and supported by the draft District Plan. New higher density development has been approved as set out as follows:
- + 100 Christie Street: 156m RL 238 November 2016 planning proposal under assessment
 - + 617-621 Pacific Hwy: March 2017 planning proposal under assessment approx. 173m RL 263
 - + 75-79 Lithgow street / 84-90 Christie Street: Planning proposal 144m RL 224 awaiting gazettal
 - + 472-468 Pacific Hwy: DA approval. 91m 28 storeys and 115m 42 storeys
 - + 500-520 Pacific Hwy: DA under assessment. 138m 46 storeys
 - + 617-621 Pacific Hwy: March 2017 planning proposal under assessment approx. 173m RL 263
 - + 2 Pacific Hwy: planning proposal approx. 94m 29 storeys

DESIGN PRINCIPLES

- + The Planning Study identifies a maximum building height in storeys of 16 for TWT Site 1.
- + In accordance with the Planning Study “a planning proposal seeking additional height must demonstrate that the proposed built form envelope will:
 - + Reinforce the desired character of the area;
 - + Adhere to the setbacks, podium height, ground level and above podium setbacks illustrated in maps 6A and 6B;
 - + Maximise sunlight access to streets and the linear parks;
 - + Maximise sunlight access and view sharing of nearby residences;
 - + Provide a high level of residential amenity;
 - + Creates a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment.



Podium character seeks to deliver the objectives of a pedestrian focussed civic street



Safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment.

04 DESIGN STATEMENT

THE PROPOSAL

Podium

The proposal is an appropriate built form for the site as it defines the public domain and contributes to the character of the streetscape using a podium form consistent with the existing and future context.

The proposed podium form

- + Is in accordance with Planning Study setbacks to both Oxley Street and Albany Lane. The Oxley Street setback will ensure the proposed Oxley Street linear park is able to be delivered as envisaged by the St Leonards East Public Domain Upgrade strategy.
- + Creates a new, open to the sky, through site link between Albany Lane and Atchison Street so that the street block between Oxley and Mitchell Street reduces from 160m to 100m/54m. This pedestrian laneway will allow new winter sun to the Albany Lane streetscape
- + Is aligned with the existing podiums in recently constructed buildings on 5, 9 (T1) and 15 (Nexus) Atchison Street. This is not in accordance with the Planning Study setbacks. (Maps 6A and 6B) which require a 3m setback to the podium. The objective of this setback is to deliver a pedestrian focussed "civic street" with widened footpaths and outdoor dining. The Planning Study site analysis of existing built form in Atchison Street recognises the "alignment and configuration of podiums along the street frontage reduces the perceived bulk and scale of development when viewed from the street (i.e. it provides a 'human scale')." The Planning Study also observes that the "streets in the Study Area generally well defined by developments that provide a continuous 4-storey podium along all the main streets in the B4 Mixed Use zone."

- + The proposal seeks to deliver the objectives of a pedestrian focussed civic street without losing the street definition which gives Atchison Street its distinctive character, perhaps more so than any other street in the St Leonards precinct, by retaining existing podium and tower alignments but using a cantilevered podium form, sliced vertically for sun and daylight, creates a semi enclosed street loggia with an additional 3m of public space than is required by the Planning Study controls.

The podium element of the proposal contains retail on Ground Floors (Upper and Lower), commercial spaces on Level 1 and residential spaces on Level 2. The built form of commercial level provides excellent internal amenity due to the fact that the percentage of Grade A day lit space (max 6m from a daylight source -DEGW method) is 65%.

The cantilevered podium forms are highly flexible and spatially interesting whilst being suited to commercial uses as well as gallery spaces and residential uses. The interstitial spaces between the cantilevered forms are envisaged as break out spaces that overlook gardens at street level. The central core arrangement allows for maximum efficiency in sub tenancy layouts meaning that smaller commercial tenancies will be viable. The articulated form contributes to the design quality of the podium built form.

Proposal

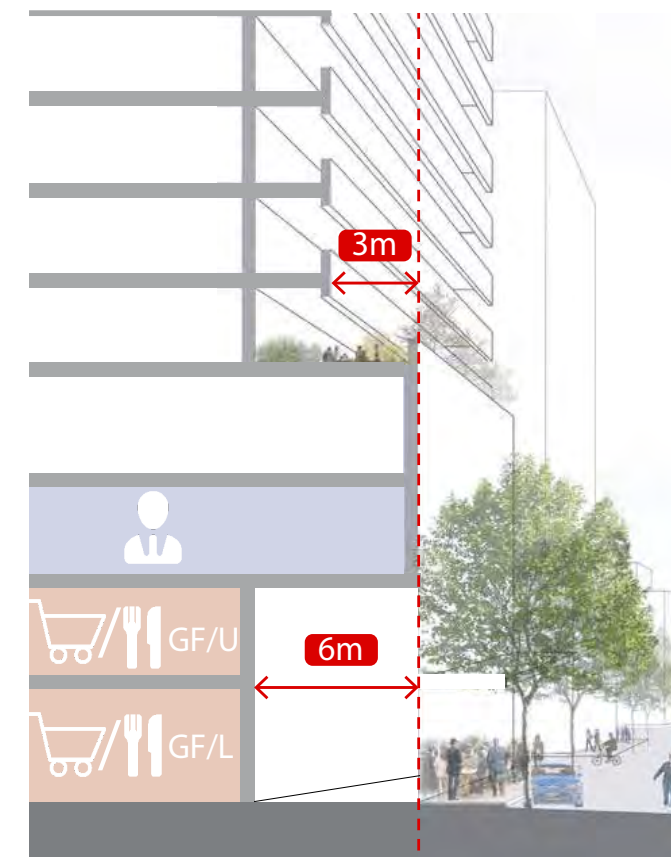


Figure 36: Figure 4.1.3 - 23-35 Atchison Street

Figure 38: Albany Lane podium facade

Proposal



Figure 37: Figure 4.1.3 - 23-35 Atchison Street

04 DESIGN STATEMENT

4.2 SCALE + BUILT FORM

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the buildings purpose in terms of building alignments, proportions, building types, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas and provides internal amenity and outlook.

THE PROPOSAL

Tower

The proposal is 16 storeys high. The tower element;

- + Increases the Albany Lane above podium setback from 4m to 7.4m so that a minimum 18m separation is delivered to buildings on 38-46 Albany Street and 30-36 Albany Street notwithstanding that the ADG Objective 3F requires "Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and visual privacy".
- + Provides a 12m setback to the side boundary with 21 Atchison Street
- + Provides 24 m separation to the existing habitable rooms above Level 8 in the Nexus apartments
- + Provides a 7m setback from the podium facing Oxley Street as required by the Planning Study.
- + Has a tower length of approximately 36.7m which less than the 40m maximum length prescribed for 'Tall Buildings' In the Planning Study. (The tower proposed is not defined as 'Tall Building' as it is not in excess of 18 storeys).
- + The built form of the tower has 36.7m x 23.1m floorplate. The floorplate delivers high amenity floor plans with ADG compliance in terms of solar and daylight access, natural ventilation, apartment size and layout. Over half the apartments (53%) are dual aspect. The unencumbered floorplates with centrally located shared cores result in excellent tenancy efficiency.

The tower benchmark design as presented to the Design

Excellence Panel showed a form within the proposed envelope that was able to articulated in three ways;

- + The alternating cantilevered floors create a lightness to a building form that otherwise fills the allowable envelopes
- + The built form has a 3m wide vertical recess to upper levels, aligning with the central public lift lobbies and corridor, that cleaves the building into two parts to increase the apparent slenderness of the building.
- + An possible open loggia to the communal roof garden on Level 16 has the potential to create architectural interest at the top and creates an asymmetrical composition for the built form without additional overshadowing to the proposed extended Hume Street Park or Albany Lane properties in mid winter .



Corner balcony articulation

04 DESIGN STATEMENT



Balcony spaces on the east facade provide views out to Oxley Street park



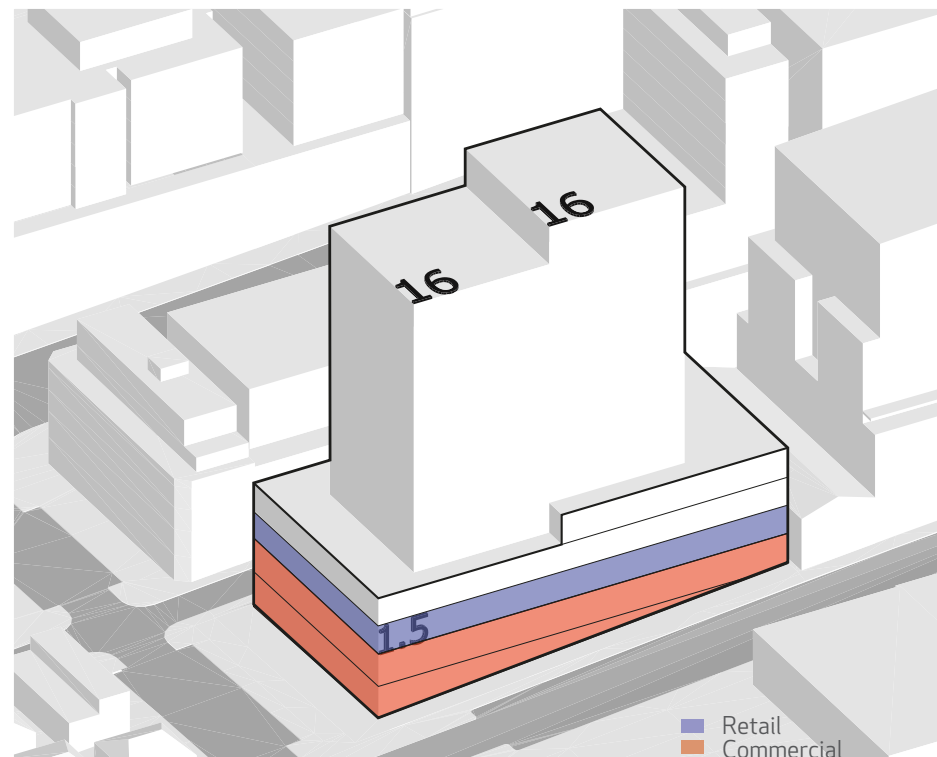
Podium and Tower junction



04 DESIGN STATEMENT

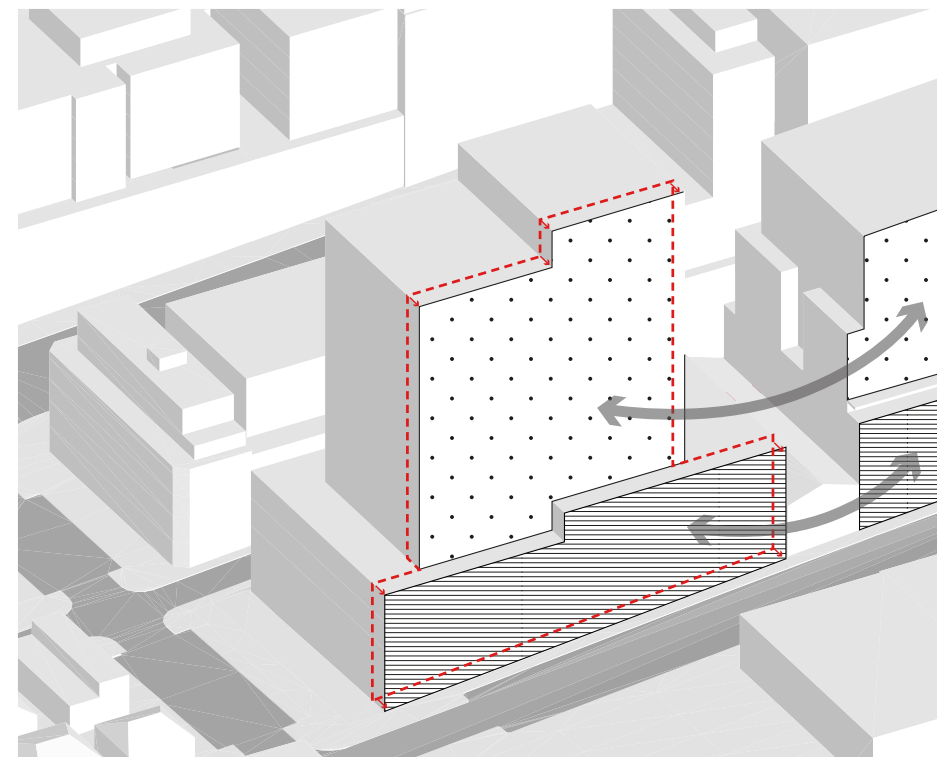
SCALE + BUILT FORM _ CONCEPT DIAGRAMS

The following diagrams set out the methodology and principles driving the scale and built form of the proposed indicative design. Outlined are the key design actions guiding the setbacks, podium massing, building mass, heights and bulk of the proposal.



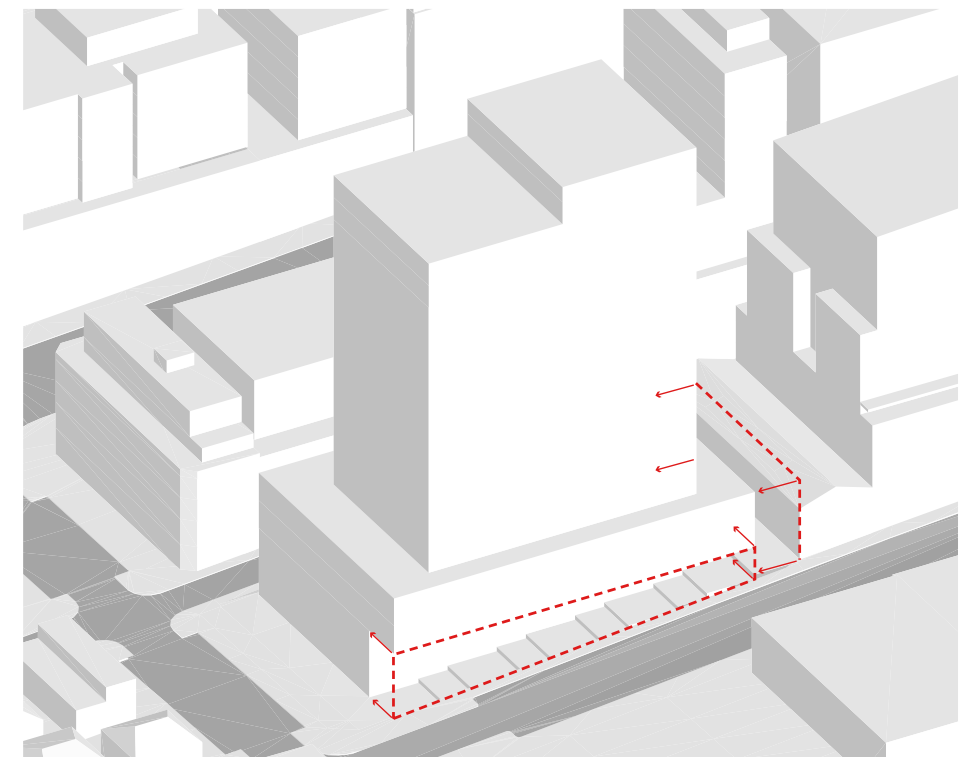
The Planning Study envelope:

- + Height in storeys of tower from Maps - 16
- + Podium height in storeys 4 on street 3 on lane 4 on corners, with a 3m whole building setback to Atchison Street, 5m whole building setback to Oxley Street and a 1.5m whole building setback to Albany Lane.
- + Three minimum above podium setbacks: 3m to Atchison Street, 7m to Oxley Street and 4m to Albany Lane
- + LEP non-residential FSR minimum is 0.6:1 to 1.5:1. A minimum of 1.5:1 is proposed.



Establish setback zones to:

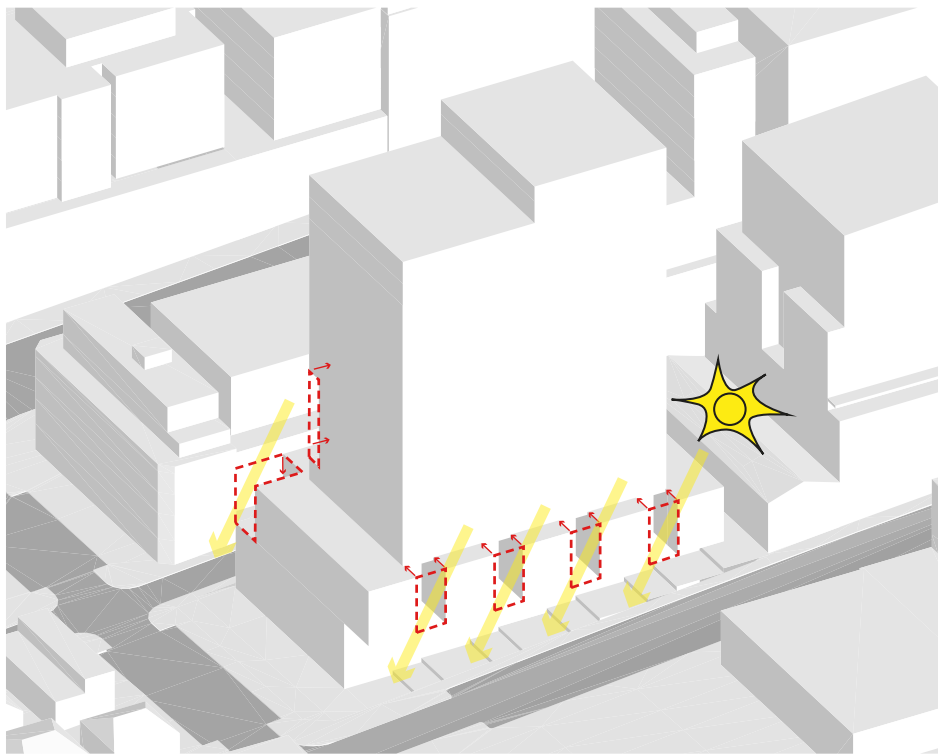
- + Bring the tower and the podium forward 3m to reinforce the existing consistent street alignments



Establish active ground level frontages to:

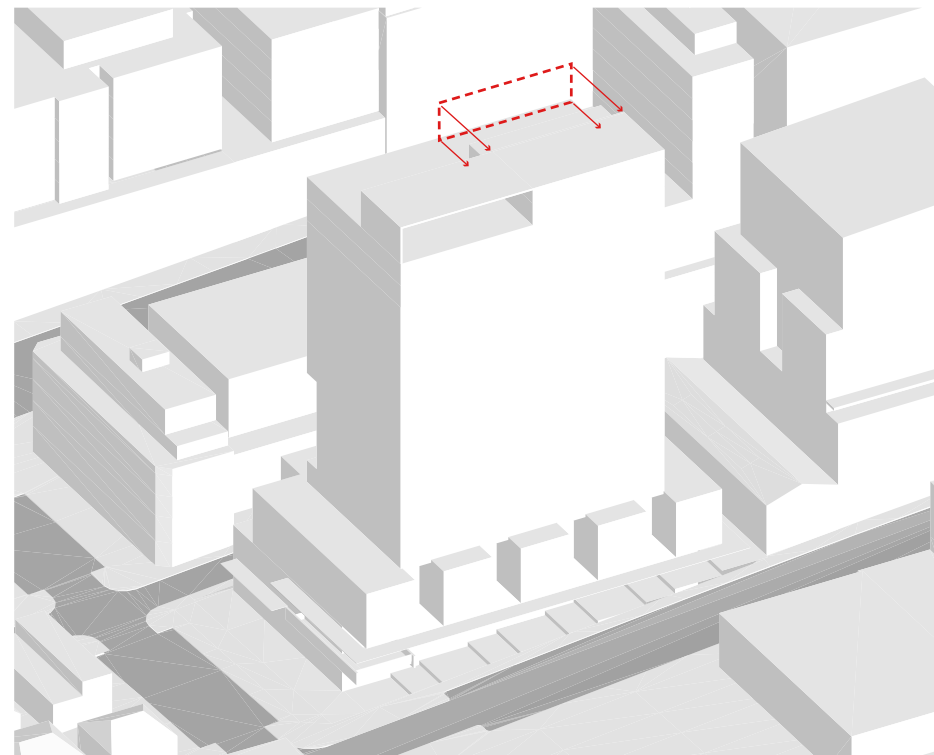
- + Provide a 6m setback on Atchison Street to the ground floor
- + Provide a 6m wide open to sky through site link connecting Albany Lane to Atchison Street

04 DESIGN STATEMENT



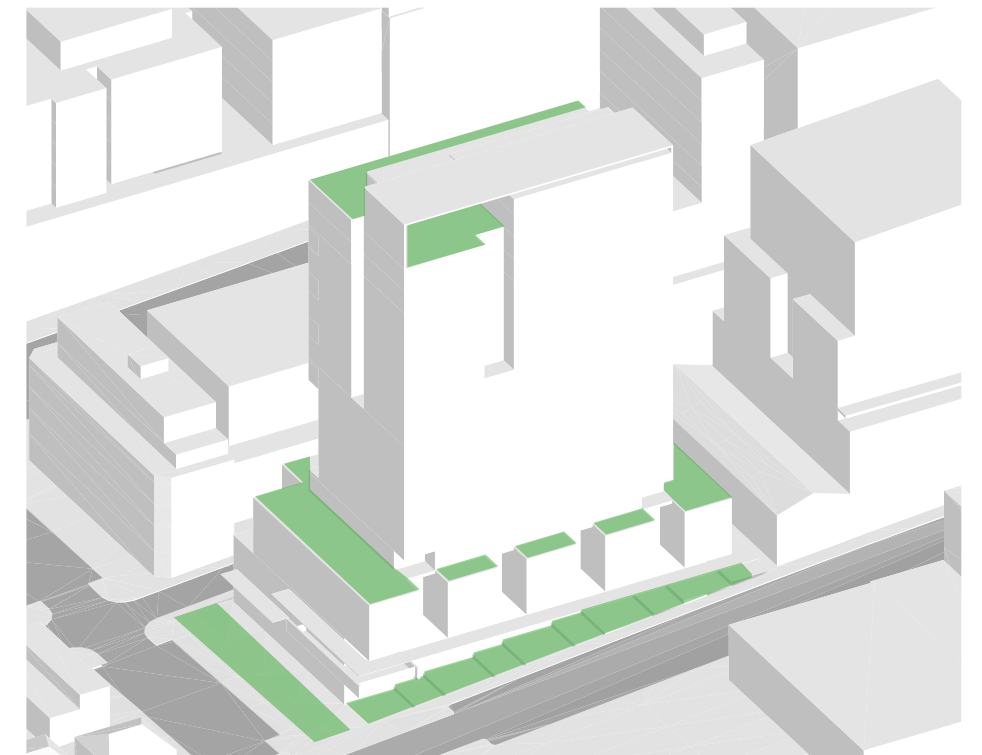
Articulate the podium form

- + Cut out vertical slots from the upper podium to allow sun and daylight to the landscaped terraced setback
- + Cut out the podium form facing Albany Lane to maximise solar access to the existing residences
- + Balconies between Level 4 to Level 7 on the south-east & south west are recessed by 2.4m to allow a greater amount of solar access to the existing residences



Setback upper building levels from south facade:

- + Level 16 southwest floorplate is setback as required to eliminate all overshadowing to the future expansion of Hume Street Park excluding the proposed carpark driveway
- + Create an open loggia/pergola over Level 16 north east to contribute to diverse communal spaces for residents and an interesting skyline without additional overshadowing impacts



Articulate the built form to provide:

- + Vertical slots to naturally daylight corridors and introduce slenderness to the built form
- + Vertical recess at the location of 3B apartment master bedroom to reduce the apparent scale of the north façade
- + Intensive and semi extensive roof gardens to the communal open areas on L3 and L16
- + High quality landscaping to the new public domain areas

04 DESIGN STATEMENT

4.3 DENSITY

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

DESIRED FUTURE DENSITY

In May 2015 North Sydney Council endorsed a strategic review of its planning framework for the St Leonards /Crows Nest area. The intention of the Planning Study was to explore opportunities for the further intensification of development across the area. The Planning Study acknowledges that capacity is available to support more intensive development within St Leonards. The Planning Study provides that clarity of land use and built form density direction for TWT Site 1 as it makes a number of recommendations involving amendments to the existing LEP and DCP controls. The following are relevant to the determination of appropriate density;

To increase the non-residential floor space ratio of mixed use land to fill podium levels (minimum 1.5:1 proposed for the subject site).

- + Upgrade and extend Hume Street Park

The Greater Sydney Commission (GSC) released the draft North District Plan in November 2016. The plan has a range of priorities to primarily guide growth of employment and housing as well as achieving sustainability city goals. Relevant actions include:

- + Increase housing choice around all centres through urban renewal in established areas
- + Stronger economic development in strategic centres and transport gateways

- + Facilitate place-making and growth and diversification of job opportunities in St Leonards

The draft District Plan proposes a Collaboration Area for St Leonards to co-ordinate and balance the competing needs of residential and commercial development.

In late 2015 the NSW Government made an announcement that the Metro Station in St Leonards/Crows Nest will be located on the western fringe of the Crows Nest village, between the Pacific Highway and Clarke Lane (eastern side of the Pacific Highway).

The station creates a new transport focus on the southern side of the St Leonards specialised centre supporting the St Leonards southern gateway commercial and mixed-use activities, further enhancing the accessibility of St Leonards and enabling further design led intensification.

DESIGN PRINCIPLES

- + Protect the employment function of the precinct. Ensure a minimum non-residential FSR of 1.5:1 due to the proximity of the site to the proposed New Metro Station.
- + Provide additional housing density near St Leonards stations and the proposed New Metro Station.
- + Contribute to the following GSC objectives :
 - + Increase housing choice around all centres through urban renewal in established areas
 - + Stronger economic development in strategic centres and transport gateways
 - + Facilitate place-making, growth and diversification of job opportunities in St Leonards
- + Ensure appropriate separation between towers
- + Contribute to public domain and community service improvements necessary to support additional density.
- + Contribute to a high amenity built environment which allows knowledge based industries to cluster and exchange ideas easily
- + Provide podium floor to floor height that enable residential uses in the podium to be converted to employment spaces and/or non-residential uses



Distinctly non-residential podium containing employment spaces including retail, business and cafés.

04 DESIGN STATEMENT

THE PROPOSAL

This application proposes an FSR of 6.3:1 for this site, of which 1.5:1 will be allocated to non – residential purposes . The proposal is generally in accordance with the Council Planning Study. An additional open to sky through site link is proposed

The proposal satisfies the strategic directions of the Draft North District Plan since it provides for a substantial proportion of non-residential floor space in the form of retail or commercial office space. This will ensure that St Leonards maintains a clear employment function and a diversity of employment opportunities as sought for the centre. The proposal also incorporates residential apartments in a tower form that will contribute to North Sydney Council's 5 year housing target of 3,000 dwellings in a high-amenity location with ready access to retail services and transport.

The proposed building makes a substantial contribution to the public domain through delivery of the first stage of the Oxley Street linear park, the new public through site link as a pedestrian laneway and the contribution to Atchison Street as a future civic street with the stepped terraced garden and the outdoor eating areas.

The density proposed is generally equal to or less than recent relevant approvals

- + 575-583 Pacific Highway 18 storeys 56M - FSR of 7:1 of which 2:1 non-residential . Dec 2015
- + 18-20 Atchison Street 16 storeys 59M - FSR of 11:1 of which 6.4:1 non-residential . Dec 2013
- + 6-16 Atchison Street 16 storeys 59M - FSR of 11.3:1 of which 2.5:1 non-residential . Dec 2013



Oxley Street linear park and Atchison Street future civic street providing high-amenity and readily accessible open space

04 DESIGN STATEMENT

4.4 RESOURCE, ENERGY + WATER EFFICIENCY

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

STRATEGY

An ESD Strategy will be prepared for the project. The development will be designed to respond to the requirements of BASIX and the SEPP 65.

Five interventions are able to be explored;

- + Efficient appliances & improved thermal design
- + Solar Photovoltaic (PV) & battery ready facilities
- + Recycled water ready infrastructure
- + Green roof gardens
- + Best practice parking measures and access to car share facilities

The ESD strategy can be achieved through a combination of “standard” building level sustainable interventions such as installing rooftop PV systems, ensuring high thermal efficiency, installing efficient appliances and capturing and reusing rainwater. Along with “creative” interventions such as unbundled and decoupled parking systems, encouraging the uptake of car share, a recycled water system, green roof terraces and additional canopy cover and battery storage.

- + Public domain improvements will incorporate storm-water management at the road slump in the form of Water Sensitive Urban Design (WSUD) rain gardens
- + The 5m setback to Oxley Street, 3m of the Atchison Street setback and the proposed through site link will be over deep soil areas. The deep soil area is able to absorb almost 20% of the site area. A minimum 10% is proposed.
- + Apartment layouts are to be optimally designed for passive response solar design principles and cross ventilation as outlined in the Apartment Design Guide requirements.

Natural Light

Depth of Space Analysis (DEGW Method)

- + The floorplate has excellent access to natural light with 73% Type A light (within 6m of natural light)



Water sensitive urban design

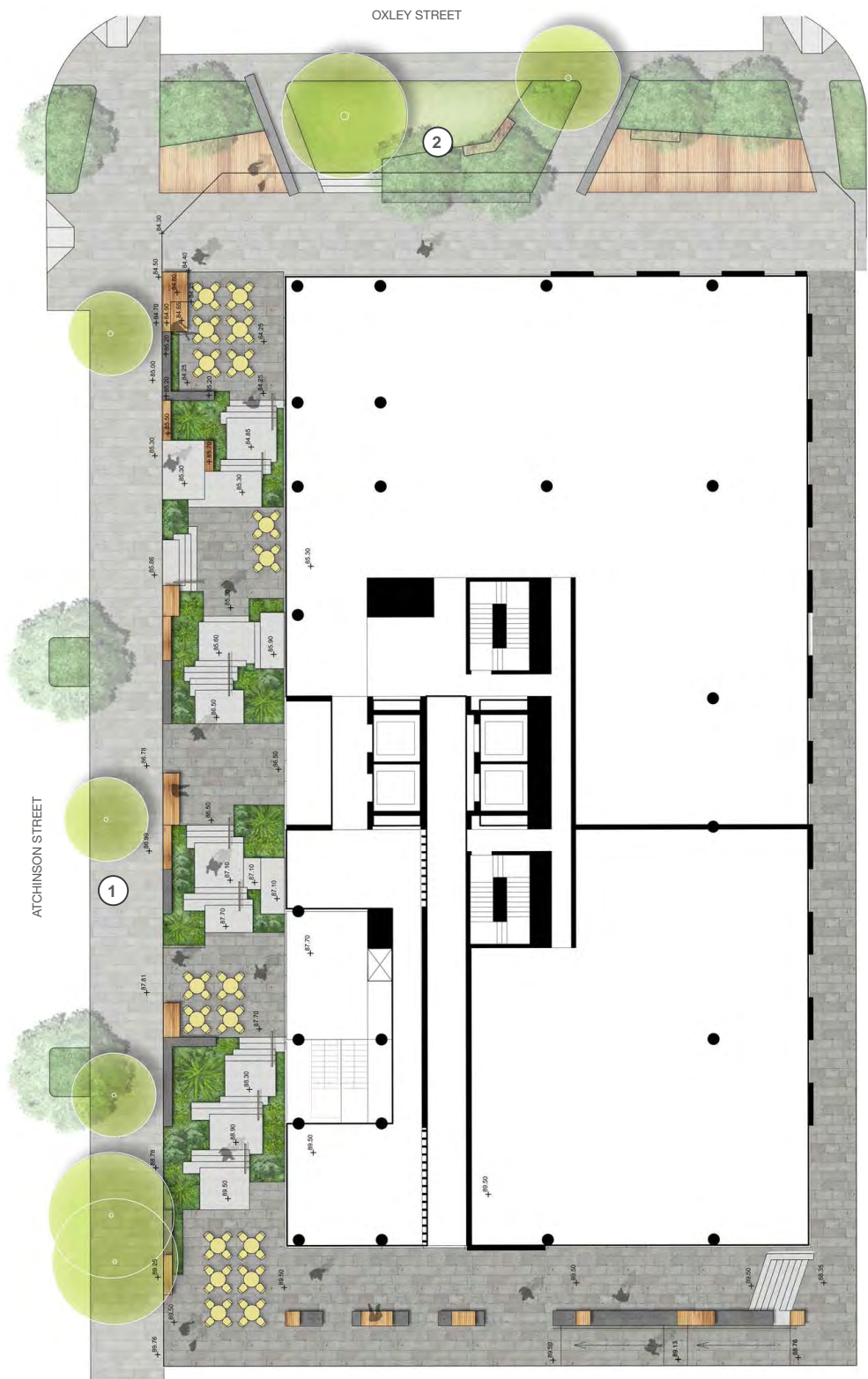


Carshare



Green roof gardens

04 DESIGN STATEMENT



Deep soil planting provided in landscape plan



① Deep soil planting provided along Atchinson St



② Rain gardens provided along Oxley St

04 DESIGN STATEMENT

4.5 LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by coordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours’ amenity, and provide for practical establishment and long term management.

DESIRED FUTURE CHARACTER

The vision for St Leonards is articulated in the St Leonards East Public Domain Upgrade. Design concepts are given for Atchison Street and Oxley Street. Atchison Street is to be a civic ‘high street’. A linear park is to be created along Oxley Street integrated with WSUD to emphasise the north / south pedestrian links to adjoining community and provide additional activity nodes.

DESIGN PRINCIPLES

- Atchison Street**

The landscape design must support the overarching principle of Atchison Street as a the civic 'high street' by;

 - + Providing deep soil zones minimum 3m wide within the setback area
 - + Enable good access to winter sunlight to the planting and dining spaces within the setback area
 - + The podium form is to have a verdant character to connect it to the earth and street
 - + The stepped form of the landscape zone is to be designed to reduce as far as any visual barriers to the plane of the existing footpath

- Oxley Street**

The landscape design must;

 - + Allow level access to the shop front line
 - + Be integrated with the Council’s public domain strategy and recognise that the detail design of the public domain in front of 48 Albany Street is unlikely to be delivered.

- Through site link**

The through design link must;

 - + Be 6m wide and open to the sky
 - + Allow for the future possibility of shop fronts to the boundary with 21 Atchison Street
 - + Be designed to be capable of operating as flexible outdoor exhibition and gallery space
 - + Be publicly accessible 24/7.

- Residents communal open space**

The communal open space must;

 - + Provide a diversity of characteristics for a diversity of activities and age groups
 - + Must be conceived as a minimum semi extensive green roof as defined in the North Sydney Green Roof and Wall Resource Manual
 - + 3D-1.2 Both communal open spaces will be capable of achieving in excess 50% sunlight for 2 hours between 9am and 3pm in mid-winter.

THE PROPOSAL

Atchison Street

The verge zone is to be widened by 6m through ground level building setbacks in a way that minimises vertical visual barriers in the ground plane at the boundary line. Terraced gardens are proposed to provide the transitions in level. These gardens are located under 4m wide excisions from the upper podium forms that cantilever to provide a form of loggia space to the building. The excisions are designed to let sunlight into the podium loggia space and the retail or café shop fronts. . Between the terraced gardens are covered level spaces that are to be fully accessible from the footpath. The concept plan is to be developed to ensure these level spaces are clearly of the public domain and accessible so as to provide al fresco dining areas and forecourts to the residential and commercial lobbies.

Oxley Street

The verge zone is to be widened by 5m through ground level building setbacks to provide a 4m wide pedestrian path along the shop fronts which is to be integrated with the Council’s design concepts for the linear park.

TWT Public Art Laneway

A new pedestrian through site link is to be provided connecting Albany Lane with Atchison Street and interfacing with the residential lobby. The laneway will be based on a public art concept of an external gallery space so that in the interim that No.21 Atchison Street (Eckersleys) remains undeveloped the wall space can be used as an exhibition space to add colour, culture and art. The layout of the laneway will be flexibly designed so that any future development on No.21 can also have shop fronts and residential lobbies to the lane frontage. It will be a hard edged urban space designed to contribute to the idea of a ‘village enclave’ with open green space surrounded by specialty retail, so that the community can engage with inspiring arts activities.

04 DESIGN STATEMENT

Residents communal open space

Communal open space in the order of 530m2 (25% x site area) will be provided in the form of roof gardens on levels 3 and 16.

Level 3 podium: This level will provide approximately 332m2 of outdoor area for a number of resident activities including a community garden, a children’s play area and an outdoor exercise facility. This will be an intensive green roof in accordance with the descriptions set out in the North Sydney Green Roof and Wall Resource Manual

L16 Roof garden:

This roof garden will provide

A 80m2 winter garden space with a possible loggia roof overlooking Atchison Street and protected from the cold westerly and southerly winds subject to future DA.

A 185m2 summer garden space with distant city views and harbour views. It will be sheltered from strong afternoon north easterly winds and will have several BBQ and outdoor eating areas. The accessible areas will be set back 1.2m from the south facade overlooking the Albany lane properties to maximise their visual privacy.

A communal space with kitchen, and amenities is proposed to the roof level communal garden.

This will be an semi-extensive green roof in accordance with the descriptions set out in the North Sydney Green Roof and Wall Resource Manual



A Public Art Laneway



Level spaces, fully accessible from the footpath provide forecourts to internal lobbies subject to future design development with Council input



Sculptural stairs



Hanging garden creepers cascading within cutouts along Atchison St



Stepped form of the landscape zone reduces visual barriers to the existing footpath

04 DESIGN STATEMENT

4.6 AMENITY

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

DESIGN PRINCIPLES

Room dimensions and shapes

- + Units layouts are to comply with SEPP 65 minimum room dimensions and apartment sizes

Access to sunlight

Apartments:

- + Access to sunlight and daylight is to comply with SEPP 65 / ADG Part 4A minimums

Adjoining residents:

- + Recognising that densities in St Leonards are planned to increase, overshadowing to adjoining residents is to be minimised by:
 - + Ensuring where setbacks and building heights are to be varied from the Council Planning Study, the variation does not reduce further the extent of sunlight received between 9am and 3pm mid-winter by a complying envelope
 - + Modifying the podium form where possible to improve mid-winter solar access to properties in Albany Lane

Public Domain:

- + Ensure that there is no additional overshadowing between 9am and 3pm mid-winter of Hume Street Park, including the proposed extension. Except for areas used as driveway access to the underground carpark.
- + Where the podium form overhangs street level setbacks ensure the podium forms allow full solar access to the ground planes between 9am and 3pm mid-winter except where existing built form currently results in overshadowing.

Natural ventilation

- + Natural ventilation of apartments is to comply with SEPP 65 / ADG Part 4B minimums

Visual and acoustic privacy,

- + Ensure ADG compliant separations are provided.
- + Where adjoining apartments do not comply with ADG setbacks ensure that recommended separations are provided on the subject site.
- + Where commercial spaces in the podium are within 12m of habitable rooms or private open space of existing adjoining apartments ensure the extent of window area does not exceed 50% of the building façade and provide appropriate fixed screening devices to maintain visual privacy

Storage,

- + Units are to comply with SEPP 65 storage requirements within the units. Some additional basement bulky storage is to be provided.
- + Provide at least 1 on-site, secure bicycle parking space/ storage for each apartment in addition to SEPP 65 storage requirements

Indoor and outdoor space

- + Balcony spaces are to comply with ADG minimums
- + Where apartments receive no winter sunlight between 9am and 3pm in midwinter wintergarden balconies are to be provided

Efficient layouts and service areas,

- + Floor plans are to be designed to provide vistas to external views from the point of entry

- + Corridor space is to be minimised
- + Provide 3 bedroom apartments to corner locations

View sharing and outlook

View sharing: Developments are to allow for the reasonable sharing of views and assess impact in accordance with the following Land and Environment Court planning principles

- + Iconic views, such as views to Sydney CBD and Harbour Bridge, are valued more highly than district views without icons; Iconic views are to be retained
- + Whole views are valued more highly than partial views
- + The protection of views from front and rear boundaries of the existing developments is more realistic than the protection of views across side boundaries
- + The impact on views from living areas is more significant than from bedrooms or service areas.
- + Apartment layouts are to take advantage of city views above 10 storeys
- + Maximise the number of rooms with east outlook to apartments below level 10
- + The podium form is to be redesigned to maximise the outlook of residents in Albany Lane to new public domain parks and laneways without unduly impacting on the ability of the podium spaces to support viable employment uses

Ease of access for all age groups and degrees of mobility.

- + 10% of the units are to be designed to the requirements of AS 4299-1995 Adaptable Housing

THE PROPOSAL

The floor plans attached in *05 Concept Design, 5.1 Indicative Design* are capable of delivering the following SEPP 65 amenity criteria

Room dimensions and shapes,

4D Apartment size and layout: - Objective 4D-1:

- + The layout of rooms within the apartments are functional well organised and provide a high standard of amenity. Refer *05 Concept Design, 5.1 Indicative Design*

Access to sunlight,

4A Solar and Daylight access

- + 77% (5.4/7) typical
- + A maximum 15% (1/7) of apartments on the plate receive no direct sunlight between 9am and 3pm in mid winter

2A Primary controls: The scale of the development has been determined by the setbacks and heights recommended in the Planning Study building.

- + The proposed built form will not overshadow Hume Street Park between 9am and 3pm. Refer to Solar Studies provided in *06 Appendix, 6.4 Solar Studies*

04 DESIGN STATEMENT

Natural ventilation

4B Natural ventilation:

- + All habitable rooms are naturally ventilated
- + The layout and design of single aspect apartments maximises natural ventilation
- + 85% (6/7) are effectively naturally cross ventilated. 57% (4/7) are corner units and 28% (2/7) are shallow depth 7.7m (11m incl. plenum) cross plenum apartments. Within Level 3-7 (first nine floors) 36/59 (61%) are cross ventilated by ADG described means.
- + The floor plate includes 53% dual aspect apartments and all apartment depths are less than 8.2m.

Visual and acoustic privacy

- + The separations proposed are all in accordance with ADG 2F Building separation. Refer *05 Concept Design, 5.1 Indicative Design: Concept Master Plan Diagram*

Storage

4G Storage:

- + 50% x minimum storage volumes are able to be provided accessible from circulation areas.
- + In addition to basement storage, space will be provided for 1 bicycle per apartment in the basement.

Indoor and outdoor space

4E Private open space and balconies:

- + All balconies have comply with minimum areas: 1B - 8m² (and a minimum depth of 2.0m) 2B - 10m² and 3B - 12m² (and a minimum depth of 2.4m)

Efficient layouts and service areas,

Social amenity

4F Common circulation spaces:

- + The maximum number of apartments off any corridor is 8.
- + The indicative apartment mix has 102 apartments which equates to 51 apartments per lift.

4F-1 Generally corridors are minimum 1.6m wide with a 2m width in the lift lobby. Corridors are naturally day lit and ventilated on each side. Corridors are approximately 10m long from the lifts and articulated with a centrally located lobby and chatting nooks with a place for furniture or seating.

View sharing and outlook

The proposed development will have some impact on existing views, which are enjoyed by the existing surrounding developments.

The "Principles of view sharing" set out in the Land and Environment Court case of Tenacity Consulting v Warringah [2004] NSWLEC 140, have been considered to reduce the impact on the views of neighbours.

Refer Fig 31. Figure 4.6: View sharing

Ease of access for all age groups and degrees of mobility.

- + 10% of the units are to be designed to the requirements of AS 4299-1995 Adaptable Housing



View from apartment neighbouring TWT1



Maximise sunlight access and view sharing of nearby residences through podium corner cut outs



Figure 39: Figure 4.6 - View Sharing

Key

- Site
- Existing Residential Neighbouring Developments
- Indicative Proposed Tower
- Iconic Views to Sydney
- District Views

04 DESIGN STATEMENT

4.7 SAFETY

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit, visible areas that are easily maintained and appropriate to the location and purpose.

DESIGN PRINCIPLES

- + The entry lobby to the commercial podium will be clearly identifiable from the street with a carefully designed forecourt and laneway frontage for the residential lobby, to ensure safe, well lit access to, and egress from, the building.
- + The thresholds between public, communal and private areas will be clearly defined to ensure a sense of ownership and legibility between the public and private domains. In keeping with the desired future character of the area (to provide a visually open interface between public and private) a strong, legible, visual connection will be retained between the two domains. The through site link and the Atchison Street landscaped terraces are to be clearly identified as public domain.
- + Retail frontages will provide lighting to the area at night, passive surveillance of the street and opportunity for night-time activation. These premises will have direct access from street fronts
- + Commercial offices will overlook Albany Lane providing passive surveillance.
- + Apartment buildings overlook the landscaped communal roof gardens on Level 3, providing passive surveillance of the open space areas and the children's garden to improve safety. The development is designed to avoid blind corners and hidden spaces.
- + Access to each building and individual apartments will be coordinated with a security key system.
- + Secure parking for residents is located within the podium with clear and direct lift access to the apartments.



Passive surveillance
Apartments overlook open space along Oxley Street



Clearly defined thresholds with visually open interface
between the public and private domains



Distinguished entry lobby to Atchison St

04 DESIGN STATEMENT

4.8 HOUSING DIVERSITY+SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

DESIGN PRINCIPLES

North Sydney Residential Development Strategy 2009 states:

"North Sydney's population is steadily increasing. In addition its population is ageing and the household occupancy rate is decreasing (i.e. fewer people living in houses). These three factors will result in an increased demand for additional dwellings in North Sydney and need to plan for appropriate housing types."

- + Real estate advice obtained from CBRE proposed that a market based mix would be 35% 1 Bed, 50% 2 Bed and 15% 3 Bed. This is generally in accordance with the dwelling mix in North Sydney DCP which would require maximum 45% 2 Bed and minimum 10% Studios. The development mix is able to be modified and any variation sought would be the subject to detailed analysis of current and future market demand.
- + The design is mindful of the increasing need for family friendly housing in urban areas. Ground floor apartments opening to gardens are all to be 2B and 3B apartments and have floor plans capable of accommodating families.

THE PROPOSAL

- + The proposed development provides housing choice. The communal open spaces, retail uses at ground level, and ancillary open spaces will encourage social interaction amongst residents.
- + The proposed development will have 10% of units designed to be adaptable to the needs of people with disabilities and to facilitate inter-generational changes and changing lifestyles.
- + Variety in height above ground, aspect and outlook within apartment types will result in some price differentiation.
- + Communal open spaces are provided on L3 and L15 each with direct access to sunny (minimum 50% sun in mid winter) roof gardens and BBQ areas to support the communal life of the building.
- + The maximum number off apartment corridor is 8.
- + The indicative apartment mix has 102 apartments which equates to 51 apartments per lift.
- + Generally corridors are minimum 1.6m wide with a 2m width in the lift lobby. A 2.1x1.6m space is provided at the end of each corridor. Corridors are naturally day lit and ventilated. Corridors are 21m long and articulated with a centrally located lobby and chatting nooks with a place for furniture or seating at the windows.



Communal open spaces on L3 and L18 with direct access to sunny roof gardens and BBQ areas



The residential lobby spaces provide interactive areas for residents to socialise



Laneway space on the ground level providing a residential forecourt and potential outdoor art exhibition areas

04 DESIGN STATEMENT

4.9 AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

THE PODIUM

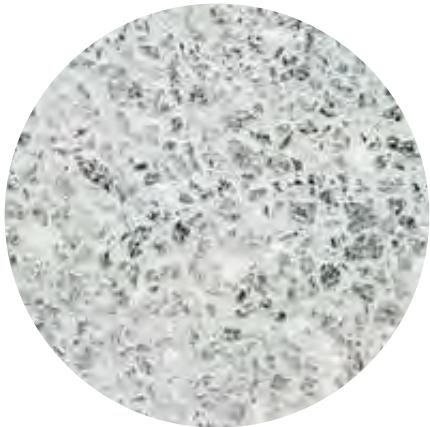
- + The proposal has a legible commercial character in the podium forms through its scale, its dramatic cantilevers and the large expanses of glass that are to express activities that will happen in the spaces
- + The podium is to be constructed in off form concrete which is to be off white with blue metal aggregate sandblasted to give the concrete a natural finish.
- + The podium is to be 'organic' in character. Planting is to be used to create a verdant feel.
- + Vertical cables will carry creepers over the glass walls between the cantilevered spaces. Walls will be mirrored in-front of escape stair zones
- + External soffits are to be in oiled timber battens that extend into lobbies and interiors
- + Garden terraced stairs will be sculptural in character

THE TOWER

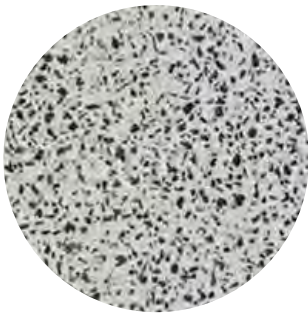
- + The tower will have a precast concrete panel cladding with the same aggregate base as the podium concrete. It is to be satin polished to ensure a low maintenance, high quality shimmering finish
- + The precast panels are arranged in simple alternating compositions to create illusory forms to break down the scale of the façades. Windows are set back 200mm to express the depth of the panels.
- + The tower form uses extruded Cartesian forms that are cantilevered at all corners to reduce the bulk of the building. Slab edges provide shade and weather protection.
- + Extensive roof gardens will be on level 18 and level 3 .
- + Substations, plant and garbage storage areas are located in basement or with an integrated frontage to Albany Lane



Black Anodised Window Frames



Sandblasted concrete.
Off white with blue metal aggregate



Satin polished concrete.
Off white with blue metal aggregate



Planting to create verdant feel



Oiled timber battens
External soffits

04 DESIGN STATEMENT



Vertical cables carrying creepers over the glass walls



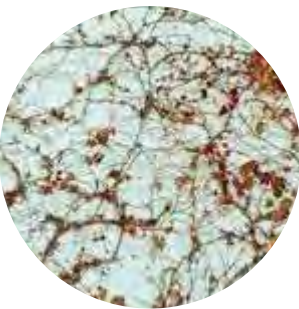
Black anodised window frames



External soffits: Oiled timber battens



Sculptural garden terraced stairs



Virginia creeper



05 CONCEPT DESIGN

5.1 INDICATIVE DESIGN

The concept design was prepared to demonstrate how the site could potentially accommodate a mixed use development at the densities and heights shown in the Site 1 Master Plan and the following yield analysis.

05 CONCEPT DESIGN

PROJECT SUMMARY

SITE 1 PP 2017-16 ST _ 1.5 Non Resi_REV AB

Residential Areas

Site-Building	Storeys	NSA	GFA	FECA	UCA	NSA/GFA	NSA/FECA
23-35 ATCHISON	16	7,944	10,127	10,797	1,139	78%	74%
		7,944	10,127	10,797	1,139		

Non Residential Areas

Building	Use	NSA	GFA	FECA	UCA	NSA/GFA	NSA/FECA
23-35 ATCHISON	GF_L Retail	766	825	1,355	0	93%	57%
	GF_U Retail/Comm	1,013	1,120	1,222	0	90%	83%
	L1 Commercial	1,220	1,220	1,542	0	100%	79%
Totals		2,998	3,165	4,118	0		

Carparking areas

Site-Building	Use	NSA	GFA	FECA	UCA
23-35 ATCHISON	Carparking		0	1,415	0
Total		0	0	1,605	0

Residential numbers and mix

Building	Unit Type	1B	2B	3B	Total
	Mix	33%	58%	9%	100%
	Avg NSA incl W/G	55	85	118	78
23-35 ATCHISON		34	59	9	102
		34	59	9	102

Carparking numbers

	Residential	Non Residential	Total
23-35 ATCHISON	42	5	
VISITOR		0	
CAR SHARE	2		
	44	5	49
MOTORCYCLES			4
BICYCLES	102	49	
VISITOR BICYCLES	10	16	
	112	65	177

Site Summary

FECA+UCA - Residential	11,936
FECA+UCA - Non residential	4,118
FECA+UCA - Carparking	1,605
FECA+UCA - Total	17,659
GFA - Non Residential	3,165
GFA - Residential	10,127
GFA - Total	13,292
Site Area - Total	2,109.8
FSR - Non Residential	1.5 :1
FSR - Total	6.3 :1
No. of apartments	102
No. of cars	49
Disclaimer	This is for high level feasibility only and all projections are approximate

Site FSR	Residential	Non residential	Total FSR
PP1_23-35 Atchison	4.8	1.5	6.3

Site Areas	Oxley Strip Park	Through Site Link	Total Site
23-35 Atchison	169.5	198.0	2,109.8

Definitions

- FSR is Floor Space Ratio = GFA (LEP)/Site Area
- NSA is Nett Sellable Area measured to the inside face of enclosing walls excluding voids above a floor and balconies
- GFA (LEP) is Gross Floor Area measured as defined by the governing Local Government Authority
- FECA is Fully Enclosed Covered Area as defined by the Australian Standard Method of Measuring Building Works
- UCA is Uenclosed Covered Area as defined by the Australian Standard Method of Measuring Building Works

Rev BB	PP Submission	03.07.2018
--------	---------------	------------

05 CONCEPT DESIGN

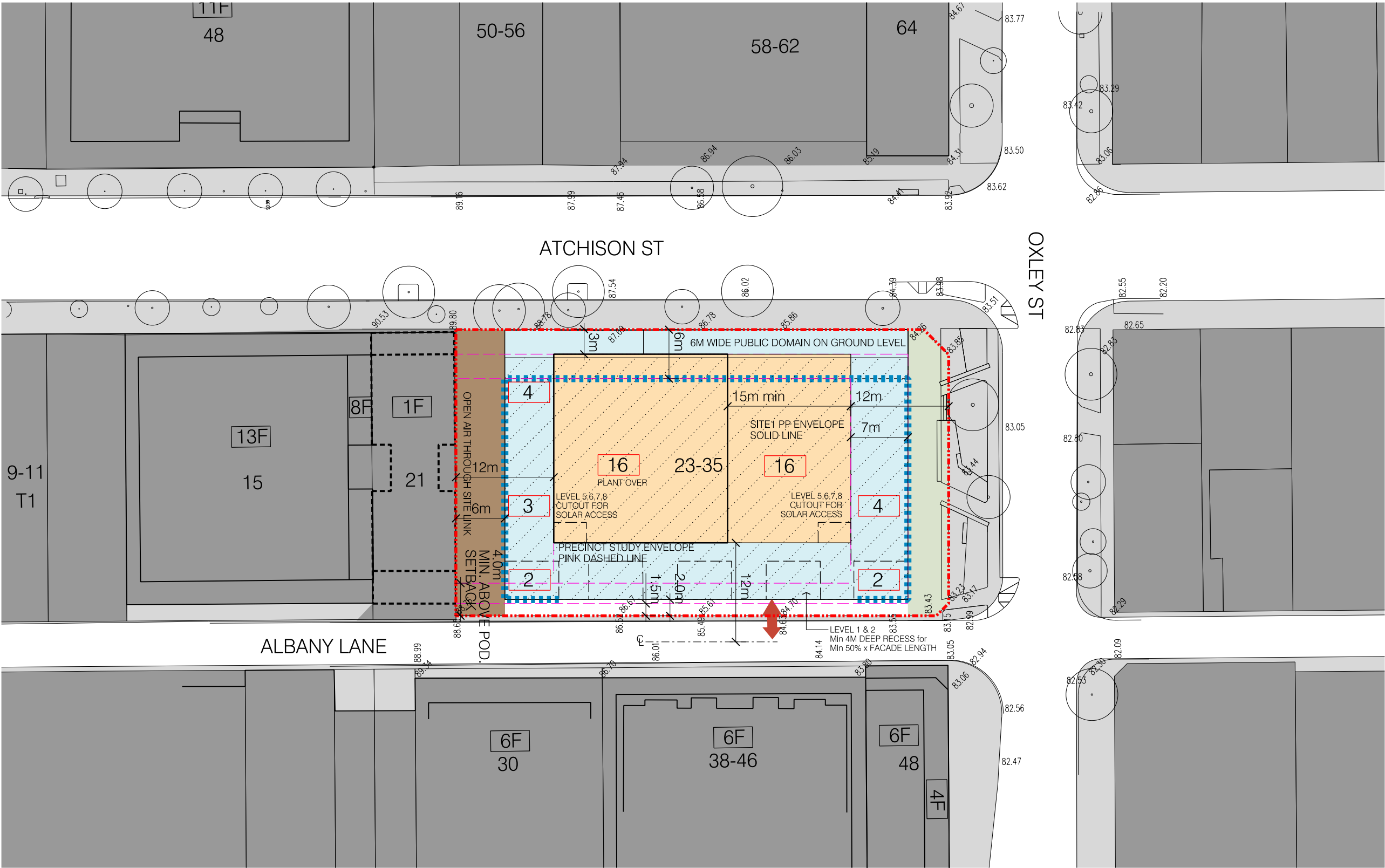


Photomontage view of indicative design

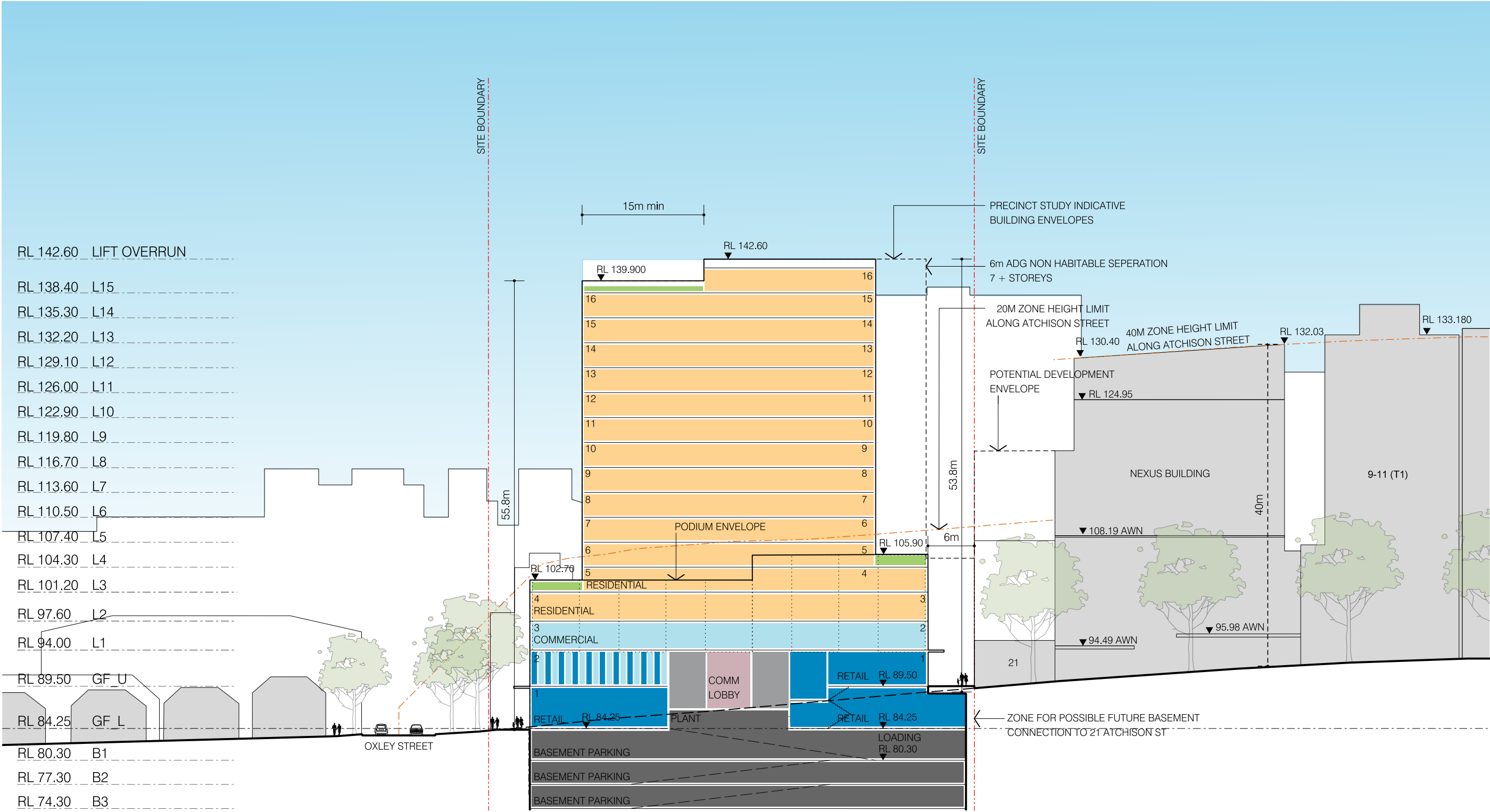
Date 6.12.17 Rev D

@ A3

05 CONCEPT DESIGN



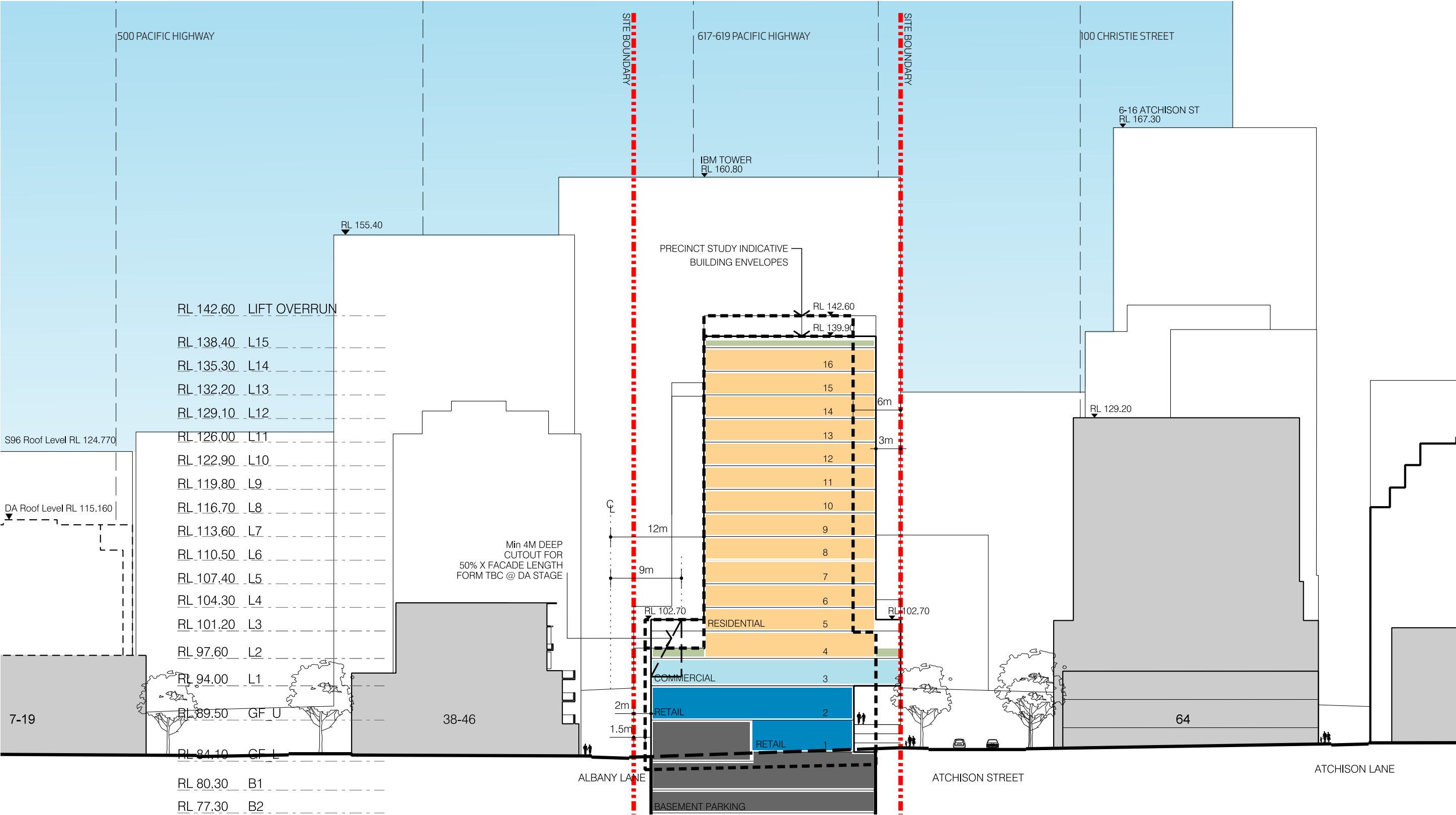
05 CONCEPT DESIGN



East West Section

Key

05 CONCEPT DESIGN



North South Section

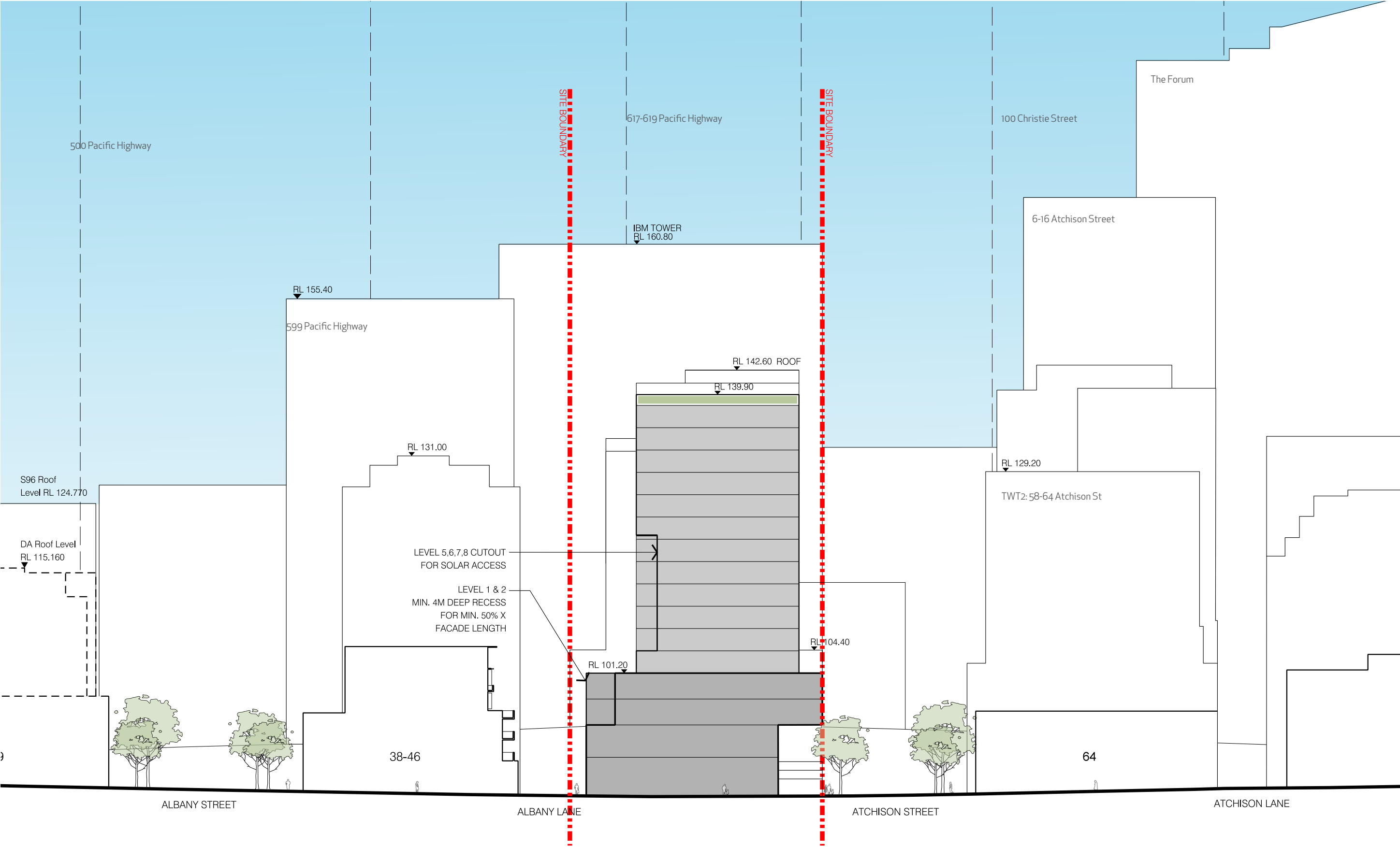
Date 04.07.18

Rev D

1:500 @ A3

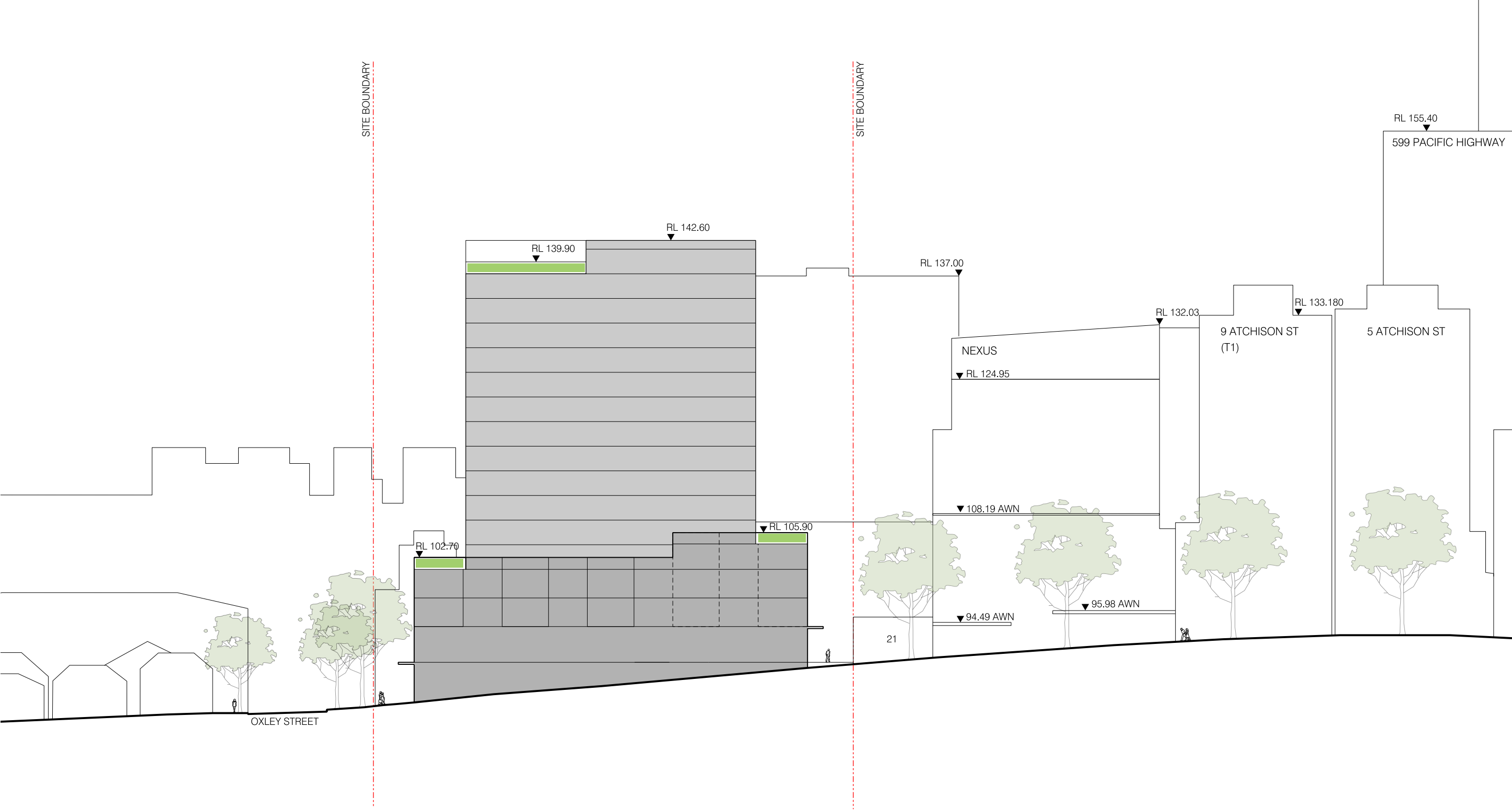
Key

05 CONCEPT DESIGN



Oxley Street Elevation

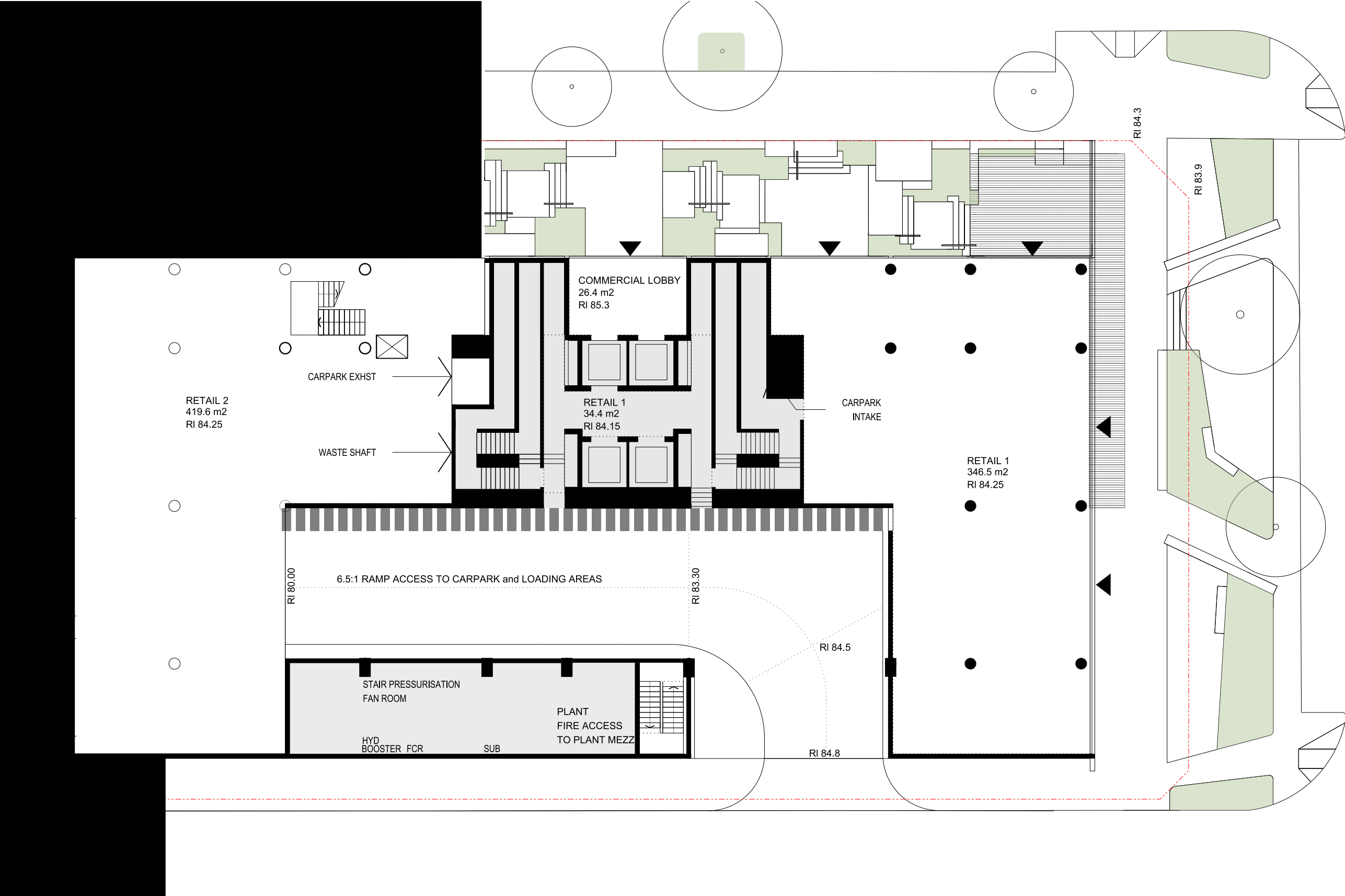
Date 6.12.17 Rev D 1:500 @ A3



Atchison Street Elevation

Date 6.12.17 RevD 1:500 @ A3

05 CONCEPT DESIGN



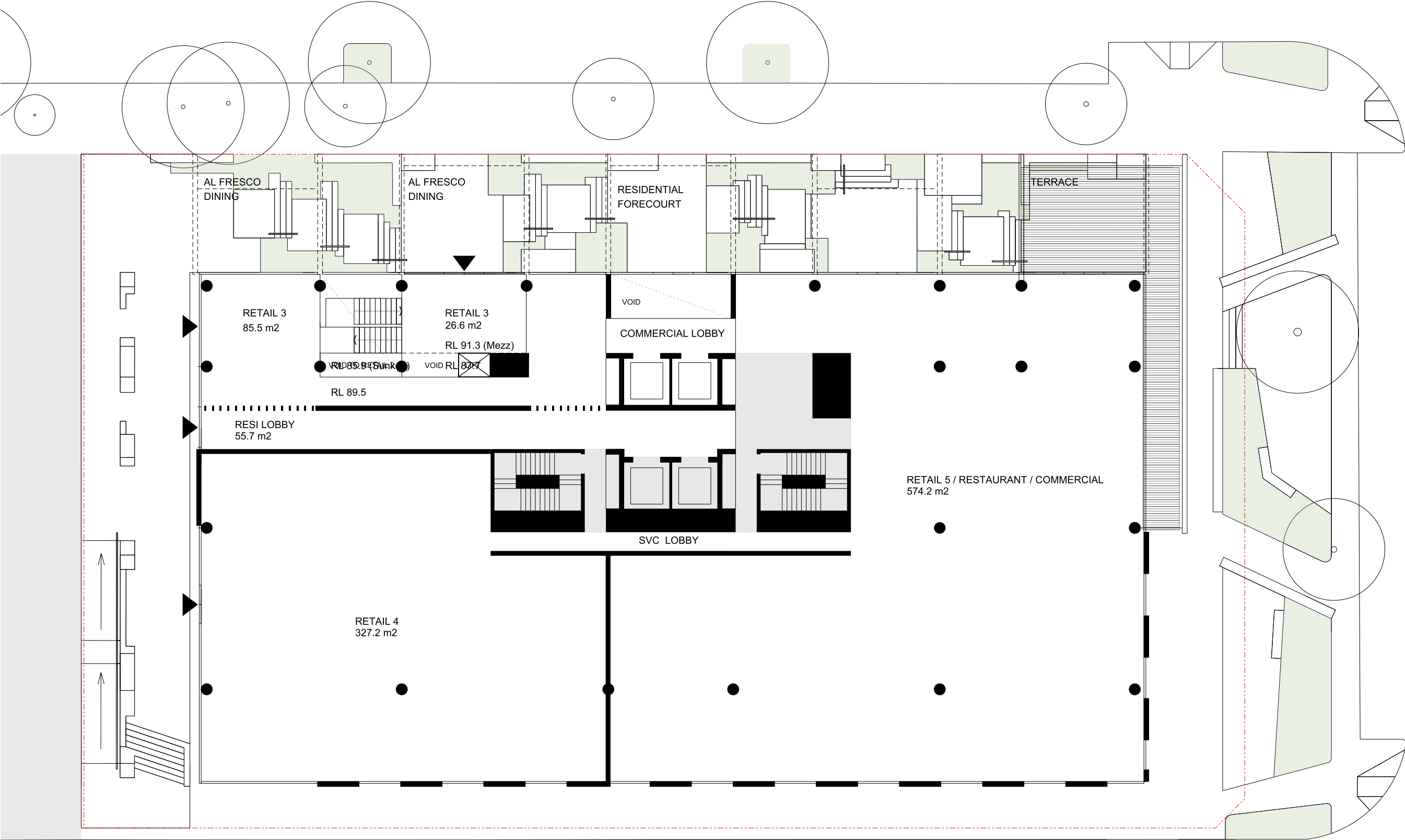
Lower Ground Plan

Date 6.12.17 Rev D

1:200 @ A3



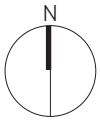
05 CONCEPT DESIGN



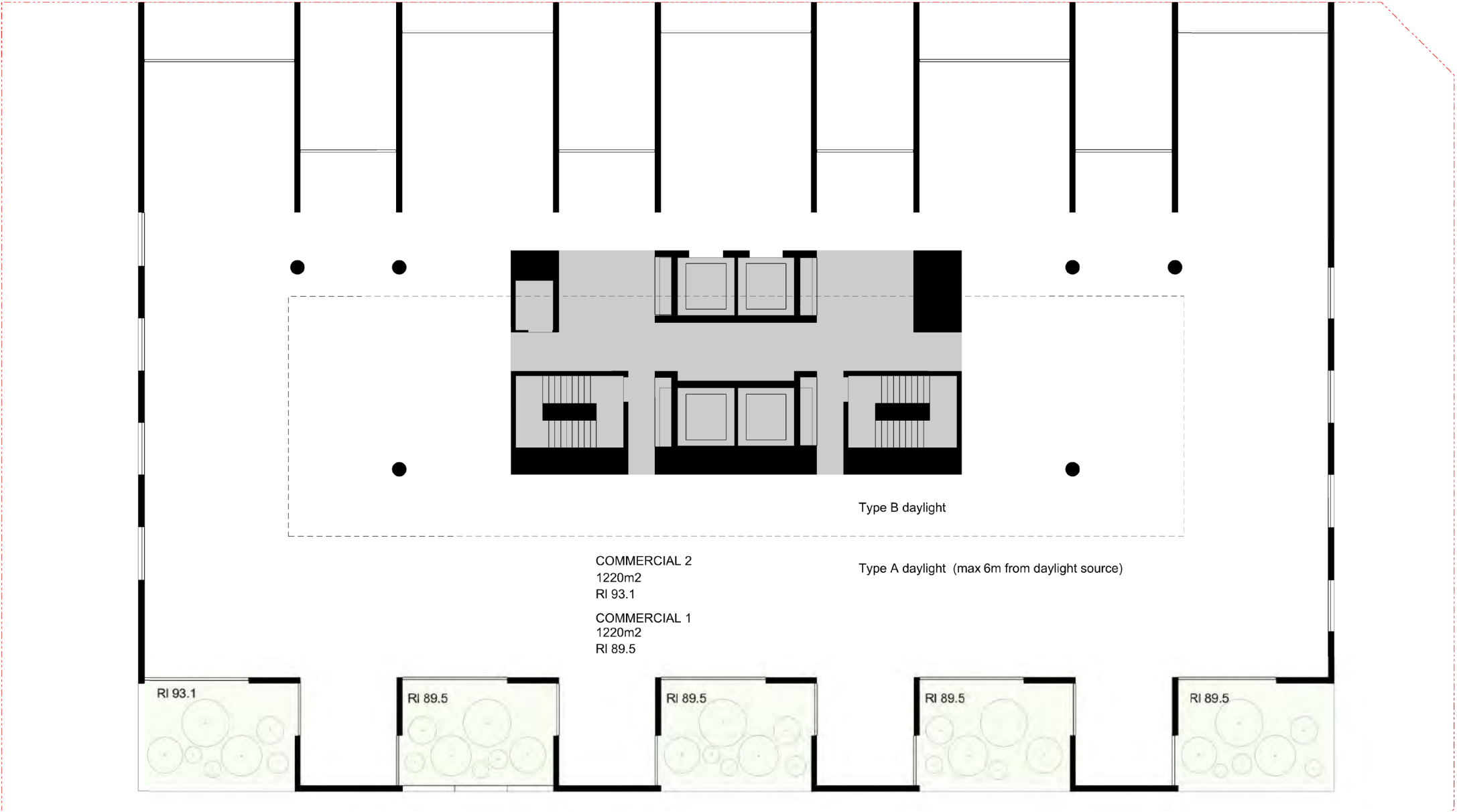
Upper Ground Plan

Date 6.12.17 Rev D

1:200 @ A3



05 CONCEPT DESIGN



Level One Plan

Date 6.12.17 RevD

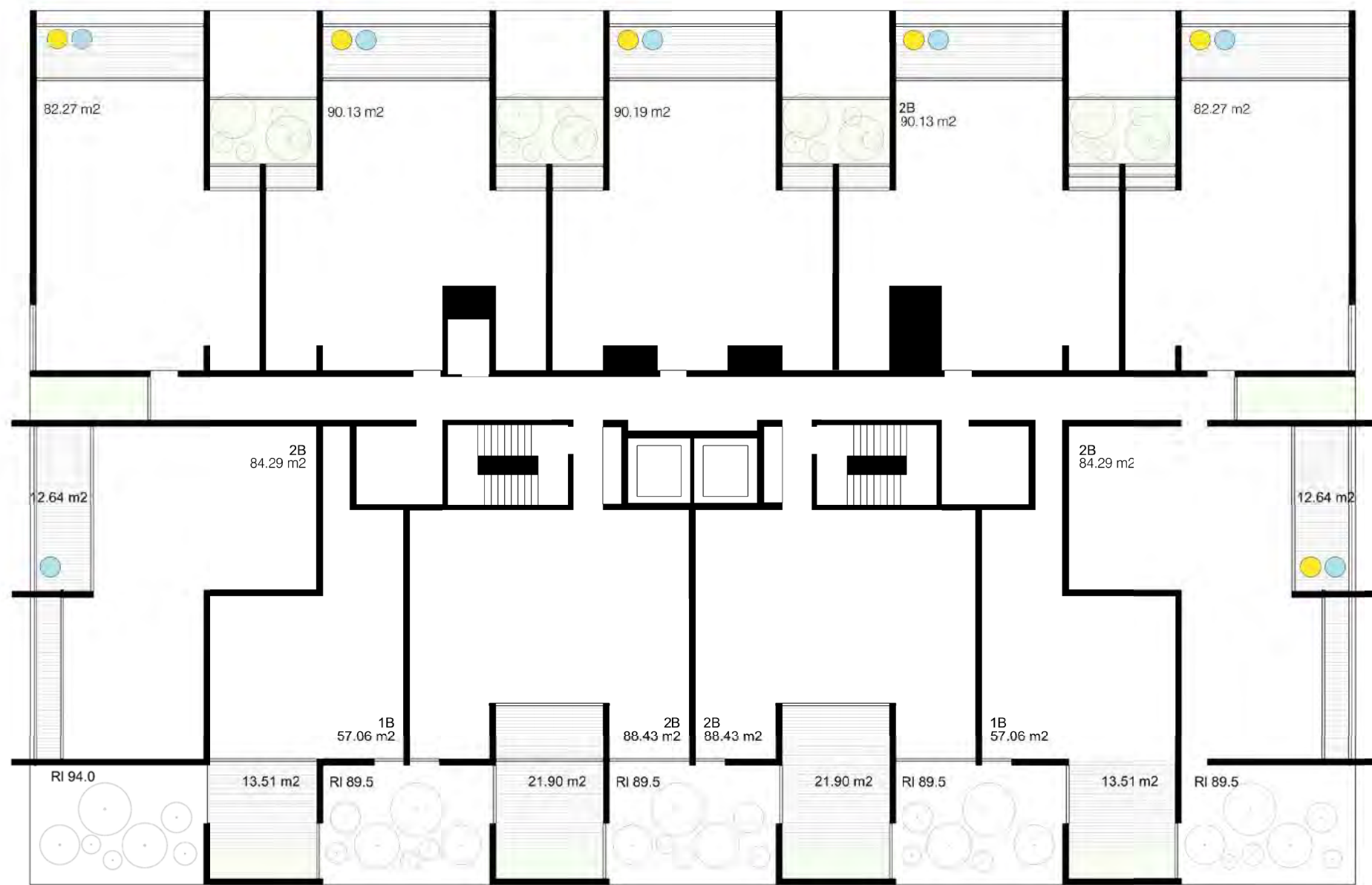
1:200 @ A3

Key

- Apartment Achieving ADG 2hr Solar Access
- Apartment Achieving ADG Cross Ventilation
- Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN



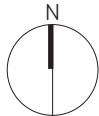
Level 2 Plan

Date 6.12.17 Rev D

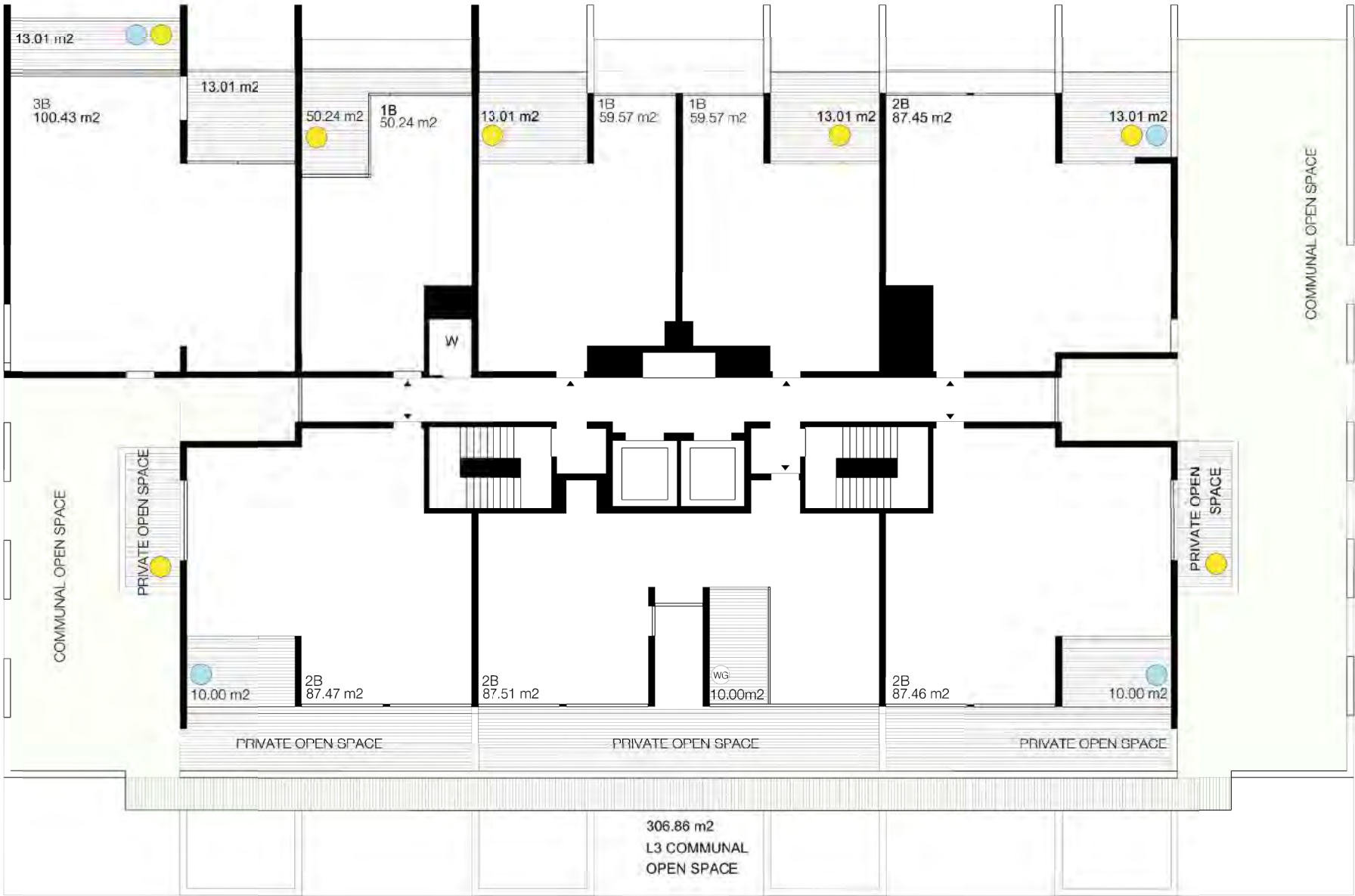
1:200 @ A3

Key

- Apartment Achieving ADG 2hr Solar Access
- Apartment Achieving ADG Cross Ventilation
- Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN

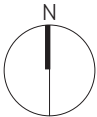


Level 3 Residential Plan

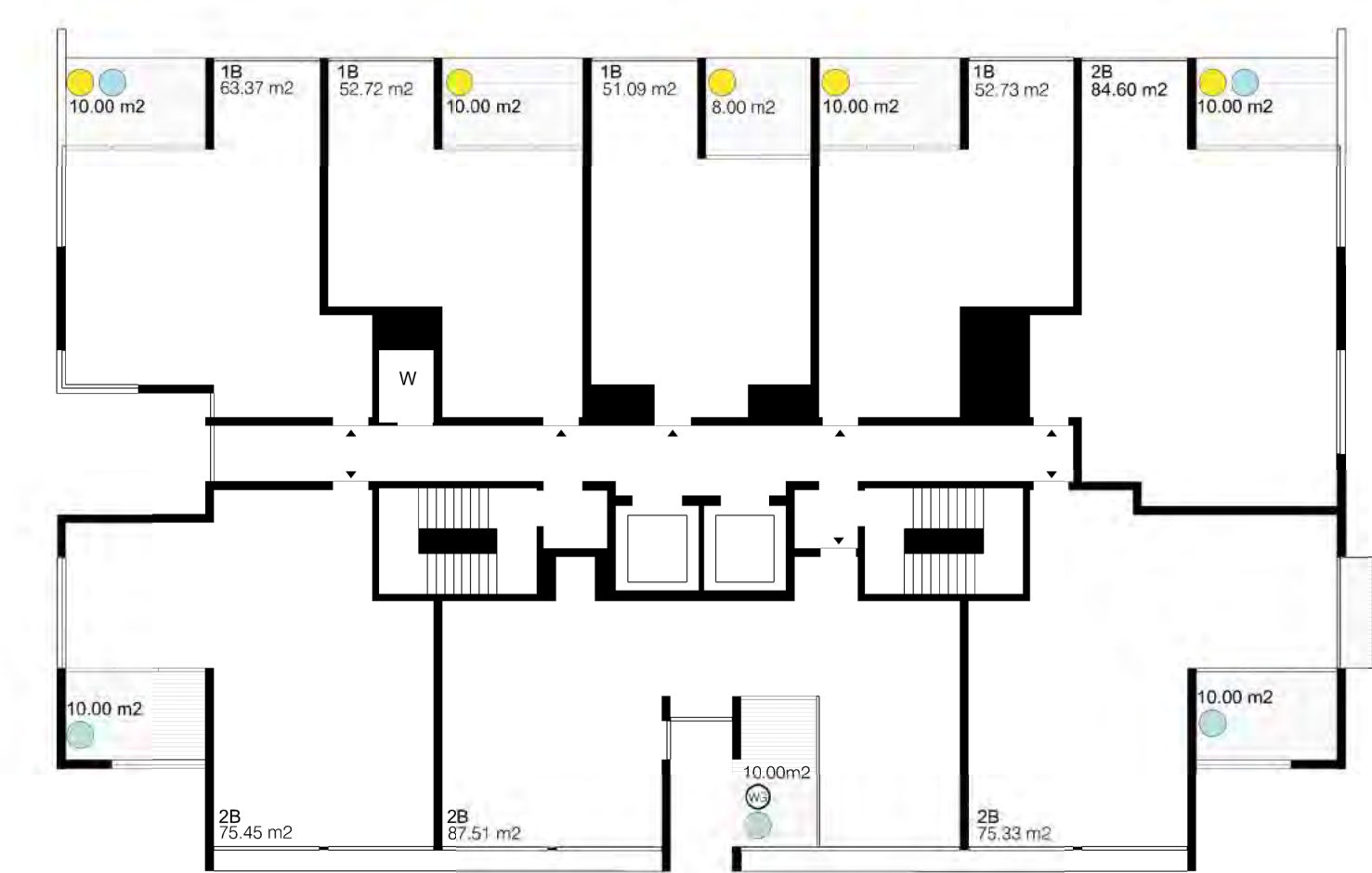
Date 6.12.17 Rev D 1:200 @ A3

Key

- Apartment Achieving ADG 2hr Solar Access
- Apartment Achieving ADG Cross Ventilation
- Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN

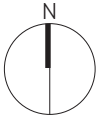


Level 5 Plan (4-8 Similar)

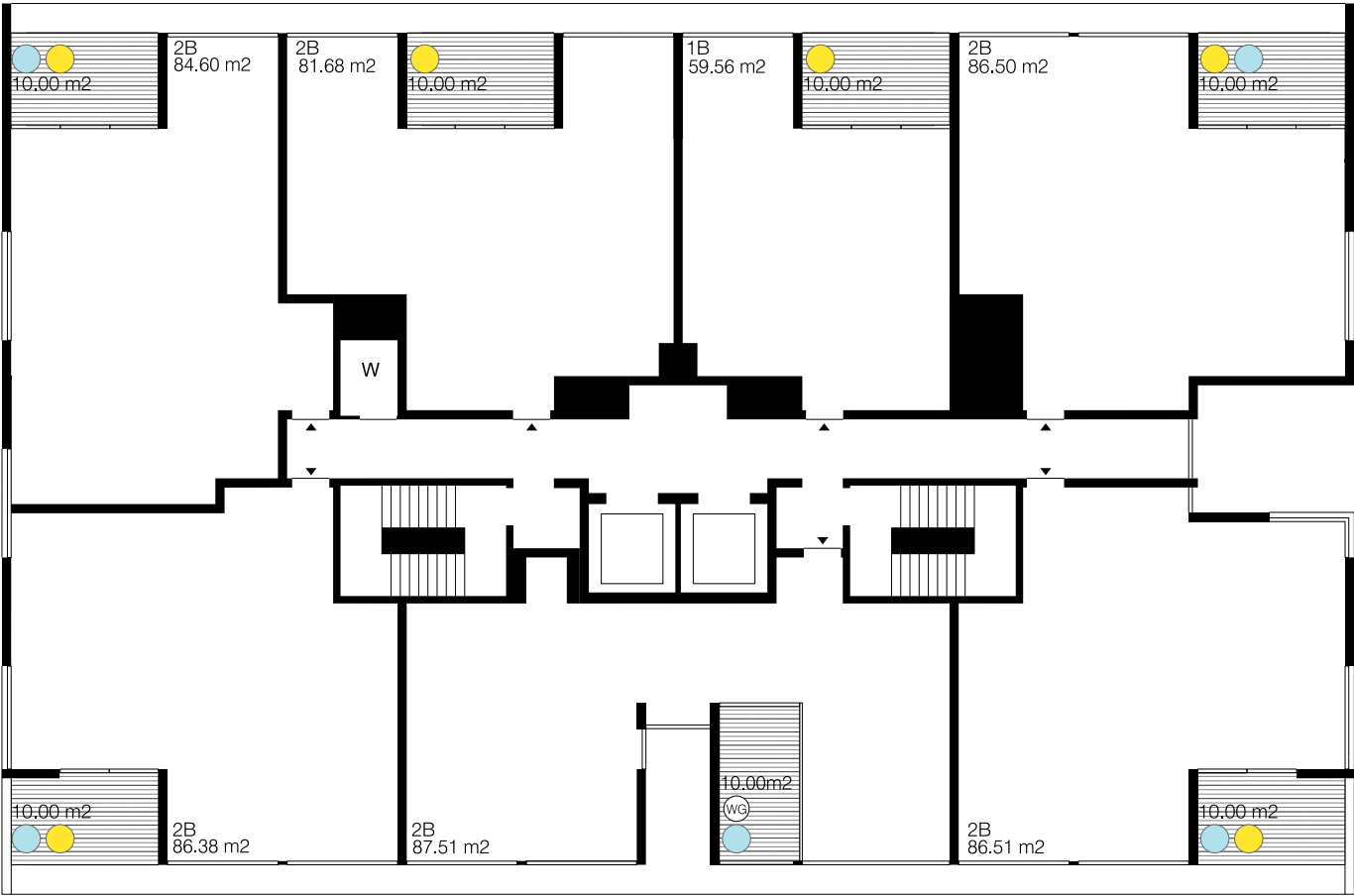
Date 6.12.17 RevD

1:200 @ A3

- Key
- Apartment Achieving ADG 2hr Solar Access
 - Apartment Achieving ADG Cross Ventilation
 - Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN



Level 9 Plan (10-12 Similar)

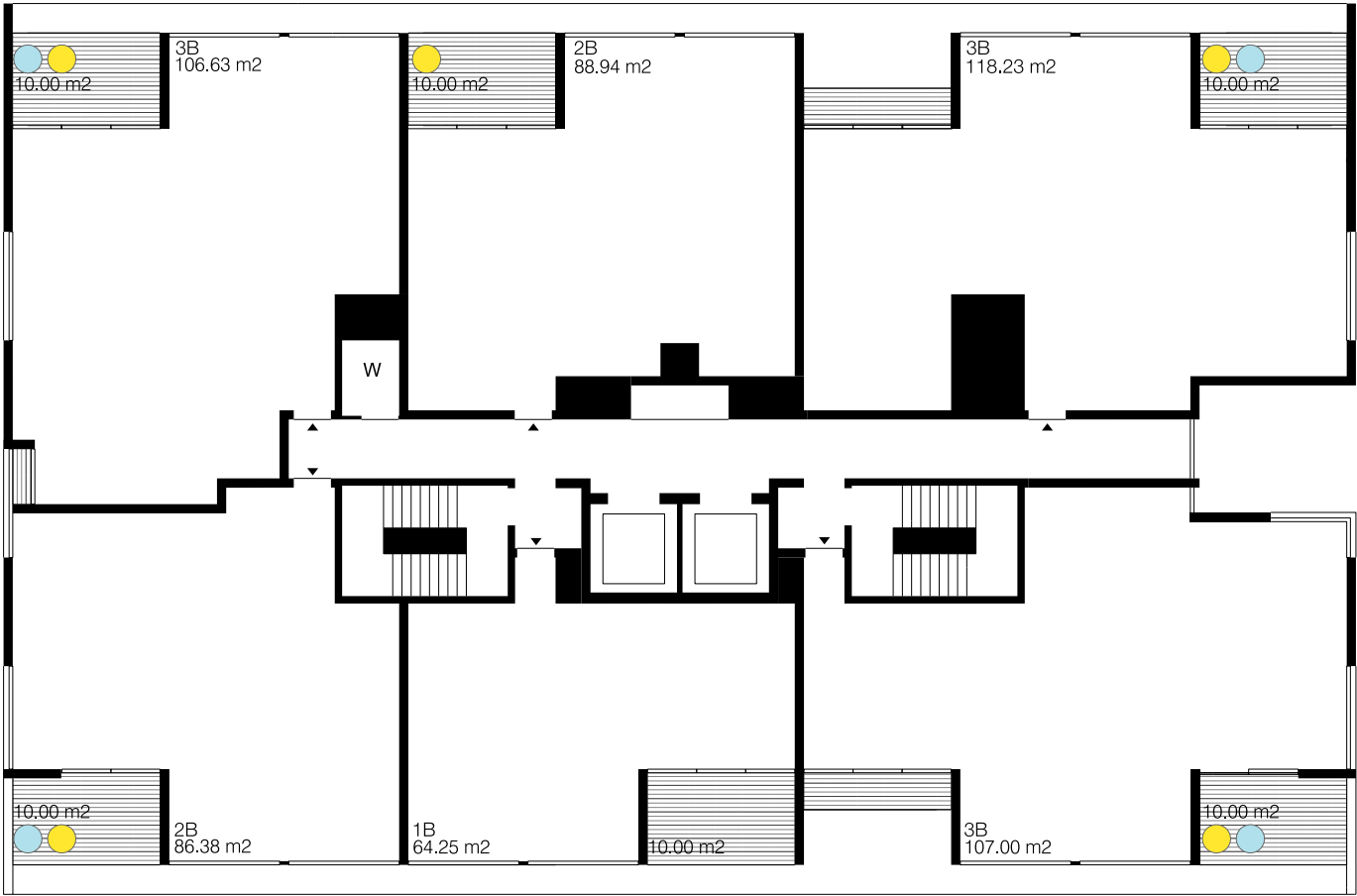
Date 6.12.17 RevD 1:200 @ A3

Key

- Apartment Achieving ADG 2hr Solar Access
- Apartment Achieving ADG Cross Ventilation
- Apartment with ADG No Direct Sunlight



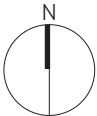
05 CONCEPT DESIGN



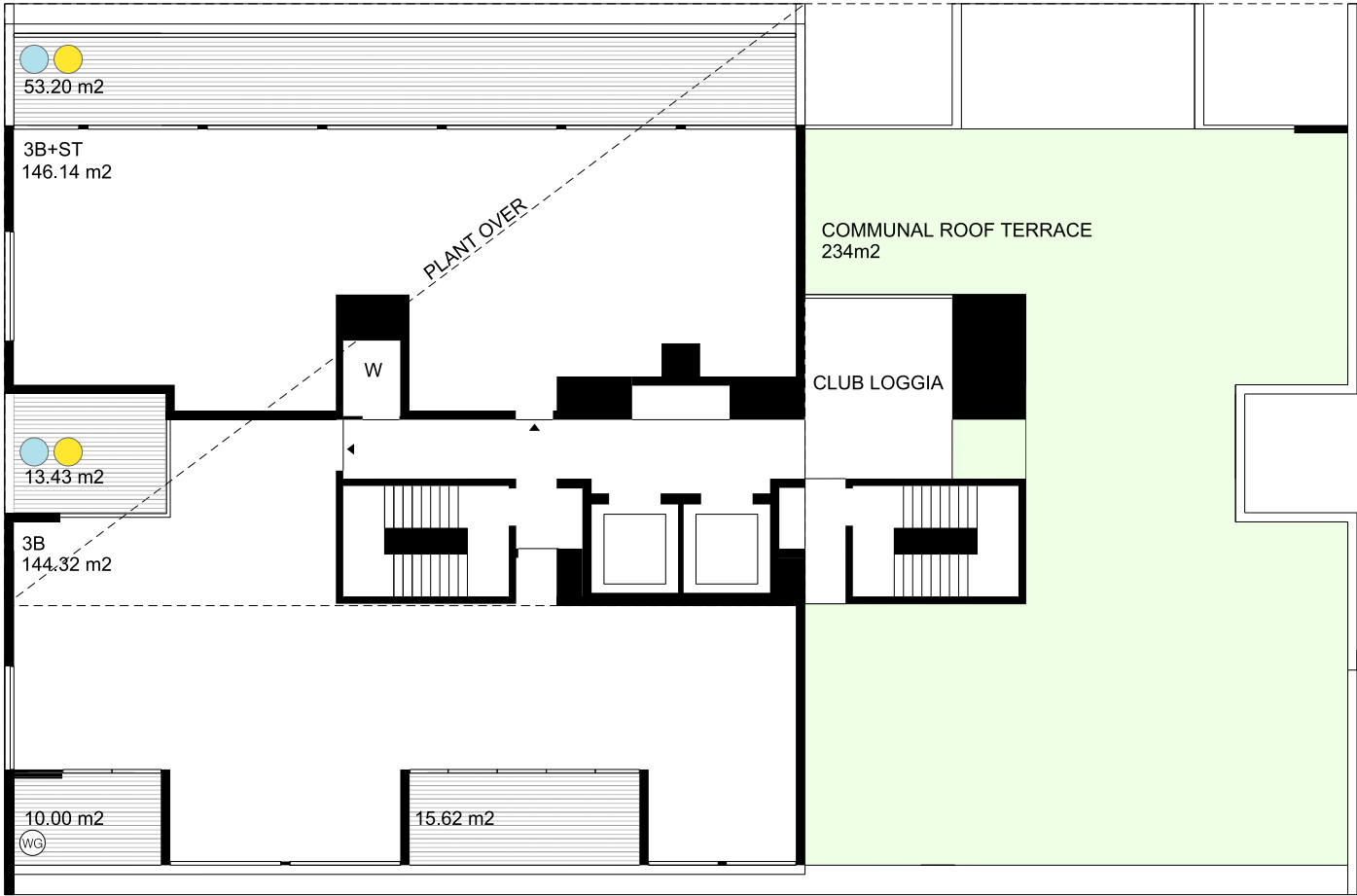
Level 14 Plan (13 Similar)

Date 6.12.17 RevD 1:200 @ A3

- Key
- Apartment Achieving ADG 2hr Solar Access
 - Apartment Achieving ADG Cross Ventilation
 - Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN



Level 15 Plan

Date 6.12.17 Rev D

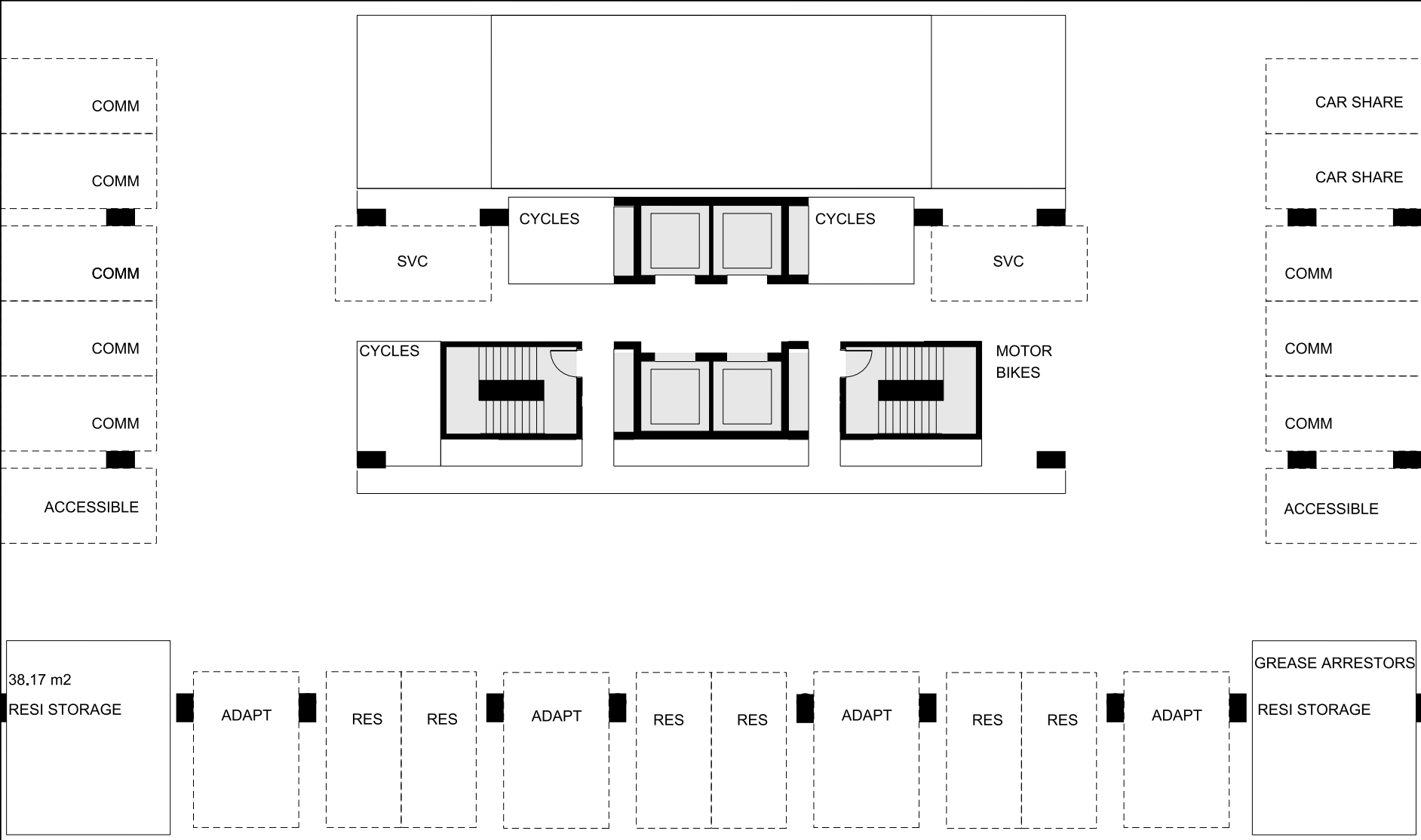
1:200 @ A3

Key

- Apartment Achieving ADG 2hr Solar Access
- Apartment Achieving ADG Cross Ventilation
- Apartment with ADG No Direct Sunlight



05 CONCEPT DESIGN



Basement Plan

Date 6.12.17 RevD

1:200 @ A3



05 CONCEPT DESIGN



Photomontage view of indicative design

Date 6.12.17 Rev D

05 CONCEPT DESIGN



Photomontage view of indicative design

Date 6.12.17 Rev D



Photomontage view of indicative design

Date 29.11.17

Rev D

06 APPENDIX

6.1 CONCEPT LANDSCAPE MASTERPLAN

The following indicative design was prepared by ASPECT to indicate landscaping for the proposed TWT1 masterplan

-AJ+C markup_Septemeber 2017

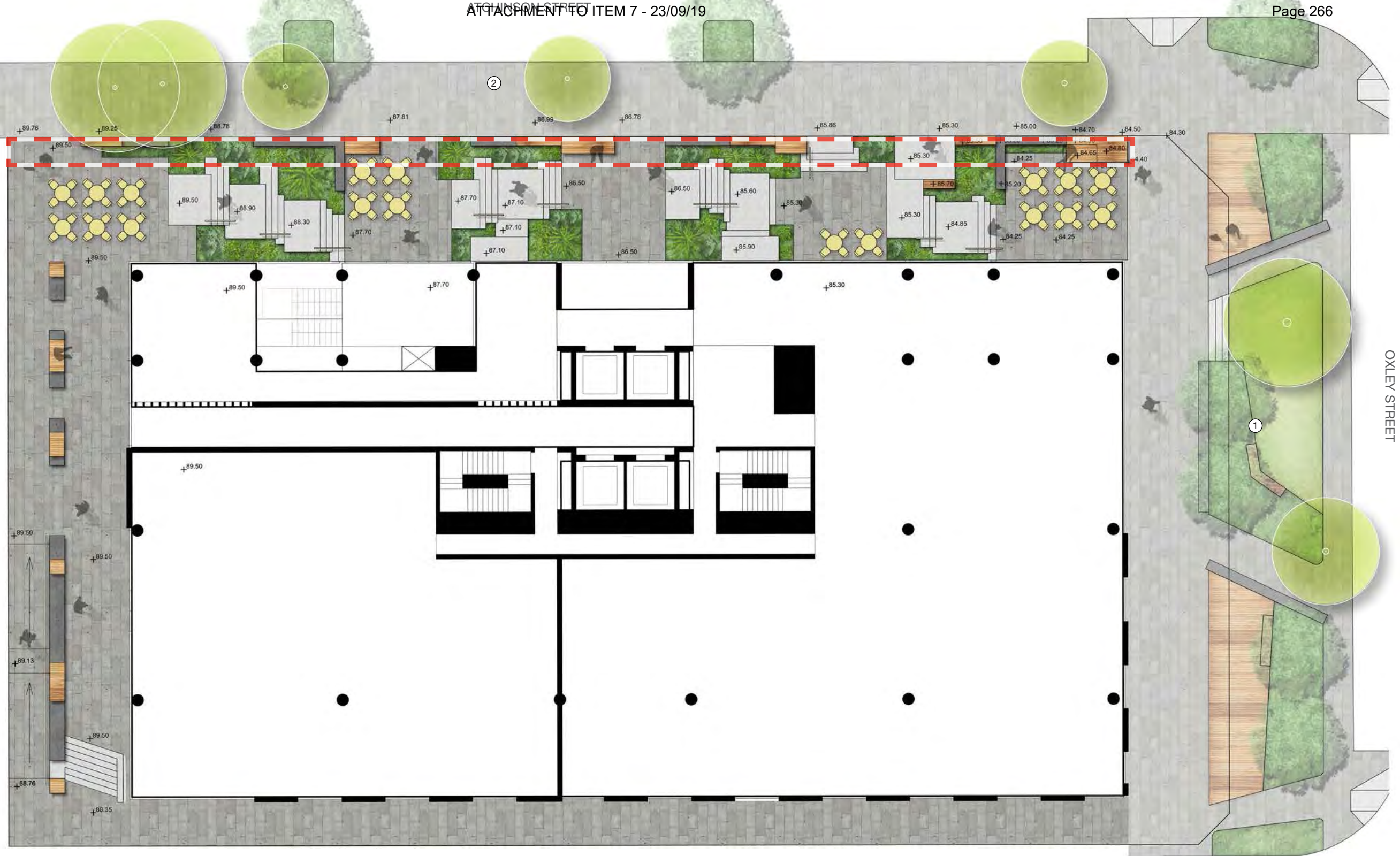
St Leonards

Draft Landscape Concept Plan

July 2017_ REV P3
Project No.: 17033

ASPECT Studios™

Future Public domain design to provide increased 1.5m width to existing footpath, shown dashed red



Legend

- Existing Tree
- New Tree (By Others)
- Planting
- Large Format Paving
- Precast Concrete Steps

- Stainless Steel Handrail
- Retaining Wall
- Sitting Wall with Timber Seat
- Alfresco Seating
- Proposed Level

Key

- ① Oxley Street public realm upgrade (by Council)
- ② Atchinson Street public realm upgrade (by Council)

23-35 Atchison Street, St Leonards | Landscape Concept

ASPECT Studios™

Architects: **Allen Jack + Cottier**

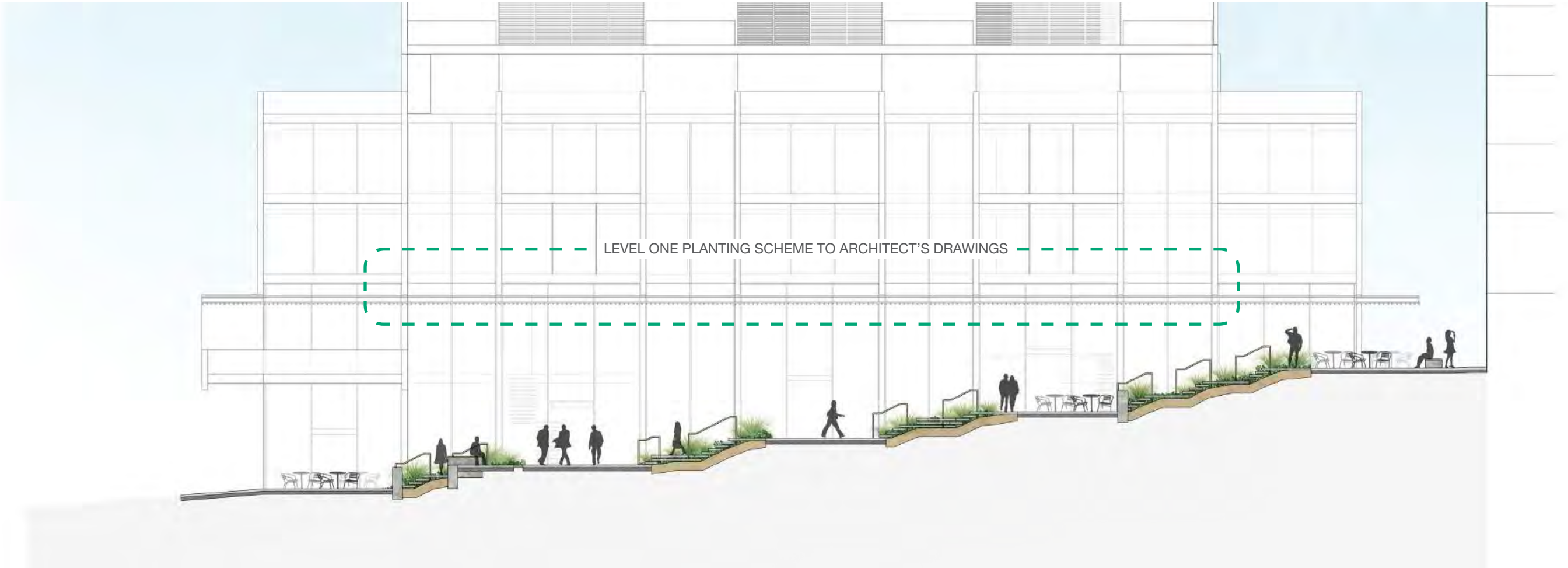
Client: **Austwin TWT Development Pty Ltd**

Scale: **1:200 @ A3**



Date: **11.12.2017**
Dwg no.: **A17033-SK06**
Rev: **A**

Landscape Concept Plan Option 2



Indicative Ground Plane Section A-A'

- 1. Staggered precast concrete steps
- 2. 'Floating' precast concrete steps with stainless steel handrail
- 3. Opportunity for paving artwork detailing
- 4. Alfresco dining & laneway art installations
- 5. Opportunity for laneway art exhibitions and bespoke landscape elements



23-35 Atchison Street, St Leonards | Landscape Concept

ASPECT Studios™

Architects: Allen Jack + Cottier

Client: Austwin TWT Development Pty Ltd

Scale: 1:200 @ A3



Date: 24.07.2017
Dwg no.: A17033-SK08
Rev: P3

Landscaped Terraces | Precedent Images

- 1. *Agave attenuata*
Century Plant
- 2. *Beschorneria Yuccoides*
Yucca-leaved Beschorneria
- 3. *Crassula ovata*
Money Tree
- 4. *Cycas revoluta*
Sago Palm
- 5. *Cotyledon orbiculata 'Silver Wave'*
Silver Pigs Ear
- 6. *Dichondra argentea 'silver falls'*
Silver Ponysfoot
- 7. *Echium candicans*
Pride of Madeira
- 8. *Euphorbia wulfenii*
Mediterranean Spurge
- 9. *Hylotelephium spectabile*
Sedum 'Autumn Joy'
- 10. *Limonium perezii*
Perennial Statice
- 11. *Liriope muscari*
Lilyturf
- 12. *Liriope muscari 'Just Right'*
Just Right Liriope
- 13. *Lomandra confertifolia 'Little Con'*
Oz Breed Little Con
- 14. *Myoporum parvifolium*
Creeping boobialla
- 15. *Miscanthus sinensis 'Yakushima Dwarf'*
Eulalia 'Yakushima Dwarf'



06 APPENDIX

6.2 ISOLATED SITES

Council letter (Concept for 25-35 Atchison Street, St Leonards) 5 April. Point 1:

21 Atchison Street has been identified as a potential isolated site.

"The proponent is encouraged to continue negotiations with 21 Atchison Street and incorporate the site into the scheme."

Evidence of continued negotiations with 21 Atchison Street are provided separately.

"Alternatively, if negotiations are unsuccessful, the concept proposal for 23-35 Atchison Street is revised to have full regard to the principles and separation requirements of the ADG assuming the future development 21 Atchison Street with nil side setbacks."

Design testing was undertaken for 21 Atchison Street. The site is approximately 35.07m deep by 10.17m wide. To the west the Nexus building has a zero setback to 8 storeys with light well that is approximately 6m x 3m in dimension.

The tested design utilises floorplates that would be generally applicable under both North Sydney DCP 2013 (DCP 13) and the controls proposed by the St Leonards / Crows Nest Planning Study - Precincts 2 and 3 Precinct (Planning Study). The proposal is for an 8 storey building with zero setbacks and two light wells that are approximately 6m x 2.5m in dimension with a 4 storey podium street frontage.

Due to the Nexus building form it is not possible to construct 21 Atchison Street above 8 storeys. Commercial space is proposed to the first 3 levels and can deliver approximately 1.69:1 FSR. Refer Appendix for Yields Table of 21 Atchison Street. SEPP 65 and ADG compliance is achievable to both 21 Atchison

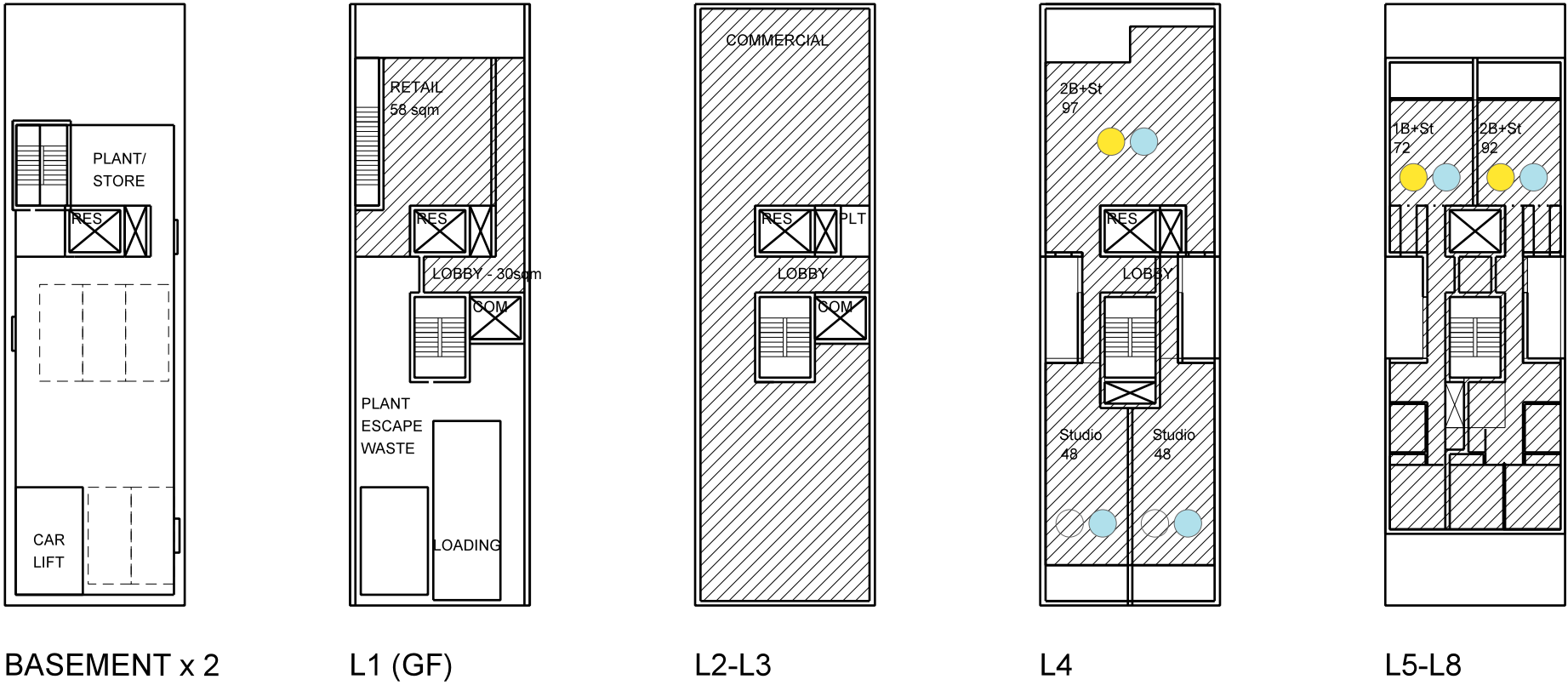


Figure 40: Figure 6.2.01. Potential Development Concept for Isolated Site

Alternatively, if negotiations are unsuccessful, the concept proposal for 23-35 Atchison Street is revised to have full regard to the principles and separation requirements of the ADG assuming the future development 21 Atchison Street with nil side setbacks."

Refer Figure 1.02. Indicative Yield table for 21 Atchison St.

PROJECT SUMMARY

21 ATCHISON PP 2017 _ 1.5 N

0

Residential Areas

Site-Building	Storeys	NSA	GFA	FECA	UCA	NSA/GFA
21 ATCHISON	8	851	975	1,108	174	87%
		851	975	1,108	174	

Non Residential Areas

Building	Use	NSA	GFA	FECA	UCA	NSA/GFA
21 ATCHISON	Retail	58	58	56	0	
	L2 and L3 Commercial	537	537	647	0	
Totals		595	595	703	0	

Carparking areas

Site-Building	Use	NSA	GFA	FECA	UCA
21 ATCHISON	Carparking		0	354	0
Total		0	0	594	0

Residential numbers and mix

Building	Unit Type	Studio	1B	1B+Study	2B_Sm	2B_Lg	3B
	Mix	18%	0%	36%	0%	45%	0%
	Average NSA	48	50	72	75	93	95
21 ATCHISON		2	0	4	0	5	0
		2	0	4	0	5	0

Carparking numbers

	Residential	Non Residential
21 ATCHISON	8	1
	8	1

Site Summary

FECA+UCA - Residential	1,282
FECA+UCA - Non residential	703
FECA+UCA - Carparking	594
FECA+UCA - Total	2,579
GFA - Non Residential	595
GFA - Residential	975
GFA - Total	1,569
Site Area - Total	352.6
FSR - Non Residential	1.69
FSR - Total	4.45
No. of apartments	0
No. of cars	9

Disclaimer

This is for high level feasibility only and all projections are approximate

Site FSR

	Residential	Non residential	Total FSR
21 ATCHISON	2.76	1.69	4.45

Definitions

Rev A

21 ATCHISON FSR Isolated Site Study (Non Resi FSR 1.5)

n FSR is Floor Space Ratio = GFA (LEP)/Site Area

n NSA is Nett Sellable Area measured to the inside face of enclosing walls excluding voids above a floor and balconies

n GFA (LEP) is Gross Floor Area measured as defined by the governing Local Government Authority

n FECA is Fully Enclosed Covered Area as defined by the Australian Standard Method of Measuring Building Works

n UCA is Uenclosed Covered Area as defined by the Australian Standard Method of Measuring Building Works

n Efficiency = NSA/FECA

n all areas are measured in square metres

n Efficiency of GBA to GFA for towers at DESIGN TEST %

Site Areas

	Total Site
21 ATCHISON	352.6

Figure 41: Figure 6.2.02. Indicative Yield Table 21 Atchison St.

06 APPENDIX

6.3 SOLAR ANALYSIS (38-46 & 30-36 ALBANY ST)

	6 storeys	16 Storeys	16 Storeys	16 Storeys	16 Storeys	16 Storeys
Street Address/Level/Apartment no.	Current LEP	Council Planning Study	Proposed	* Council Planning Study Comparison	Equinox Council Planning Study	Equinox Proposed
46 Albany						
46.10	0	0.5	1.5	Cutout Diagram 01+02	2.75	
46.11	0	0	0.25	Cutout Diagram 01+02	2.25	2.5
46.12	0	0	0		2	2.5
46.13	0	0	0		1.5	2
46.14	0	0	0		1.25	1.5
46.20	0.5	0.5	2.75	Cutout Diagram 01+02	2.75	2.75
46.21	0	0	1	Cutout Diagram 01+02	2.25	2.25
46.22	0	0	0		2.25	2.25
46.23	0	0	0		1.5	1.75
46.24	0	0	0		1.5	1.5
46.30	5	2.75	2.75		2.75	2.75
46.31	4	1	1.5	Cutout Diagram 01+02	2.25	2.25
46.32	4	0.5	1	Cutout Diagram 02+03	2.5	2.5
46.33	3	0.25	0.5	Cutout Diagram 02+03	1.75	1.75
46.34	2	1	1.5	Cutout Diagram 02+03	1.75	1.75
46.40	5	2.5	2.5		2	2
46.41	5	0.75	1	Cutout Diagram 01+02	2.25	2.25
46.42	5	0.25	0.5	Cutout Diagram 02+03	2.25	2.25
46.43	5	1	1.25	Cutout Diagram 02+03	2	2
46.50	6	2.5	2.5		2	2
46.51	6	0.75	1	Cutout Diagram 01+02	2.25	2.25
46.52	6	0.25	0.75	Cutout Diagram 02+03	2	2
46.53	5	1	1.25	Cutout Diagram 02+03	2.25	2.25
30 Albany						
30.10	0	0	0		1.50	1.50
30.11	0	0	1.75	Thru-Site Link	1.75	1.75
30.12	0.25	0	1.75	Thru-Site Link	1.75	1.75
30.13	0.25	0	1.75	Thru-Site Link	1.75	1.75
30.14	1	1.25	1.5	Thru-Site Link	1.5	1.5
30.20	0	0	1	Thru-Site Link	1.75	1.75
30.21	0	0	2	Thru-Site Link	2	2
30.22	1	0	2	Thru-Site Link	2	2
30.23	1.5	1.75	2	Thru-Site Link	1.75	1.75
30.30	4.5	2	2		2.25	2.25
30.31	2	2	2		2	2
30.32	2	2	2		2.25	2.25
30.40	5	1.75	2	Thru-Site Link	2.25	2.25
30.41	4.5	2	2		2.25	2.25
30.42	4	1.75	1.75		2	2
30.50	5	1.75	2	Thru-Site Link	2.5	2.5
30.51	4.5	2	2		2.5	2.5
30.52	4	1.75	1.75		2.75	2.75

* Reasoning behind improvement Provided. Refer to page 81 for Cutout Diagrams 01,02 & 03.

LEGEND

Equinox

Mid winter solstice

Indicates Improvement to Council Planning Study

Overshadowing mitigation strategy

38-46 Albany and 30-36 Albany North Facing Apartments Below Podium –

A total of 27 apartments are located in the podium over Levels 1, 2 & 3. These apartments will be overshadowed such that 7 will receive no direct sunlight between 9am – 3pm during the midwinter solstice.

Of the remaining 20 apartments during midwinter between 9am – 3pm:

- 2 apartments will receive less than 1 hour
- 3 apartments will receive 1 hour
- 7 apartment will receive 1 ½ hours
- 8 apartments will receive 2 hours.

All apartments receive 2 hours direct sunlight from October 20th until March 5th

North Facing Apartments Above Podium

A total of 14 north-facing apartments are located above the podium level. Of these apartments, 6 will receive 2 hours of sunlight between 9am – 3pm during the midwinter solstice. Of the remaining 8 apartments during midwinter between 9am – 3pm:

- 2 apartment will receive less than 1 hour

- 2 apartments will receive 1 hour

It is noted that all apartments which fail to receive 2 hours during the midwinter solstice, each receive 2 hours to 3 hours of sunlight between 9am – 3pm by the equinox.

Conclusions for impacts to 38-46 Albany and 30-36 Albany

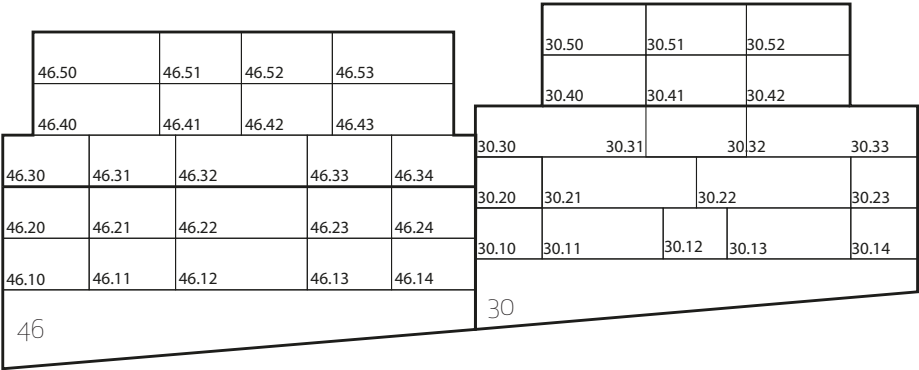
As with the 34 Oxley Street apartments (as overshadowed by 7-19 Albany St) , the apartments within 38-46 Albany and 30-36 Albany presently receive solar access to their northern facades over existing generally under-developed subject site, considered to be essentially borrowed amenity.

23 existing apartments will receive improved solar performance from a compliant building envelope from Council’s Planning Study, due to the inclusion of building cutouts and the creation of a laneway pedestrian link.

The proposed development for 25-35 Atchison Street has been designed to maximise solar access to these apartments by

- Increasing the street setback from Oxley Street by 7m from a zero setback in the DCP controls
- Increasing the setback to the podium of Albany Lane from 1.5m to 2m
- Providing a 6m wide open to the sky laneway between Atchison Street and Oxley Street
- Providing 2 storey cut outs in the podium form along Albany Street
- Providing 2.5m deep cut outs in the tower form on Levels 5-8 inclusive.

The solar impacts are an expected outcome of the site dictated by the planning controls and are considered reasonable in this regard.



North Elevation Diagram

06 APPENDIX

6.3 SOLAR ANALYSIS 7-19 ALBANY ST

	6 storeys	16 Storeys	16 Storeys	16 Storeys	16 Storeys	16 Storeys
Street Address/Level/Apartment no.	Current LEP	Council Planning Study	Proposed	* Council Planning Study Comparison	Equinox Council Planning Study	Equinox Proposed
7-19 Albany						
7.10	5.5	4	4		6	6
7.11	5.5	3.25	3.25		6	6
7.12	5.5	3.25	3.25		6	6
7.13	5.25	3	3		6	6
7.14	5	3	3		6	6
7.15	4.75	2.75	2.75		6	6
7.16	4.5	2.25	2.25		5.75	5.75
7.17	4	2.25	2.25		5	5
7.18	3.75	1.75	1.75		5	5
7.20	5.75	4.75	5.25	Roof Plant Setback	6	6
7.21	5.5	3.75	5.5	Roof Plant Setback	6	6
7.22	5.5	4	5.25	Roof Plant Setback	6	6
7.23	5.25	3.75	5	Roof Plant Setback	6	6
7.24	5	3.75	5	Roof Plant Setback	6	6
7.25	4.75	3.75	4.75	Roof Plant Setback	6	6
7.26	4.5	3.5	3.5		6	6
7.27	4	2.25	2.25		5.75	5.75
7.28	3.75	1.75	2	Roof Plant Setback	5.5	5.5
7.30	6	5.5	6	Roof Plant Setback	6	6
7.31	5.5	5.5	5.5		6	6
7.32	5.5	5.25	5.25		6	6
7.33	5.25	5.25	5.25		6	6
7.34	5	5	5		6	6
7.35	4.75	4.75	4.75		6	6
7.36	4.5	4.5	4.5		6	6
7.37	4.25	3	4	Roof Plant Setback	5.75	5.75
7.38	3.75	3	3.75	Roof Plant Setback	5.5	5.5
7.40	6	6	6		6	6
7.41	6	6	6		6	6
7.42	5.25	5.25	5.25		6	6
7.43	5.25	5.25	5.25		6	6
7.50	6	6	6		6	6
7.51	6	6	6		6	6
7.52	5.5	5.5	5.5		6	6
7.53	5.5	5.5	5.5		6	6
7.60	6	6	6		6	6
7.61	6	6	6		6	6
7.62	5.75	5.75	5.75		6	6
7.63	5.5	5.75	5.75		6	6
7.70	6	6	6		6	6
7.71	6	6	6		6	6
7.72	5.75	5.75	5.75		6	6
7.73	5.75	5.75	5.75		6	6
7.80-7.83	6	6	6		6	6
7.90-7.93	6	6	6		6	6
7.100-7.103	6	6	6		6	6
7.110-7.113	6	6	6		6	6

* Reasoning behind improvement Provided. Refer to page 81 for Cutout Diagrams 01,02 & 03.

LEGEND

Equinox

Mid winter solstice

Indicates Improvement to Council Planning Study

Overshadowing of some podium level dwellings at 7-19 Albany Street

A total of 59 apartments are located on the north facing façade. 100% of the apartments will receive a minimum 2 hours of direct sunlight between 9am –3pm during the midwinter solstice. For the 32 apartments in the tower form there will be no additional overshadowing.

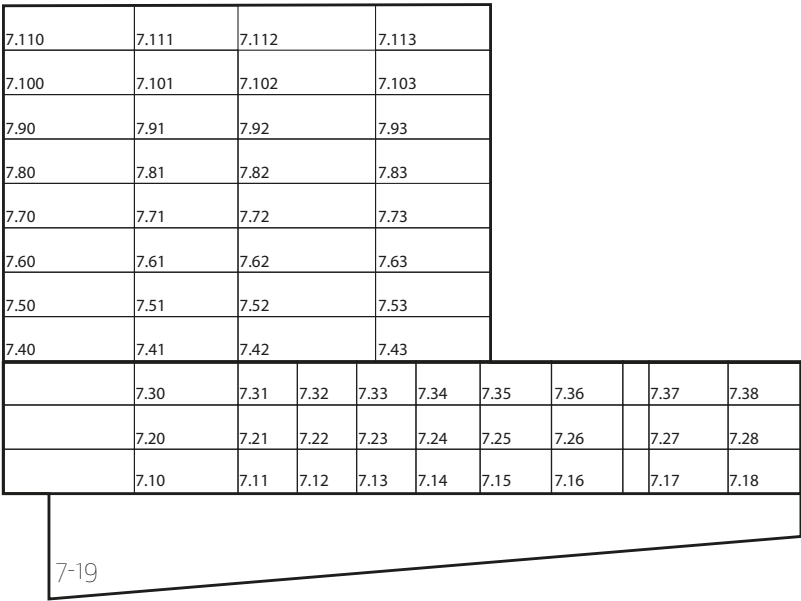
90% (53/59) of all north facing apartments will receive in excess of 3 hours direct sunlight in midwinter.

Comparative analysis of solar impacts of 7-19 Albany Street S96 approval on 34 Oxley Street

The design of 25-35 Atchison Street has been analysed in comparison to the approval for 7-19 Albany Street (DA167/14) with data obtained from the Report of Lara Huckstepp to the JRPP (2014SYE067)

• 44.8% (13/29) of the apartments to the 34 Oxley Street site receive 2 hours sunlight after overshadowing by the approved 7-19 AlbanyStreet development.

• 46.3% (19/41) of the apartments to the 38-46 Albany and 30-36 Albany Street sites receive 2 hours sunlight after overshadowing by the proposed 25-35 Atchison Street development



North Elevation Diagram

06 APPENDIX

6.4 SOLAR STUDIES

“Additional Shadow analysis, including careful consideration as how the scheme mitigates shadow impacts to the planned children’s playground at Hume Park, 30-46 Albany Street and 7-19 Albany Street”

- The solar studies show that the development will:
- + Have no impact on the Hume Street Park except for minor overshadowing after 2.55 pm of the proposed carpark access driveway 1

SOLAR DIAGRAMS, WINTER SOLSTICE



9am June 21st, Winter Solstice

SOLAR DIAGRAMS, EQUINOX



9am March 21st, Equinox



12pm June 21st, Winter Solstice



12pm March 21st, Equinox



3pm June 21st, Winter Solstice



3pm March 21st, Equinox

06 APPENDIX

SOLAR DIAGRAMS, SUMMER SOLSTICE



9am December 21st, Summer Solstice



12pm December 21st, Summer Solstice



3pm December 21st, Summer Solstice

6.6 OVERSHADOWING MINIMISATION

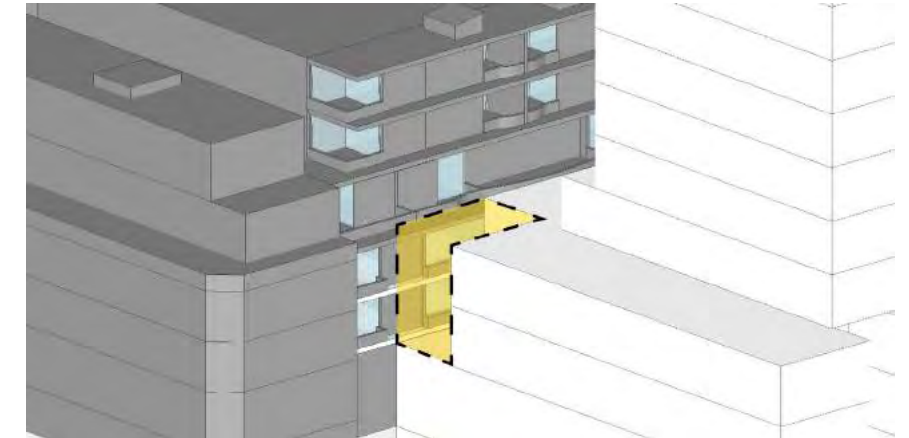
Council letter (Concept for 25-35 Atchison Street, St Leonards) 5 April. Point 3

"The built form to be amended to minimise overshadowing of residential developments 30-46 Albany Street and 7-19 Albany Street"

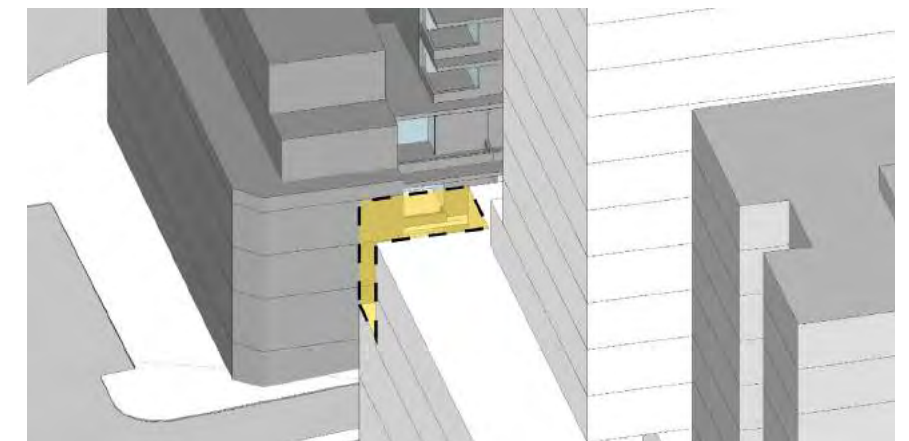
Minimise the overshadowing into living spaces of existing residential development by amending the bulk of the built form.

Overshadowing has been minimised by removing a 6.1m x 4.8m rectangle from the Southern corners of podium on Level 3, extent of which is shown in dashed orange. An increase in solar amenity is achieved for a number of apartments, as seen in the following diagrams.

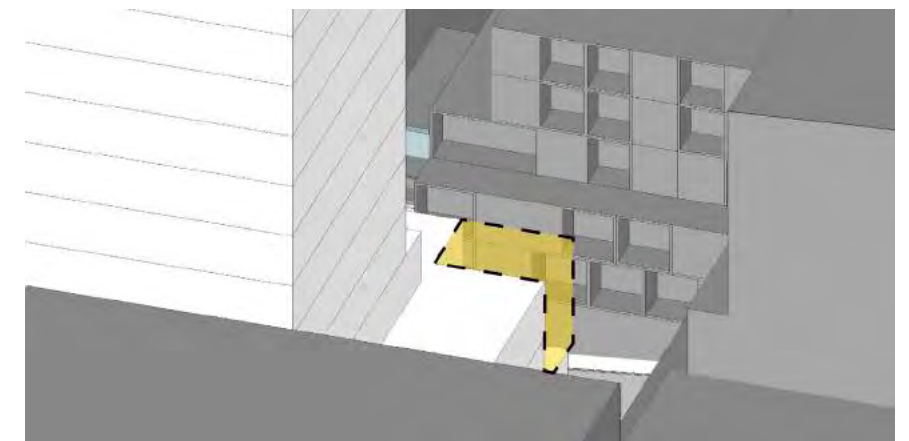
In addition, balconies addressing Albany Lane are introduced, increasing activation and passive surveillance along the length of the southern boundary.



Cutout Diagram 01: 9am



Cutout Diagram 02: 11am

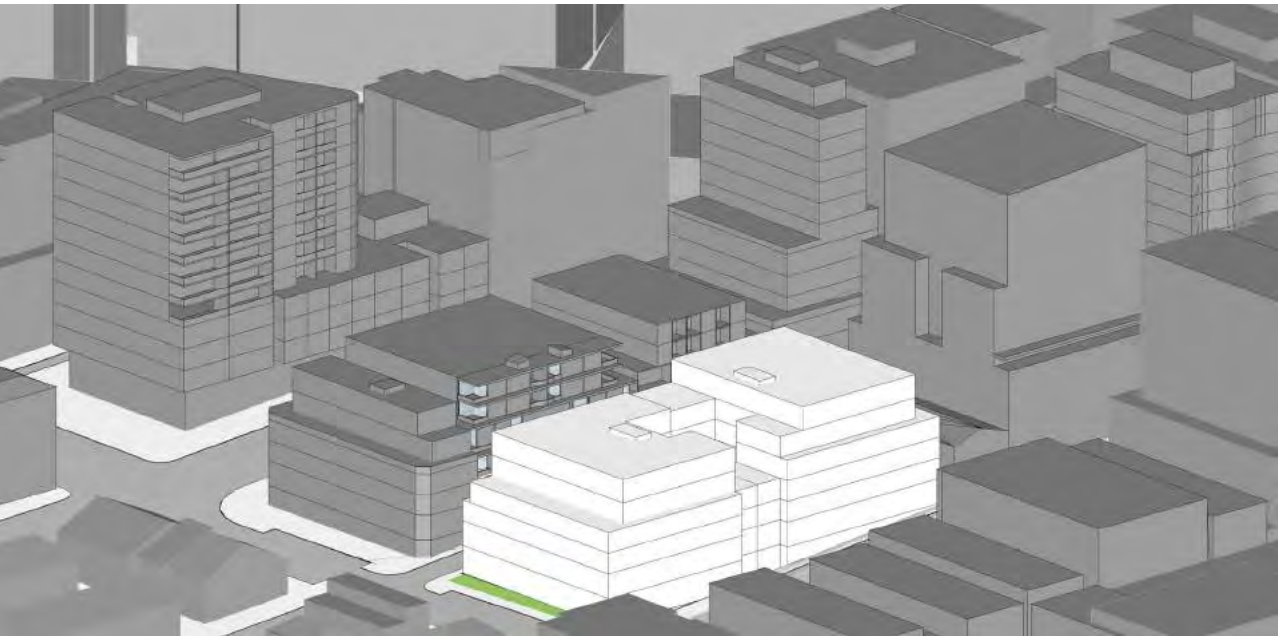


Cutout Diagram 03: 1pm

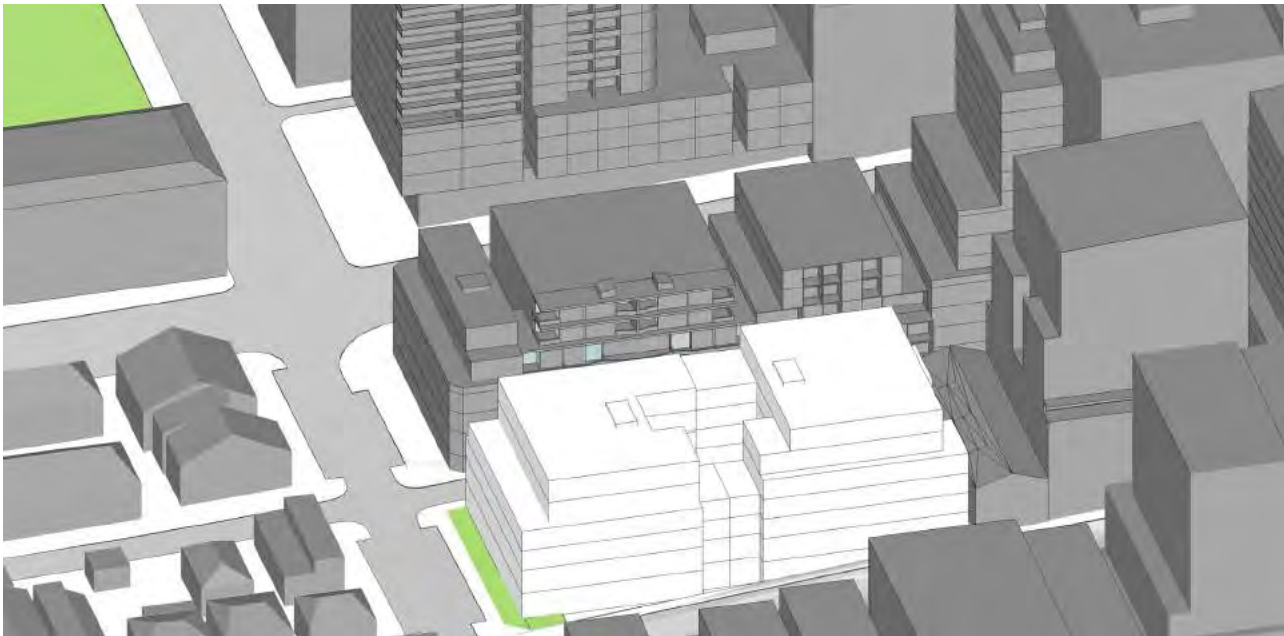
06 APPENDIX

SUN EYE DIAGRAMS_BASE CASE (6 STOREYS)

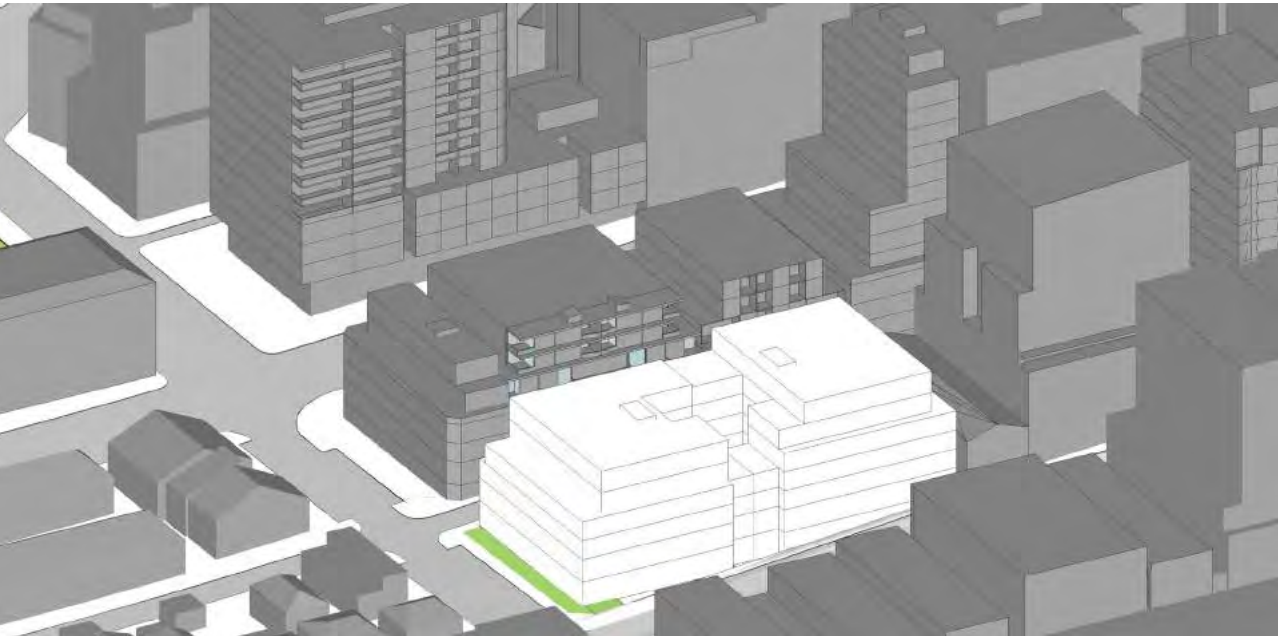
Suneye Views



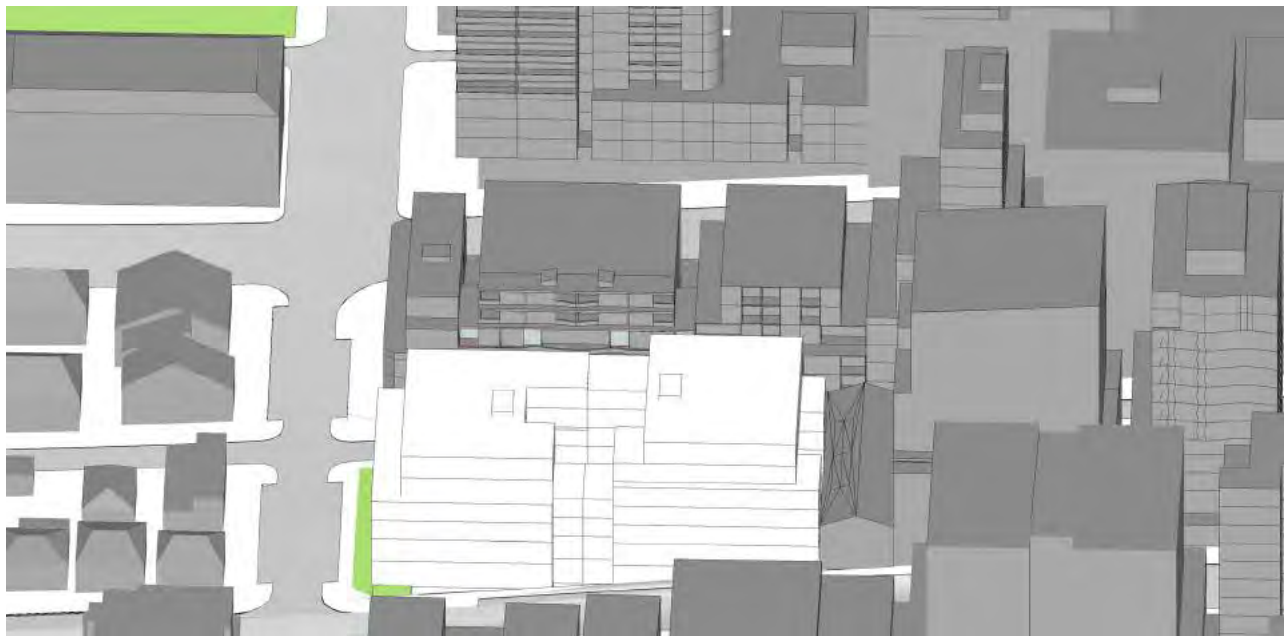
9 am June 21st



11 am June 21st

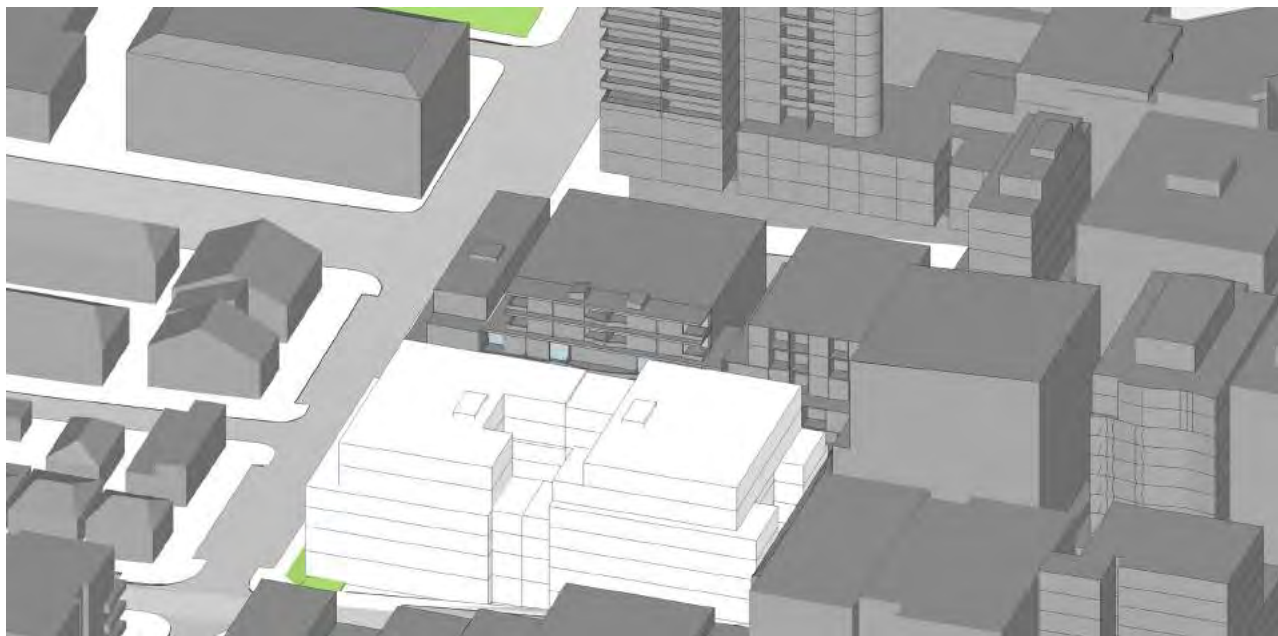


10 am June 21st

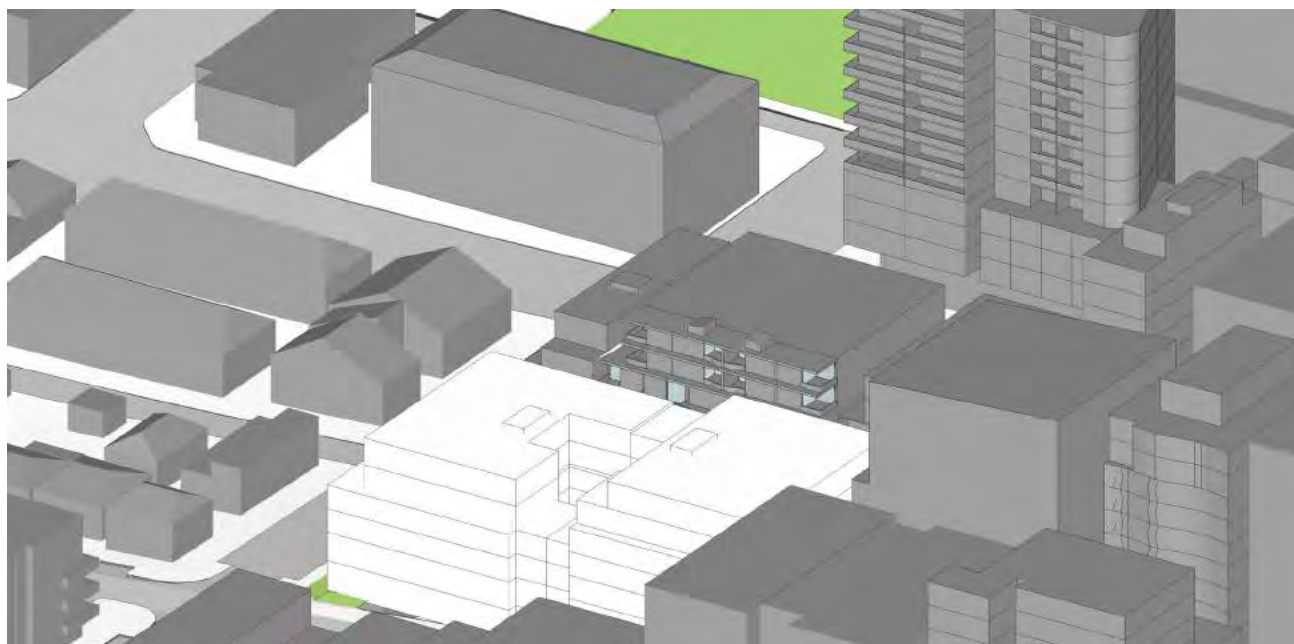


12 pm June 21st

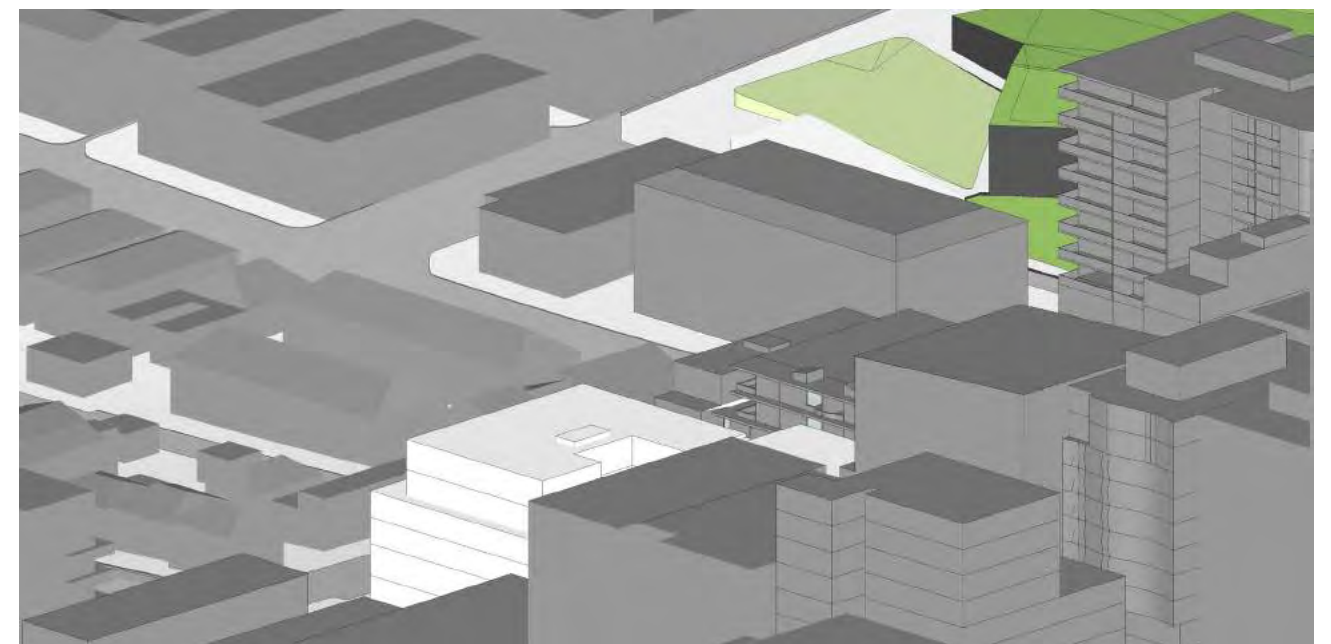
06 APPENDIX



1 pm June 21st



2 pm June 21st



3 pm June 21st

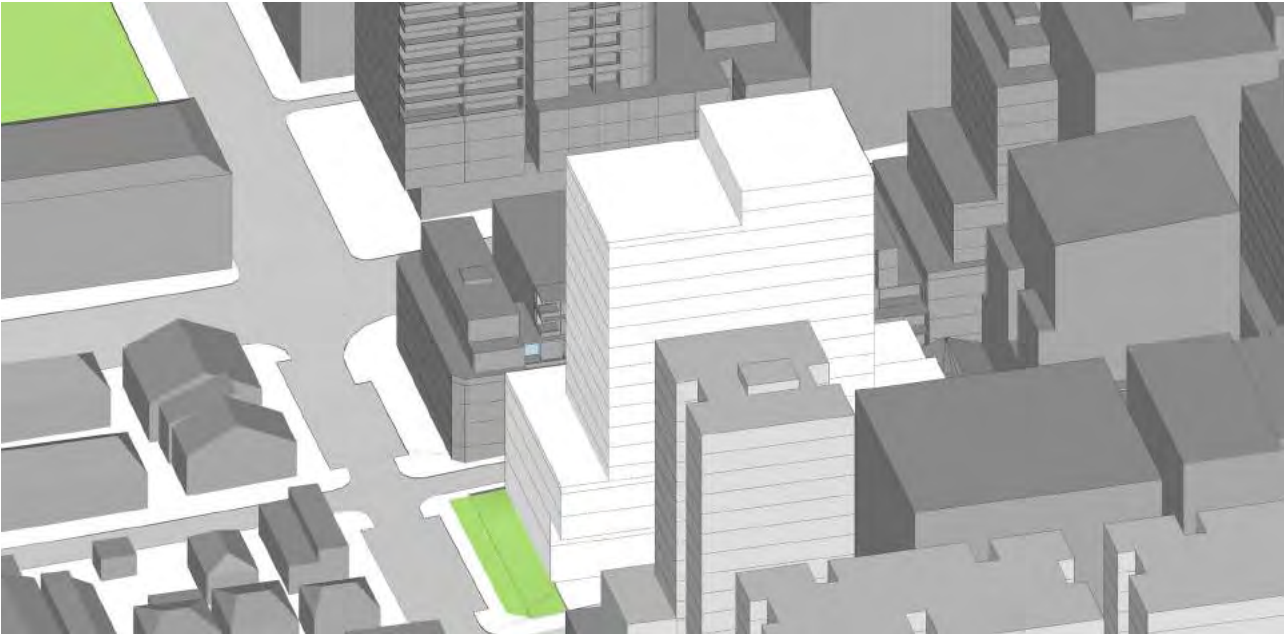
06 APPENDIX

SUN EYE DIAGRAMS_COMPLIANT (16 STOREYS)

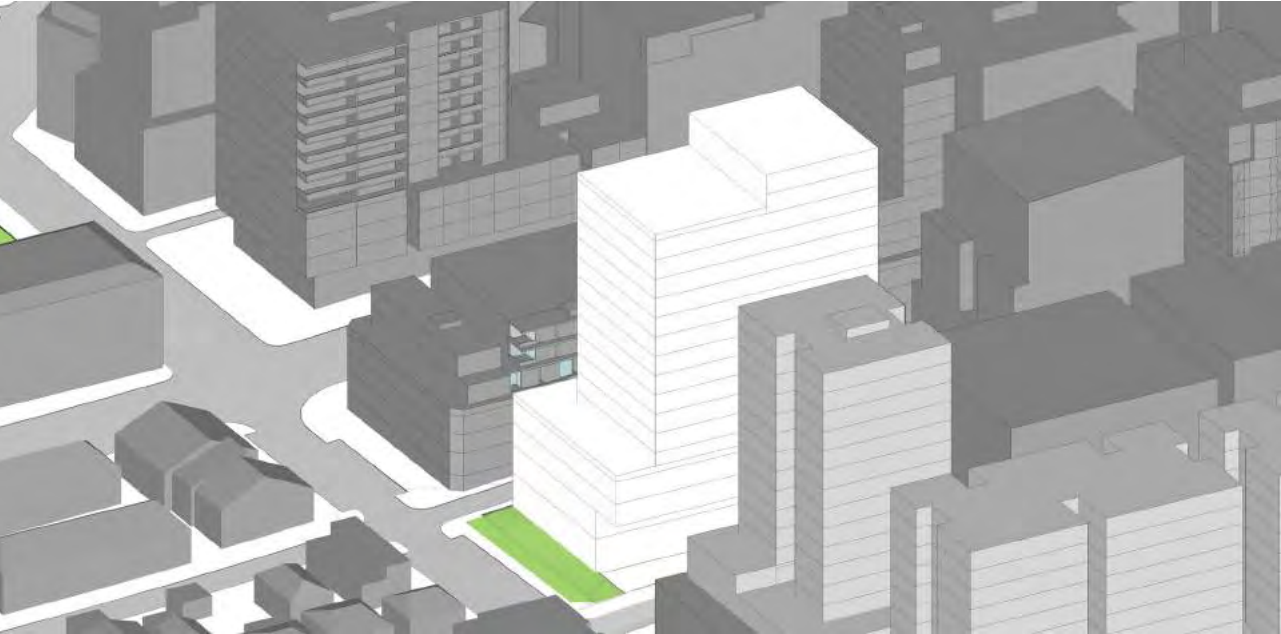
Suneye Views.
Note: TWT Sites 2 & 3 possible building envelope based on
Precinct Study shown light grey



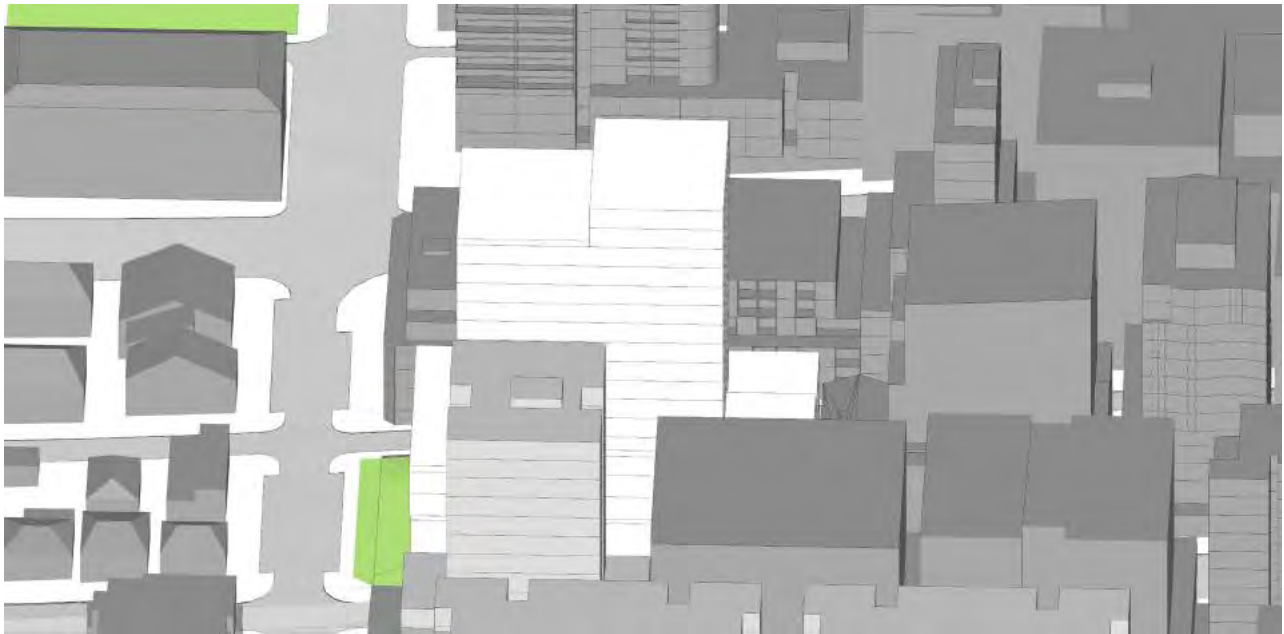
9 am June 21st



11 am June 21st

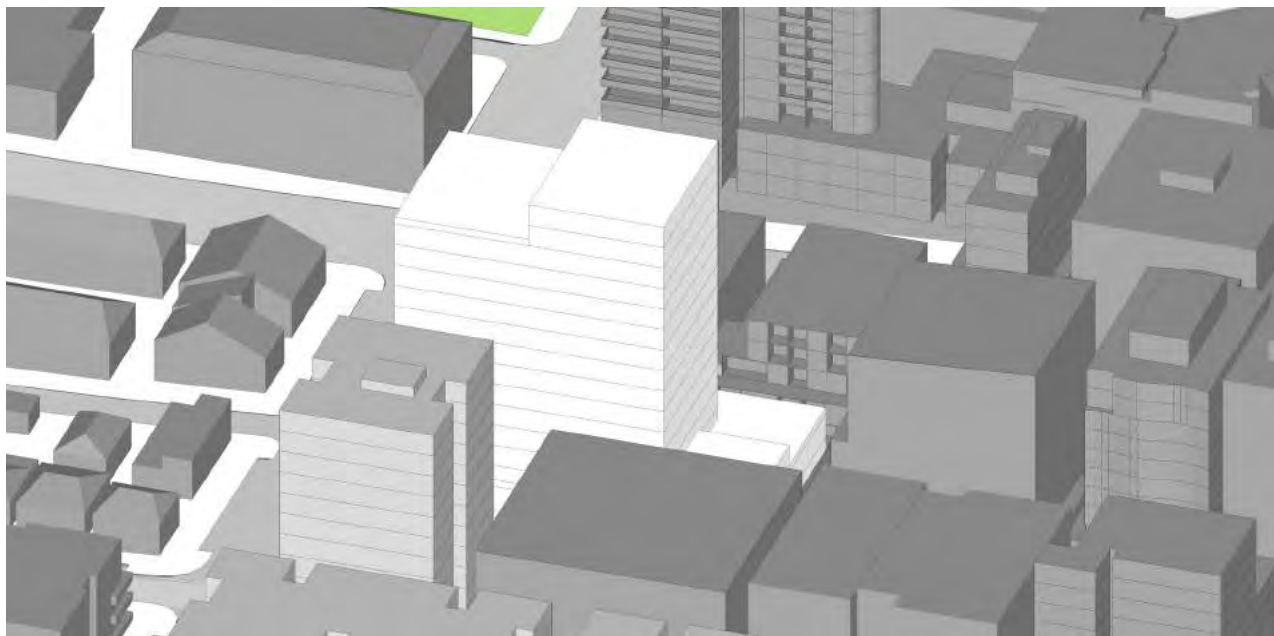


10 am June 21st

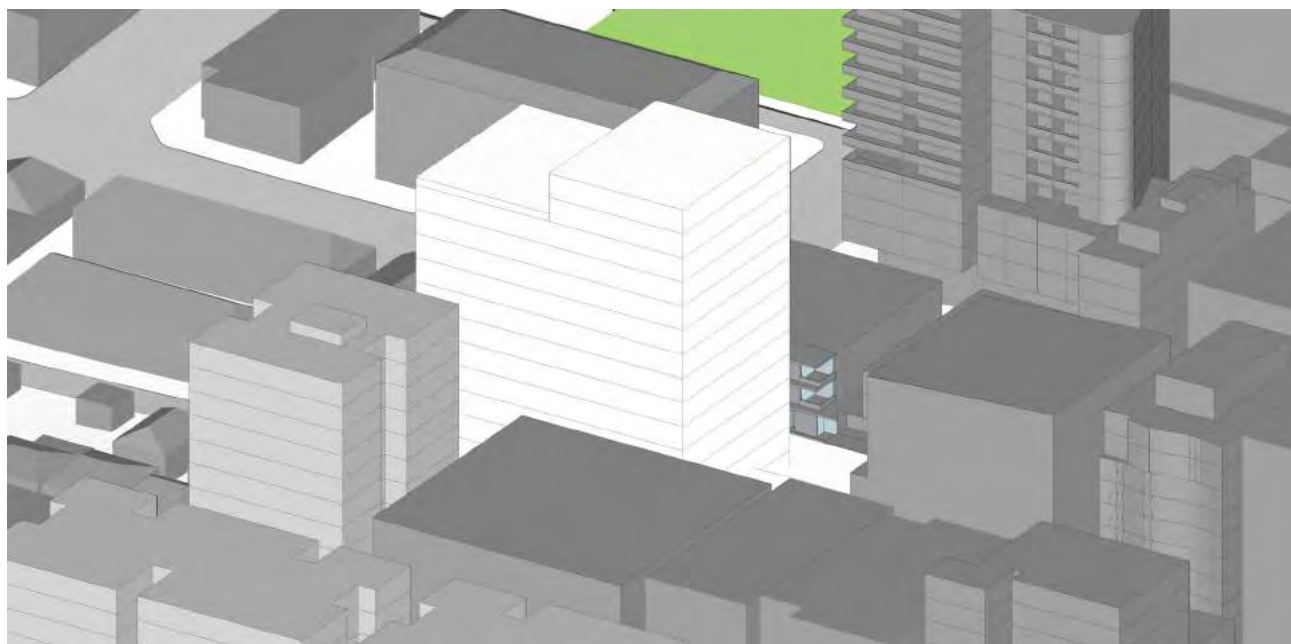


12 pm June 21st

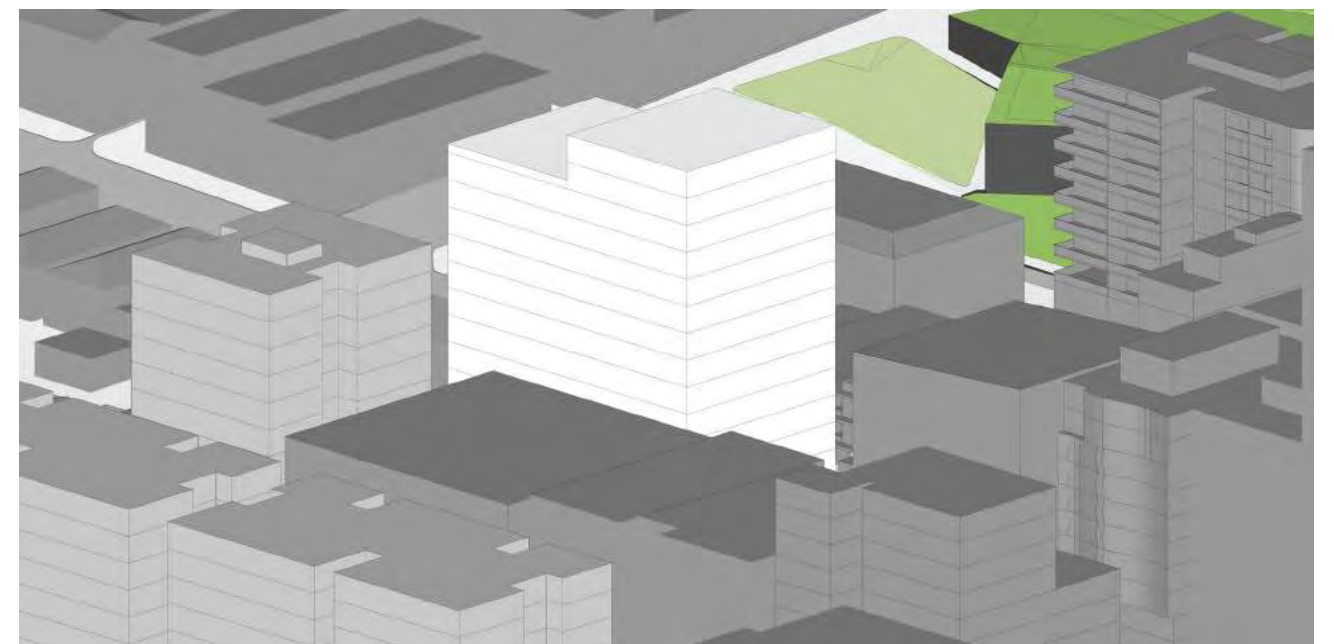
06 APPENDIX



1 pm June 21st



2 pm June 21st



3 pm June 21st

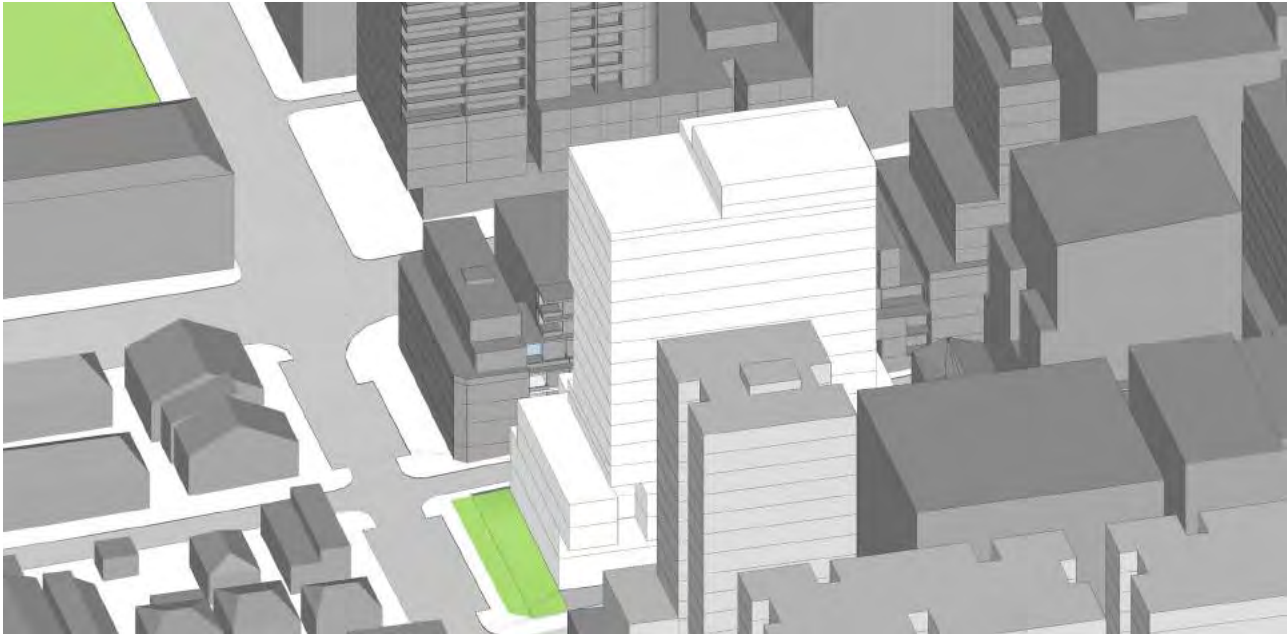
06 APPENDIX

SUN EYE DIAGRAMS_MODIFIED PROPOSAL(16 STOREYS)

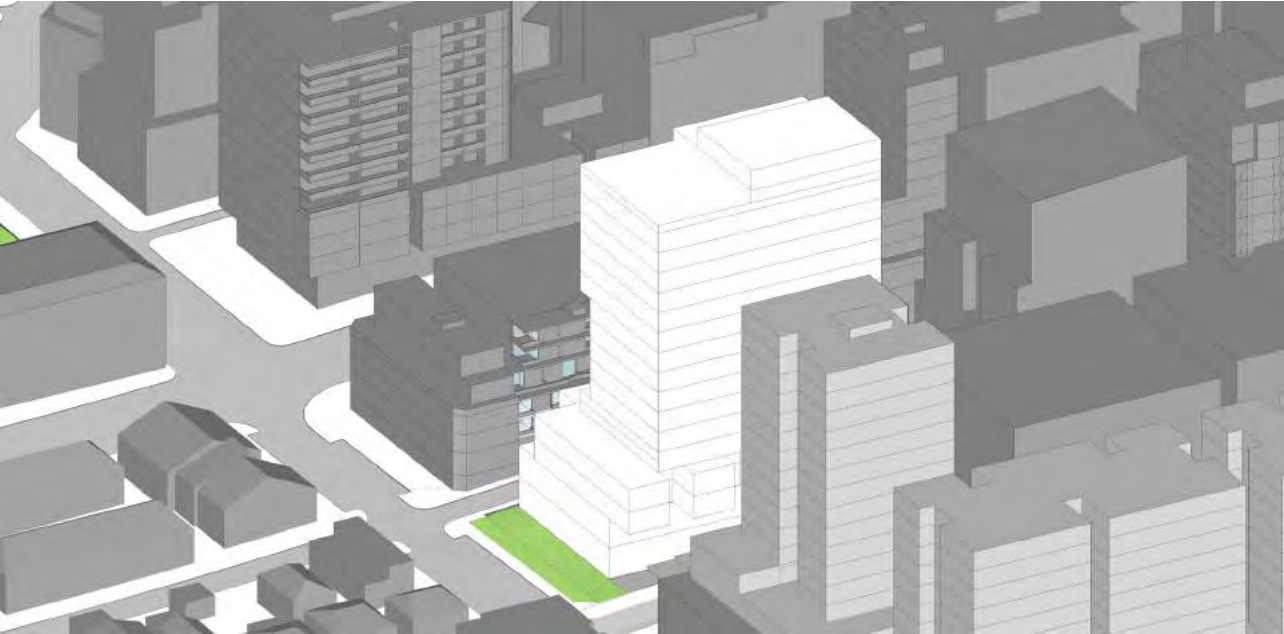
Suneye Views.
Note: TWT Sites 2 & 3 possible building envelope based on
Precinct Study shown light grey



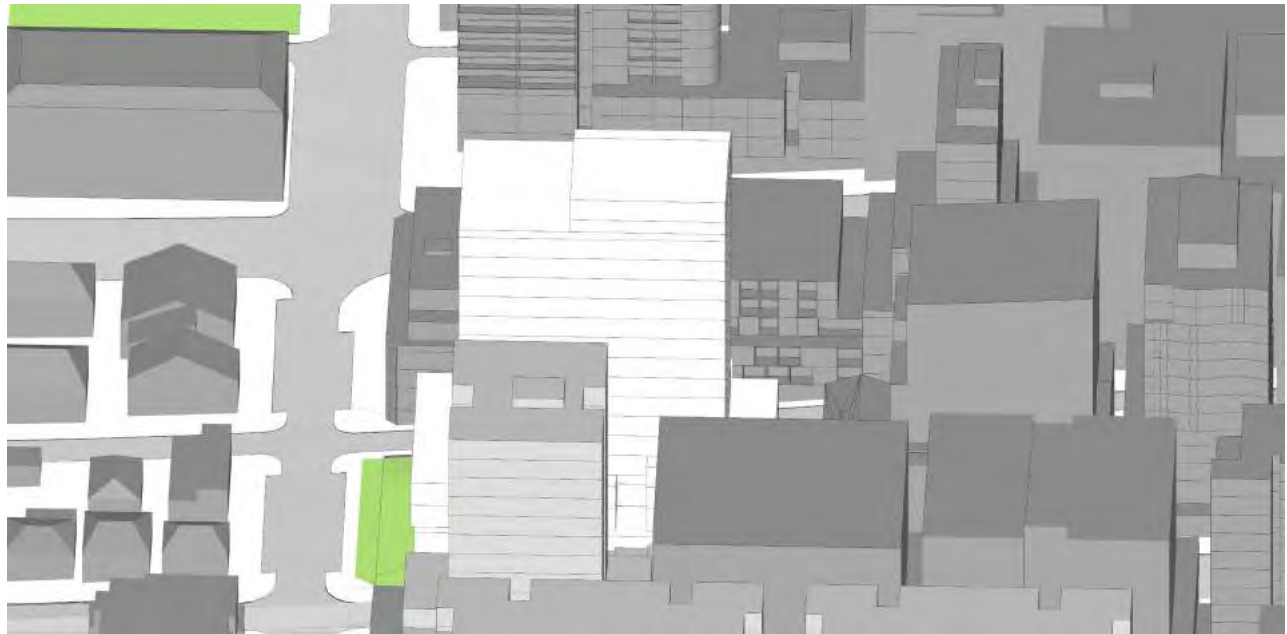
9 am June 21st



11 am June 21st



10 am June 21st

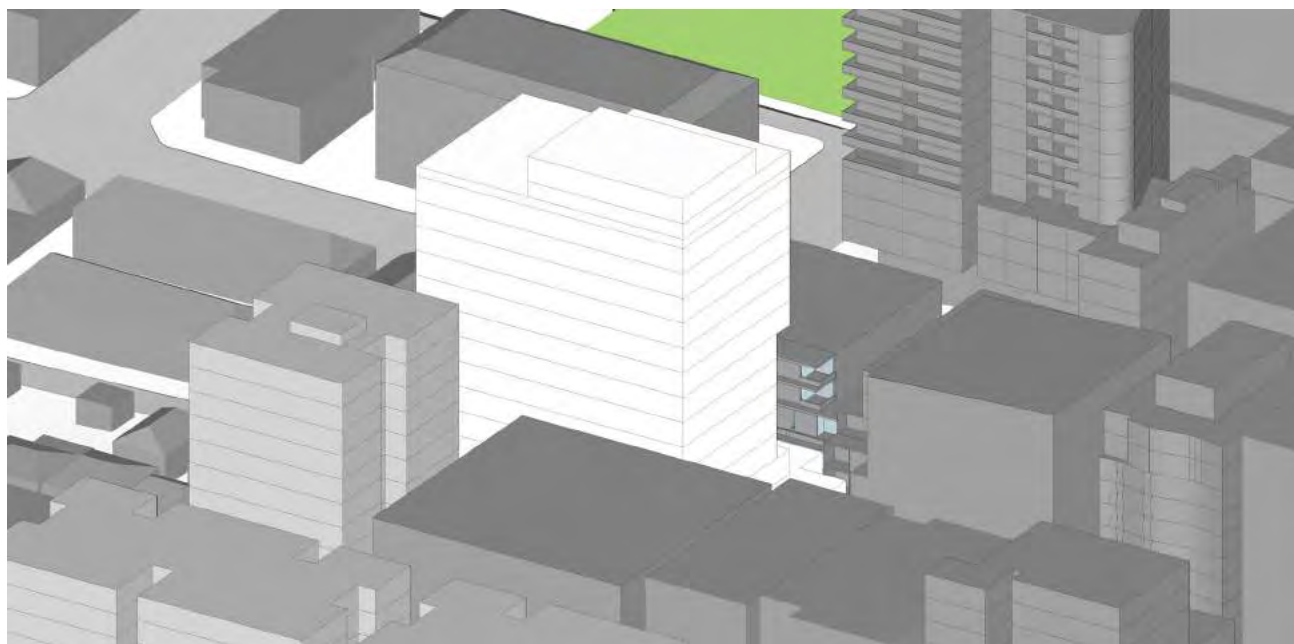


12 pm June 21st

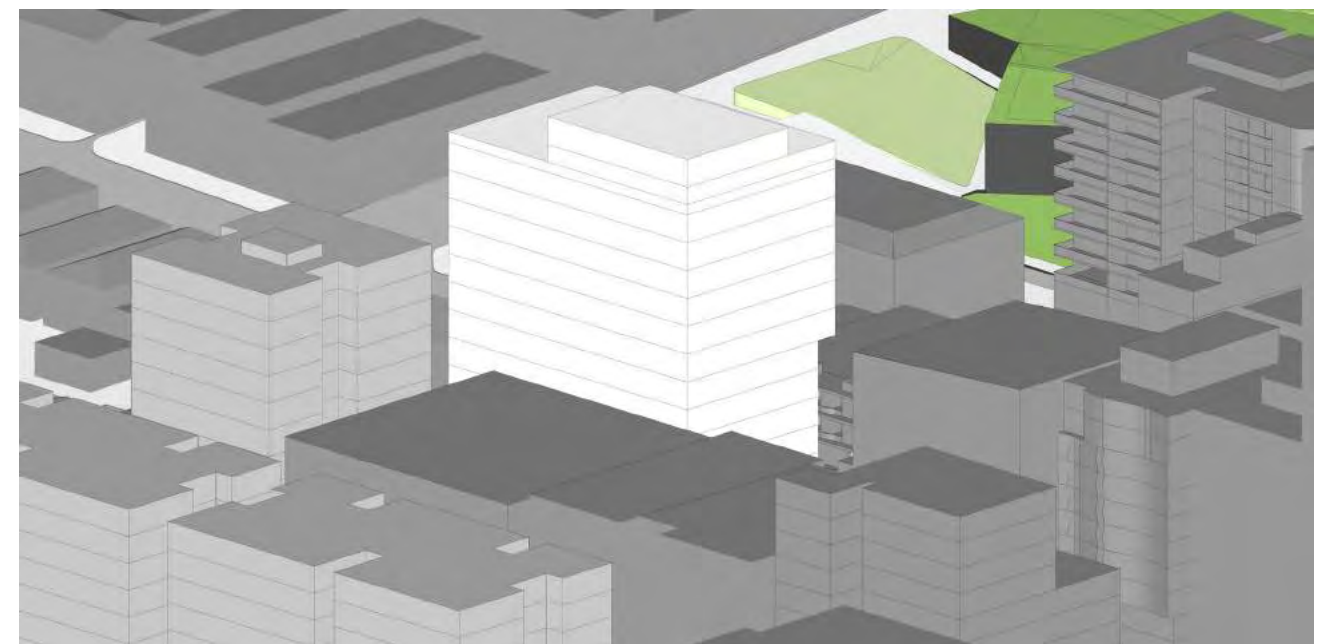
06 APPENDIX



1 pm June 21st



2 pm June 21st



3 pm June 21st



Allen Jack+Cottier Architects Pty Ltd
ABN 53 003 782 250

Principals + Nominated Architects
Michael Heenan 5264
Peter Ireland 6661

Sydney Office
79 Myrtle Street Chippendale
NSW 2008 AUSTRALIA
tel +61 2 9311 8222
fax +61 2 9311 8200

architectsajc.com

**BRISBANE**

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900

North Sydney Council

TWT Property Group Pty Ltd

Tildoon Pty Ltd as trustee of the Atchison Street Trust

Voluntary Planning Agreement

Corrs Chambers Westgarth

Contents

1	Definitions and interpretation	2
1.1	Definitions	2
1.2	General	2
2	Planning agreement under the Act	3
3	Application of this Agreement	3
4	Operation of this Agreement	3
5	Contributions to be made under this Agreement	4
5.1	Monetary Contribution	4
5.2	Works	4
5.3	Dedication or transfer of the Contribution Land	5
5.4	Thru Site Link	6
6	Application of s 7.11, s 7.12 and s 7.24 of the Act to the Developer and benefits under this Agreement	7
7	Registration of this Agreement	7
7.1	Registration	7
7.2	Removal of registration	8
7.3	Caveat	8
8	Review of this Agreement	8
8.1	Review by agreement	8
8.2	State Infrastructure Contribution	8
9	Dispute Resolution	9
9.1	Reference to dispute	9
9.2	Notice of dispute	10
9.3	Representatives of parties to meet	10
9.4	Neither party may constrain	10
9.5	Urgent relief	10
10	Enforcement and Security	11
10.1	Monetary Contribution Security	11
10.2	Works Security	11
10.3	Securities	12
10.4	Acquisition of Contribution Land and Easement in Gross	13
10.5	Restriction on the issue of Certificates	13
10.6	General Enforcement	14
10.7	Acknowledgement regarding Security	14

Corrs Chambers Westgarth

11	Notices	14
12	Approvals and Consent	15
13	Assignment and Dealings	16
14	Costs	16
15	Entire Agreement	17
16	Further Acts	17
17	Governing Law and Jurisdiction	17
18	Joint and individual liability and benefits	17
19	No fetter	17
20	Representations and warranties	17
21	Severability	18
22	Modification	18
23	Waiver	18
24	GST	18
24.1	Construction	18
24.2	GST not payable	19
24.3	Additional amount of GST payable	19
25	Discharge of Developer's Obligations	19
26	Explanatory Note	19
27	Counterparts	19

Schedule 1 – Interpretation

Schedule 2 – Explanatory Note

Schedule 3 – Construction Terms

Schedule 4 – Concept Plan for Works

Schedule 5 – Easement in Gross

Annexure A – Contribution Land and Thru Site Link

Corrs Chambers Westgarth

Date

Parties

North Sydney Council (ABN 32 353 260 317) of 200 Miller Street, North Sydney NSW 2060 (**Council**)

TWT Property Group Pty Ltd (ABN 69 611 972 091) of Level 5, 55 Chandos Street, St Leonards NSW 2065 (**Developer**)

Tildoan Pty Ltd (ACN 603 442 244) as trustee of the Atchison Street Trust of Suite 22, 1-7 Jordan Street, Gladesville NSW 2111 (**Landowner**)

Background

- A The Landowner owns the Land.
- B Council has adopted the St Leonards/Crows Nest Planning Study – Precinct 2 and 3 which identifies the Land as being within “Precinct 3” and is part of the “Oxley Street Masterplan Site”
- C The Developer proposes to carry out the Development which will include a multi-storey mixed use development with underground car parking and associated landscaping.
- D To facilitate the Development, the Developer has lodged a Planning Proposal seeking an amendment to LEP 2013 as follows:
- a. amending the Height of Buildings Map to allow a maximum building height of 56m on the Land;
 - b. amending the Floor Space Ratio Map to allow a maximum FSR for the Land of 6.3:1; and
 - c. amending the Non-Residential Floor Space Ratio Map to allow a minimum non-residential FSR for the Land of 1.5:1.
- E The Developer and Landowner have made an offer to enter into this Agreement in connection with the Planning Proposal and Development to provide the following public benefits at the Developer’s cost:
- a. provision of the Monetary Contribution;
 - b. dedication of the Contribution Land to Council; and
 - c. creation of an Easement in Gross for a pedestrian Thru Site Link.
- The combined estimated value of the contributions being delivered is \$6,295,000.
- F Council has accepted the offer to enter into this Agreement. The Parties wish to formalise that offer by entering into this Agreement in accordance with section 7.4 of the Act.

Agreed terms

1 Definitions and interpretation

1.1 Definitions

Terms used in this Agreement which are defined in **Schedule 1 (Interpretation)** shall have the same meaning as ascribed to them by that Schedule and such meanings apply unless the contrary intention appears.

1.2 General

In this Agreement the following definitions apply:

- (a) a reference to this Agreement or another instrument includes any variation or replacement of any of them;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) the singular includes the plural and vice versa;
- (d) the word "person" includes a firm, a body corporate, an unincorporated association or an authority;
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- (f) a reference to anything (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
- (g) "include" or "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind;
- (h) if a Party is required to do something, that includes a requirement to cause that thing to be done. If a Party is prohibited from doing anything, it is also prohibited from doing or omitting to do anything which allows or causes that thing to be done;
- (i) a reference to a statute, ordinance, code or law includes a State ordinance code or law of the Commonwealth of Australia;
- (j) a reference to a body, whether statutory or not which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its powers or functions;

Corrs Chambers Westgarth

- (k) no rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of this Agreement;
- (l) any capitalised term used, but not defined in this Agreement, will have the meaning ascribed to it under, and by virtue of, the Act;
- (m) headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (n) a reference in this Agreement to a Business Day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney;
- (o) if the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next Business Day;
- (p) a reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (q) a reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced;
- (r) a reference to a clause, part schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (s) a reference to this Agreement includes the agreement recorded in this Agreement; and
- (t) any schedules and attachments form part of this Agreement.

2 Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement within the meaning of section 7.4 of the Act.

3 Application of this Agreement

This Agreement applies to:

- (a) the Land;
- (b) the Development; and
- (c) the Instrument Change.

4 Operation of this Agreement

The Parties each agree that this Agreement operates on and from the date of this Agreement.

5 Contributions to be made under this Agreement

5.1 Monetary Contribution

- (a) The Developer must provide the Monetary Contribution increased but not decreased, in accordance with movements in the CPI from the date of this Agreement to the date of payment.
- (b) The Monetary Contribution must be paid by the Developer by way of a bank cheque payable to Council in accordance with the following timing:
 - (i) prior to the issue of a Construction Certificate for any above-ground works approved under a Development Consent, the Developer must pay 50% of the Monetary Contribution increased but not decreased, in accordance with movements in the CPI from the date of this Agreement to the date of payment; and
 - (ii) prior to the issue of the first Occupation Certificate for the Development, the Developer must pay the remaining 50% of the Monetary Contribution increased but not decreased, in accordance with movements in the CPI from the date of this Agreement to the date of payment.
- (c) The Council must, on receipt of the Monetary Contribution paid by the Developer in accordance with **clause 5.1(b)** and within a reasonable time, use that Monetary Contribution as it sees fit to:
 - (i) acquire land for the improvement of the Hume Street Park, as required;
 - (ii) carry out the embellishment of the Hume Street Park; and
 - (iii) care for and maintain the Hume Street Park.
- (d) In the event the Council determines not to acquire the land for the purposes of establishing the Hume Street Park, the Council agrees that the contributions made under this Agreement will be applied towards the embellishment and maintenance of other land for the purposes of public open space and recreation within the North Sydney Local Government Area.
- (e) For the avoidance of doubt, nothing in this Agreement requires the Council to:
 - (i) spend Monetary Contributions made under this Agreement by a particular date; or
 - (ii) refund to the Developer any contribution made under this Agreement.

5.2 Works

- (a) Prior to the dedication of the Contribution Land in accordance with **clause 5.3**, the Developer must carry out the Works, in accordance with the Construction Terms.

Corrs Chambers Westgarth

- (b) The Works or any part of the Works required under this Agreement will be taken to have been completed for the purposes of this Agreement when a Certificate of Practical Completion has been issued for those Works.
- (c) The Works or any part of the Works required under this Agreement will be taken to have been delivered to Council when the land on which those Works are located is dedicated to Council.
- (d) The parties agree and acknowledge that the Works serve the public purpose of providing public open space in the vicinity of the Development.

5.3 Dedication or transfer of the Contribution Land

- (a) The Landowner must dedicate to the Council as public open space the Contribution Land prior to the issue of the first Occupation Certificate for the Development.
- (b) The dedication of the Contribution Land is made for the purposes of this Agreement when:
 - (i) a deposited plan is registered in the register of plans held with the Registrar-General that creates a public reserve under the *Local Government Act 1993* (NSW) and Council must, provided a subdivision certificate has been issued, without delay do all things reasonably necessary including signing documents and providing all such consents to allow for the plan to be registered; or
 - (ii) the Council is given:
 - (A) an instrument in registrable form under the *Real Property Act 1900* (NSW) duly executed by the Landowner as transferor that is effective to transfer the title to the Contribution Land to the Council when executed by the Council as transferee and registered;
 - (B) the written consent to the registration of the transfer of any person whose consent is required to that registration; and
 - (C) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer.
- (c) The Landowner is to ensure that the Contribution Land dedicated or transferred to the Council under this Agreement is free of all encumbrances and affectations (including any charge or liability for rates, Taxes and charges) except for the Permitted Encumbrances.
- (d) If, having used all reasonable endeavours, the Landowner cannot ensure that land to be dedicated to the Council under this Agreement is free from all encumbrances and affectations except for the Permitted Encumbrances, the Landowner may request that Council agree to accept

the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.

5.4 Thru Site Link

- (a) The Developer agrees and acknowledges that:
 - (i) any Development Consent or Modification relating to a building on the Land may require development of the Thru Site Link so it is consistent with any standards and specifications provided by the Council, and suitable for public use as a pedestrian thoroughfare;
 - (ii) prior to the issue of any Occupation Certificate for the Development, it will design and construct the Thru Site Link in accordance with any technical requirements in *North Sydney Development Control Plan 2013* and Council's Public Domain Style Manual and Design Code, unless otherwise specified by the Council, and any Development Consent.
- (b) Prior to the issue of the first Occupation Certificate for the Development, the Developer must register the Easement in Gross.
- (c) The Easement in Gross will require the owner of the Thru Site Link to:
 - (i) maintain and repair the Thru Site Link to the satisfaction of the Council;
 - (ii) maintain sufficient public liability insurance;
 - (iii) ensure that no buildings or structures are erected on the Thru Site Link other than structures:
 - (A) consented to by the Council, such consent not to be unreasonably withheld; and
 - (B) for the purposes of enhancing public domain areas as approved by the Consent Authority; or
 - (C) that are required for building support, services, drainage or as required by the Development Consent, Authority or building code requirement; and
 - (iv) ensure that any rules made by an owner's corporation relating to the Thru Site Link are approved by the Council, provided that:
 - (A) if the Council does not respond to any request for approval within 25 Business Days of receiving the request, the Council will be deemed to have approved the rules; and
 - (B) if Council requests an amendment that is unlawful, then the relevant amendment is not required to be incorporated into the rules.

6 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Developer and benefits under this Agreement

- (a) Sections 7.11, 7.12 and 7.24 of the Act are not excluded as they apply to the Land and the Development.
- (b) Benefits under this Agreement are not to be taken into consideration under section 7.11(6) of the Act.

7 Registration of this Agreement

7.1 Registration

- (a) The Landowner represents and warrants that it is the registered proprietor of the Land.
- (b) The Landowner agrees that it will procure the registration of this Agreement in the relevant folios of the Register for the Land in accordance with section 7.6 of the Act.
- (c) The Landowner must, promptly after this Agreement comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
 - (i) the consent of each person who:
 - (A) has an estate or interest in the Land; or
 - (B) is seized or possessed of an estate or interest in the Land;
 - (ii) the execution of any documents; and
 - (iii) the production of the relevant duplicate certificates of title, to enable the registration of this Agreement in accordance with **clause 7.1(b)**.
- (d) The Landowner must take all practical steps, and otherwise do anything that the Council reasonably requires:
 - (i) to procure the lodgement of this Agreement as soon as reasonably practicable after this Agreement comes into operation but in any event, no later than 10 Business Days after that date; and
 - (ii) to procure the registration of this Agreement in the relevant folios of the Register for the Land as soon as reasonably practicable after this Agreement is lodged for registration.
- (e) The Landowner agrees that, in the event the Developer fails to satisfy any obligations imposed on the Developer under this Agreement, or if the Developer becomes insolvent, the Landowner will be responsible for those obligations as if it had entered into this Agreement as the Developer and Council will be entitled to take enforcement action against either or both the Developer and the Landowner.

7.2 Removal of registration

The Council will promptly after receipt of a request from the Developer provide a release and discharge of this Agreement so that it may be removed from the folios of the Register for the Land (or any part of it) in the event that Council is satisfied that the Developer has duly fulfilled its obligations under this Agreement.

7.3 Caveat

(a) The Landowner acknowledges and agrees that:

- (i) when this Agreement is executed, Council is deemed to have acquired, and the Landowner is deemed to have granted, an equitable estate and interest in each relevant parcel of the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently Council has sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest;
- (ii) it will not object to Council lodging a caveat in the relevant folios of the Register held by LRS for the Land nor will it seek to remove any caveat lodged by Council provided the caveat does not prevent registration of any dealing or plan other than a transfer; and
- (iii) Council must lodge a withdrawal of any caveat in respect of the Land on the earlier of:
 - (A) the date that the Developer lodges this Agreement for registration under **clause 7.1** so that the withdrawal of the caveat will take effect on the registration of this Agreement; or
 - (B) the date upon which the Developer would otherwise be entitled to a release under **clause 7.2**.

(b) If the Land is transferred in accordance with **clause 13**, Council must within 10 Business Days of the Developer giving notice to Council, provide to the Developer either a consent to register a transfer to the third party or, if the caveat can be withdrawn in accordance with this clause, a withdrawal of caveat to permit registration of the transfer.

8 Review of this Agreement

8.1 Review by agreement

This Agreement may be reviewed or modified by the agreement of the Parties using their best endeavours and acting in good faith.

8.2 State Infrastructure Contribution

(a) The Parties acknowledge that as at the date of this Agreement, the NSW State Government is reviewing the quantum, nature and method of

Corrs Chambers Westgarth

delivery of infrastructure required to facilitate development in the St Leonards and Crows Nest Precinct.

- (b) In the event that the Contributions have not been made under this Agreement and there is a Special Infrastructure Contribution determination made under Part 7, Division 7.1, Subdivision 4 of the Act or any other similar state or regional development contribution (**SIC**) applies to the Land which imposes a requirement for the Landowner or Developer to pay a SIC in relation to the Development or the Land, then, within 20 days of either Party making a request for a review, the Council and the Developer must meet to review the Agreement in accordance with the principles in **clause 8.2(c)** and **clause 8.2(d)** and using their best endeavours and acting in good faith.
- (c) If a review of the Agreement is carried out under **clause 8.2(b)** the Parties must consider during that review process a reduction of the quantum of Monetary Contribution payable by the Developer to the Council under this Agreement (and any subsequent release of all or part of the Security provided by the Developer under this Agreement) by the amount of the SIC that is payable by the Developer in connection with the Development.
- (d) For the avoidance of doubt, before seeking to reduce the quantum of Monetary Contribution payable under this Agreement, the Developer must apply for an offset against any liability to pay a SIC on the basis that the Developer is obliged to pay the Monetary Contribution under this Agreement.
- (e) A failure by a Party to agree to participate in a review under this clause is taken to be a dispute for the purposes of **clause 9**.
- (f) If the Parties cannot agree to the terms of any amendment following a review under **clause 8.2**, either Party may refer the matter to dispute resolution under **clause 9**.
- (g) Nothing in this clause operates as a requirement for Council to pay any money to the Developer (for example if the SIC is greater than the quantum of Monetary Contributions otherwise payable by the Developer) or to refund to the Developer or any other entity, any amount paid to it under this Agreement or for any other purpose.

9 Dispute Resolution

9.1 Reference to dispute

If a dispute arises between the Parties in relation to this Agreement, then either Party must seek to resolve that dispute in accordance with this **clause 9**, prior to commencing any court or arbitration proceedings.

Corrs Chambers Westgarth

9.2 Notice of dispute

The Party wishing to commence the dispute resolution processes must notify the other in writing of:

- (a) the intent to invoke this **clause 9**;
- (b) the nature or subject matter of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this **clause 9**; and
- (c) the outcomes which the notifying Party wishes to achieve (if practicable).

9.3 Representatives of parties to meet

- (a) The representatives of the Parties must promptly (and in any event within 14 Business Days of the written notice provided in accordance with **clause 9.2**) meet in good faith to attempt to resolve the notified dispute.
- (b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting;
 - (ii) agree that further material, expert opinion or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution); and
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

9.4 Neither party may constrain

If:

- (a) at least one meeting has been held in accordance with **clause 9.3**; and
- (b) the Parties have been unable to reach an outcome identified in **clause 9.3(b)(i) to 9.3(b)(iii)**; and
- (c) either of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under **clause 9.3**,

then, that Party may, by 14 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute and may then commence court proceedings in relation to the dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

9.5 Urgent relief

The provisions of this **clause 9** do not prejudice the right of a Party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this Agreement.

10 Enforcement and Security

10.1 Monetary Contribution Security

- (a) Prior to the issue of a Construction Certificate for any above-ground works approved under a Development Consent, the Developer is to provide to Council the Monetary Contribution Security.
- (b) The Council may call on the Security provided under this clause if:
 - (i) the Developer is in material or substantial breach of this Agreement by failing to pay the Monetary Contribution and has failed to rectify the breach after having been given reasonable notice (which must not be less than 20 Business Days) in writing to do so; or
 - (ii) the Developer becomes Insolvent.
- (c) Subject to this clause, the Council may apply the proceeds of the Monetary Contribution Security in satisfaction of:
 - (i) any obligation of the Developer to pay the Monetary Contribution under this Agreement; and
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement.

10.2 Works Security

- (a) Prior to the issue of a Construction Certificate for any above-ground works approved under a Development Consent, the Developer is to provide to Council the Works Security.
- (b) The Council may call on the Security provided under this clause if:
 - (i) the Developer is in material or substantial breach of this Agreement by failing to carry out the Works as required by this Agreement and has failed to rectify the breach after having been given reasonable notice (which must not be less than 20 Business Days) in writing to do so; or
 - (ii) the Council acquires the Contribution Land or the Easement in Gross in accordance with **clause 10.4**; or
 - (iii) the Developer becomes Insolvent.
- (c) Subject to this clause, the Council may apply the proceeds of a Security in satisfaction of:
 - (i) any obligation of the Developer to carry out the Works;
 - (ii) any obligation of the Developer to pay for the costs of Council acquiring the Contribution Land or the Easement in Gross; and

Corrs Chambers Westgarth

- (iii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement.

10.3 Securities

- (a) At any time following the provision of any Security, the Developer may provide the Council with one or more replacement Securities totalling the amount of all the Securities required to be provided under this clause for the time being.
- (b) Within 20 business days of each anniversary of any Security provided under this Agreement, the Developer must provide Council with one or more replacement Securities (**replacement Security**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the replacement Security,

B is the amount of the Security to be replaced,

C is the CPI for the quarter ending immediately before the date of the Security to be replaced,

D is the CPI for the quarter ending immediately before the date of the replacement Security,

provided A is greater than B.

- (c) On receipt of any replacement Security, the Council must immediately release and return to the Developer, as directed, the Securities which it holds that have been replaced.
- (d) The Council must promptly return the Security at the request of the Developer, if any of the following circumstances occur:
 - (i) the Developer fulfils the relevant obligations under this Agreement for that Security as set out in **clauses 10.1(c) and 10.2(c)**; or
 - (ii) the Minister refuses to make the Instrument Change and the Developer withdraws the Planning Proposal seeking the Instrument Change; or
 - (iii) A Court of competent jurisdiction invalidates the Instrument Change and all avenues of appeal from that decision have been exhausted.
- (e) Nothing in this **clause 10** prevents or restricts the Council from taking any enforcement action in relation to:
 - (i) any obligation of the Developer under this Agreement; or

- (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement,

that is not nor cannot be satisfied by calling on the Security.

10.4 Acquisition of Contribution Land and Easement in Gross

- (a) If the Landowner does not transfer or dedicate the Contribution Land to Council as required by **clause 5.3** or create the Easement in Gross as required by **clause 5.4**, the Council may compulsorily acquire the Contribution Land or Easement in Gross as required, in which case the Landowner consents to the Council compulsorily acquiring those interests for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- (b) This clause constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- (c) Except as otherwise agreed between the Landowner and the Council, the Landowner must ensure that the Contribution Land is free of all Encumbrances (other than the Permitted Encumbrances) and affectations, on the date that the Council will acquire the Contribution Land in accordance with this clause.
- (d) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant interest in land under this clause.
- (e) The Developer must pay the Council, promptly on demand, an amount equivalent to all reasonable costs and legal costs incurred by the Council acquiring the whole or any part of the relevant interest in land under this clause, and if the Developer fails to do so, the Council may call on the Security provided under **clause 10.2** for the purposes of reimbursing those costs.

10.5 Restriction on the issue of Certificates

- (a) For the purposes of section 6.8 of the Act and any associated regulations, or if the Former Building and Subdivision Provisions apply, section 109F of the Act and clause 146A of the Regulation, the following obligations must be satisfied prior to the issue of a Construction Certificate for any above-ground works approved under a Development Consent:
 - (i) payment of the first instalment of the Monetary Contribution in accordance with **clause 5.1(b)(i)**;
 - (ii) provision of the Monetary Contribution Security in accordance with **clause 10.1**;
 - (iii) provision of the Works Security in accordance with **clause 10.2**.

Corrs Chambers Westgarth

- (b) For the purposes of section 6.10 of the Act and any associated regulations, or if the Former Building and Subdivision Provisions apply, section 109H of the Act, the following obligations must be satisfied prior to the issue of the first Occupation Certificate for the Development:
 - (i) payment of the second instalment of the Monetary Contribution required by **clause 5.1(b)(ii)**;
 - (ii) completion of the Works as required by **clause 5.2**;
 - (iii) dedication or transfer of the Contribution Land as required by **clause 5.35.4(a)**; and
 - (iv) registration of the Easement in Gross as required by **clause 5.4..**

10.6 General Enforcement

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any Court of competent jurisdiction.
- (b) Nothing in this Agreement prevents
 - (i) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
 - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

10.7 Acknowledgement regarding Security

The Parties acknowledge and agree that the security provided under this **clause 10** together with the timing of requirements to pay contributions, the requirements under **clause 7** for registration of this Agreement and the restrictions on assignment of this Agreement under **clause 13** will provide sufficient security for the performance of the Developer's obligations under this Agreement.

11 Notices

- (a) Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - (i) delivered or posted to that Party at its address set out below;
 - (ii) faxed to that Party at its fax number set out below; or
 - (iii) emailed to that Party at its email address set out below:

Corrs Chambers Westgarth

Council **North Sydney Council**
 Attention: General Manager
 Address: 200 Miller Street, Sydney NSW 2060
 Fax (02) 9936 8177

Developer **TWT Property Group Pty Ltd**
 Attention: Gavin Zhang
 Address: Level 5, 55 Chandos Street, St Leonards NSW 2065
 Fax (02) 9966 0352
 Email gavin.zhang@twtgloba.com.au

Landowner **Tildoan Pty Ltd as trustee of the Atchison Street Trust**
 Attention: Gavin Zhang
 Address: Level 5, 55 Chandos Street, St Leonards NSW 2065
 Fax (02) 9966 0352
 Email gavin.zhang@twtgloba.com.au

- (b) If a Party gives the other party three Business Days' notice of a change of its address, email address or fax number, any notice, consent, information, application or request is only given or made by that Party if it is delivered, posted, emailed or faxed to the latest address, email address or fax number.
- (c) Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (i) if it is delivered, when it is left at the relevant address;
 - (ii) if it is sent by email, if an "undelivered receipt" is not received;
 - (iii) if it is sent by post, two Business Days after it is posted; or
 - (iv) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- (d) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5:00 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

12 Approvals and Consent

The Parties acknowledge that:

- (a) except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or

Corrs Chambers Westgarth

consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party;

- (b) a Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions; and
- (c) this Agreement does not impose any obligation on a Consent Authority to:
 - (i) grant development consent; or
 - (ii) exercise any function under the Act in relation to a change in an environmental planning instrument.

13 Assignment and Dealings

The Developer or Landowner may not sell, transfer, assign or novate or similarly deal with its right, title or interest in the Land (if any) or rights or obligations under the terms of this Agreement, or allow any interest in them to arise or be varied, in each case, without Council's consent and unless, prior to any such sale, transfer, assignment, charge, encumbrance or novation, the Developer or Landowner:

- (a) at no cost to Council, first procures the execution by that person of all necessary documents in favour of Council by which that person agrees to be bound by the Agreement as if they were a party to the original Agreement; and
- (b) satisfies the Council that the Developer or Landowner is not in material breach of this Agreement.

14 Costs

The Developer agrees to pay or reimburse Council all reasonable costs incurred in connection with:

- (a) the negotiation, preparation and execution of this Agreement, including the reasonable costs of any legal advice Council has received in connection with this Agreement to a maximum amount of \$20,000;
- (b) advertising and exhibition of this Agreement in accordance with the Act; and
- (c) any other costs required to be paid by the Developer under this Agreement,

within 10 Business Days after receipt of a notice from the Council as to the amount of those costs.

15 Entire Agreement

This Agreement constitutes the entire agreement of the Parties about its subject matter and supersedes all previous agreements, understandings and negotiations on that subject matter.

16 Further Acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

17 Governing Law and Jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal. The Parties will not object to the exercise of jurisdiction by those Courts on any basis.

Without preventing any other method of service, any document in an action may be served on a Party by being delivered or left at that Party's address set out in **clause 11(a)**.

18 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

19 No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

20 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

21 Severability

- (a) The Parties acknowledge that under and by virtue of section 7.4(4) of the Act, any provision of this Agreement is not invalid by reason only that there is no connection between the Planning Proposal or the Development and the object of the expenditure of any money required to be paid by that provision.
- (b) The Parties agree that to the extent permitted by law, this Agreement prevails to the extent of its inconsistency with any law.
- (c) If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (d) If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

22 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement and is in accordance with the provisions of the Act.

23 Waiver

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it is in writing.
- (c) A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

24 GST

24.1 Construction

In this **clause 24**:

- (a) unless there is a contrary indication, words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law; and
- (b) **GST Law** has the same meaning given to that expression in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) or, if that Act does

Corrs Chambers Westgarth

not exist for any reason, means any Act imposing or relating to the imposition or administration of a goods and services tax in Australia and any regulation made under that Act.

24.2 GST not payable

The Parties agree, in accordance with Class Ruling CR2013/13, that the contributions required to be made under this Agreement are exempt from GST.

24.3 Additional amount of GST payable

If GST is imposed on any supply made under or in accordance with this Agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

25 Discharge of Developer's Obligations

The Developer's obligations under this Agreement shall be discharged on the occurrence of any of the following:

- (a) the Developer's obligations have been fully carried out in accordance with this Agreement; or
- (b) Council and the Developer otherwise agree to the modification or discharge of this Agreement.

26 Explanatory Note

The Explanatory Note attached at **Schedule 2** prepared in connection with this Agreement pursuant to the Regulation is not to be used to interpret this Agreement.

27 Counterparts

This Agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

28 Capacity

28.1 General warranties

Each party warrants to each other party that:

- (a) this agreement creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this agreement in the capacity of trustee of any trust.

28.2 Power of attorney

If an attorney executes this Agreement on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

28.3 Trustee Landowner

- (a) Tildoan Pty Ltd (ACN 603 442 244) (**Trustee**) enters into this Agreement in its capacity as the trustee for the Atchison Street Unit Trust (**Trust**) constituted by a trust deed (**Trust Deed**).
- (b) The Trustee warrants that:
 - (i) it is the sole trustee of the Trust and no action has been taken to remove or replace it;
 - (ii) entry into this Agreement is for the benefit of the beneficiaries of the Trust and as trustee it is authorised and empowered under the Trust Deed to enter into and to perform its obligations and satisfy or discharge its liabilities under this Agreement;
 - (iii) it is not in breach of the Trust Deed;
 - (iv) it is entitled under the Trust Deed to be indemnified in full in respect of the obligations and liabilities incurred by it under this Agreement;
 - (v) it is not aware of any reason why the assets of the Trust might be insufficient to satisfy or discharge the obligations and liabilities incurred by it under this Agreement; and
 - (vi) it has the power under the Trust Deed to execute and perform its obligations and discharge its liabilities under this Agreement and all necessary action has been taken to authorise the execution and performance of this Agreement under the Trust Deed.
- (c) The Trustee indemnifies the Council, and agrees to keep the Council indemnified, in respect of any loss or liability in any way connected with a breach of a warranty in clause 28.3(b).
- (d) Prior to the Trustee being replaced as the trustee of the Trust in accordance with the Trust Deed:
 - (i) the Trustee must procure that the replacement trustee enters into a new agreement with the Council on the same terms as this Agreement;
 - (ii) the Trustee (as outgoing trustee) must procure an agreement from the Council, under which the Council releases the Trustee from the requirement to observe and perform any future obligation under this Agreement;
 - (iii) the Trustee (as outgoing trustee) must release the Council, from the requirement to observe and perform any future obligation under this Agreement; and

Corrs Chambers Westgarth

- (iv) the Trustee (as the outgoing trustee) must pay the reasonable costs and expenses of the Council in relation to entering into a new agreement under this clause 28.3(d) and the costs and expenses of registering any new agreement on the title to the Land.
- (e) Subject to clause 28.3(f), liability arising under or in connection with this agreement (except under or in connection with clause 28.3(d) above) is limited and can be enforced against the Trustee only to the extent to which the Trustee, having sought indemnification to the maximum extent possible, is actually indemnified in respect of that liability out of the assets of the Trust.
- (f) Notwithstanding any other provision of this Agreement, clause 28.3(e) does not apply to any obligation or liability of the Trustee to the extent to which there is, in respect of that obligation or liability, whether under the Trust Deed or by operation of law, a reduction in the extent of the Trustee's indemnification, or loss of the Trustee's right of indemnification, out of the assets of the Trust as a result of Trustee's failure to properly perform its duties as trustee of the Trust.

Schedule 1

Interpretation

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Agreement.

Authority means any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes a certifier accredited under the *Building Professionals Act 2005* (NSW).

Bank Guarantee means an irrevocable and unconditional undertaking that is not limited in time by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited;
- (b) Commonwealth Bank of Australia;
- (c) Macquarie Bank;
- (d) National Australia Bank Limited;
- (e) St George Bank Limited;
- (f) Westpac Banking Corporation; or
- (g) other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council.

Bond means a documentary performance bond in favour of Council which is signed and issued by an AA- credit rated insurer and that is in a form and substance satisfactory to Council, acting reasonably.

Business Day means any day except for Saturday or Sunday or a day which is a public holiday in Sydney.

Certificate of Practical Completion means the written certificate confirming the Works, or part of the Works, have been completed to the Council's satisfaction issued in accordance with clause 8.1 of the Construction Terms.

Consent Authority has the same meaning as in the Act.

Construction Certificate means a construction certificate as defined under the Act.

Construction Terms means the terms set out in **Schedule 3**.

Contribution Land means the five-metre wide strip of land adjacent to Oxley Street with an area of 170m², as depicted on the plan shown at **Annexure A**, to be dedicated to the Council in accordance with **clause 5.3** of this Agreement. The Contribution Land may be limited in depth to no less than 3 metres below ground level.

Corrs Chambers Westgarth

CPI means the Sydney Consumer Price Index (All Groups) maintained by the Australian Bureau of Statistics.

Development means the proposed multi-storey mixed use development with underground car parking and associated landscaping as modified from time to time.

Development Application means a development application lodged under the Act for the Development.

Development Consent means the determination of a Development Application by way of approval.

Easement in Gross means an easement in gross limited in depth to no greater than 1 metre below ground level and limited in height to no less than 1 storey above ground level granted in favour of the Council that permits public access via the Thru Site Link and is generally in the terms set out in **Schedule 5**.

Floor Space Ratio Map means the Floor Space Ratio Map in the LEP 2013.

Former Building and Subdivision Provisions has the same meaning as in clause 18 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

FSR means floor space ratio as defined in the LEP 2013.

GFA means gross floor area as defined in the LEP 2013.

Height of Buildings Map means the Height of Buildings Map in the LEP 2013.

Hume Street Park means the public open space between Hume Street and Clarke Street, St Leonards.

Insolvent means the occurrence of any of the following:

- (a) a Party is liquidated, whether compulsorily or voluntarily (other than for the purpose of amalgamation or reconstruction whilst solvent);
- (b) a Party becomes unable to pay its debts as they fall due;
- (c) a Party enters into any arrangement with creditors;
- (d) a Party becomes subject to external administration within the meaning of Chapter 5 of the *Corporations Act 2001* (Cth), including having a receiver or administrator appointed over all or any part of its assets; or
- (e) anything analogous (such as analogous bankruptcy processes) or having a substantially similar effect to the events specified in **clauses (a) to (b)** above occurs in relation to a Party, including the court appointment of a receiver.

Instrument Change means an amendment to LEP 2013 to amend:

- (a) the Height of Buildings Map to allow a maximum building height on the Land of 56m;
- (b) the Floor Space Ratio Map to allow a maximum FSR of 6.3:1 on the Land; and
- (c) the Non-Residential Floor Space Ratio Map to allow a minimum non-residential FSR of 1.5:1 for the Land.

Corrs Chambers Westgarth

Insurer means an insurer that is licensed by the Australian Prudential Regulatory Authority to operate in Australia or has an investment grade rating from an industry recognised rating agency such as Moodies, Standard & Poors or Bests.

Land means Lots 27 to 31 of Section 10 in Deposited Plan 2872 and Lot 321 in Deposited Plan 566480, known as 23-35 Atchison Street, St Leonards.

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and any fees and charges payable in connection with the things referred to in paragraphs **Error! Reference source not found.** and **Error! Reference source not found.**;

LEP 2013 means the *North Sydney Local Environmental Plan 2013*.

LRS means the NSW Land Registry Services.

Modification means any modification of the Development Consent under section 4.55 of the Act.

Monetary Contribution means an amount of \$2,800,000.

Monetary Contribution Security means a Bond or Bank Guarantee in an amount that is equivalent to \$1,400,000 increased but not decreased in accordance with movements in the CPI from the date of this Agreement to the date the Security is provided to Council (being an amount equivalent to 50% of the Monetary Contribution).

Non-Residential Floor Space Ratio Map means the Non-Residential Floor Space Ratio Map in the LEP 2013.

Occupation Certificate means an occupation certificate as defined under the Act.

Party means a party to this Agreement, including their successors and assigns.

Permitted Encumbrance means easements in favour of utility service providers or required by any Authority or as otherwise agreed in writing by Council.

Planning Proposal means PP 1/18 seeking the Instrument Change and lodged with the Council on 16 January 2018, as modified from time to time.

Register means the Torrens title register maintained under the *Real Property Act 1900* (NSW).

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Security means a Bank Guarantee or Bond.

Subdivision Certificate means a subdivision certificate as defined in the Act.

Taxes means taxes, levies, imposts, deductions, charges and duties (including stamp and transaction duties), together with any related interest, penalties, fines and expenses in connection with them.

Corrs Chambers Westgarth

Thru Site Link means a pedestrian thoroughfare six metres wide with an area of 210m² connecting Atchison Street to Albany Lane, as generally identified in the location on the plan attached at **Annexure A**.

Works means the works required to embellish the Contribution Land and any adjoining land as a public park, including but not limited to design, survey, planning, obtaining approvals, engineering and construction generally in accordance with the Concept Design in **Schedule 4**.

Works Security means an amount that is equivalent to the estimated cost of the Works determined by a qualified quantity surveyor taking into account the Detailed Design prepared and approved by Council in accordance with the Construction.

Corrs Chambers Westgarth

Schedule 2

Explanatory Note

Draft for exhibition

Schedule 3

Construction Terms

1 Interpretation

For the purposes of this Schedule, the defined terms in this Agreement will apply and, unless context indicates a contrary intention:

Builder means any entity contracted under the Construction Contract to carry out the Works.

Construction Contract means the contract between the Developer and its Builder to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

Defects Liability Period means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which the Works are delivered to Council in accordance with this Agreement.

Detailed Design means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

Services means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

Superintendent means the Superintendent appointed under any Construction Contract.

2 Requirements of Authorities and Approvals

- (a) These Construction Terms must be read and construed subject to:
 - (i) any requirements or conditions of any Development Consent;
 - (ii) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.
- (b) If the Developer requires any Approvals in order to carry out the obligations under this Agreement, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.
- (c) The Developer must ensure that the Works carried out under this Agreement are carried out:

Corrs Chambers Westgarth

- (i) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and
- (ii) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

3 Costs of Works

All costs of the Works must be borne by the Developer.

4 Project Management and Contractor Engagement

- (a) The Developer will be responsible for managing the Works.
- (b) The Developer will ensure that any contractor it engages to carry out the Works agrees to:
 - (i) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and
 - (ii) request a Council representative to be present at each on-site meeting attended by the Superintendent and to ensure the Council representative is present at the meeting.

5 Design Development and Approvals

5.1 Concept Design

- (a) Prior to submitting the Development Application, the Developer must prepare a draft concept design for the Works, in accordance with:
 - (i) the concept plan for the Works at **Schedule 4**,
 - (ii) the St Leonards East Public Domain Upgrade Report (or draft version of that report, whichever is applicable at the time the concept design is prepared),
 - (iii) the North Sydney Public Domain Style Manual and Design Codes,
 - (iv) the North Sydney Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works, and
 - (v) any other standards or specifications provided to the Developer by the Council.
- (b) The Developer and the Council must work in consultation with each other to prepare and agree the concept design and must both act reasonably and with due expedition in their consultations with each other.
- (c) The Developer must incorporate into the final concept design any amendments required by Council, acting reasonably.

Corrs Chambers Westgarth

5.2 Detailed Design

- (a) Prior to submitting an application for a Construction Certificate for the Development, the Developer must provide a copy of the draft Detailed Design to the Council for approval.
- (b) The draft Detailed Design must be consistent with the concept plan for the Works in **Schedule 4**, the standards and specifications referred to in clause 5.1(a) of this Schedule and the concept design agreed in accordance with clause 5.1 of this Schedule.
- (c) Council and the Developer must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.
- (d) Within 15 Business Days of receiving the draft Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.
- (e) If the Detailed Design is not completed and agreed within 15 Business Days of Council providing its suggested amendments in accordance with clause 5.2(d) of this Schedule, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:
 - (i) is consistent with the obligation of the Developer to carry out the Works and dedicate the Contribution Land under this Agreement; and
 - (ii) is consistent with the Development Consent; and
 - (iii) does not materially and adversely affect the Development; and
 - (iv) is not unreasonable.
- (f) Any acceptance by the Council of the Detailed Design under this clause is not to be taken as approval of or to any Construction Certificate for the Works.

5.3 Good faith

The parties must act promptly and in good faith to consult in relation to the concept design and the Detailed Design.

6 Carrying out of Works

6.1 Communication

The Developer must keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

6.2 Standard of Works

Corrs Chambers Westgarth

- (a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.
- (b) The qualitative standard of the design and finishes for the Works must be in accordance with Council's specifications for the Works as provided during the preparation of the concept design and Detailed Design.
- (c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.2 of this Schedule from Council if the Council fails to deliver them to the Developer.
- (d) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:
 - (i) Any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or
 - (ii) The use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

7 Inspection

- (a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.
- (b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).
- (c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.
- (d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:
 - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);
 - (ii) giving reasonable notice to the Developer;
 - (iii) complying with all reasonable directions of the Developer; and

Corrs Chambers Westgarth

- (iv) being accompanied by the Developer or a nominee, or as otherwise agreed.
- (e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 7(c) or 7(d) of this Schedule), notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:
 - (i) removal of defective or non-complying material;
 - (ii) demolishing defective or non-complying work;
 - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
 - (iv) not delivering any defective or non-complying material to the site of the Works.
- (f) If the Developer is issued a direction to carry out further work under clause 7(e) of this Schedule, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (g) If the Developer fails to comply with a direction to carry out work given under clause 7(e) of this Schedule, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.
- (h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under 7(e) of this Schedule does not constitute:
 - (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
 - (ii) an Approval by the Council in respect of the Works; or
 - (iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

8 Completion

8.1 Practical Completion

- (a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of

Corrs Chambers Westgarth

any public utility authority and a request for written certification from the Council that the Works are complete.

- (b) Within 10 Business Days of receipt of the notice under clause 8.1(a) of this Schedule, the Council will carry out an inspection of the Works and will, acting reasonably, either:
 - (i) provide written certification to the Developer that the Works have been completed; or
 - (ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.
- (c) If the Developer is required to provide additional information or address any matters under clause 8.1(b)(ii) of this Schedule, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 8.1(a) of this Schedule for written certification that the Works have been completed.
- (d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

8.2 Delivery of documents

- (a) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:
 - (i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;
 - (ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
 - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

8.3 Assignment of Warranties and Causes of Action

- (a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.

Corrs Chambers Westgarth

- (b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

8.4 Defects Liability Period

- (a) During the Defects Liability Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a defect in the Works and specifies:
 - (i) action required to be undertaken by the Developer to rectify that defect (**Rectification Works**); and
 - (ii) the date on which the defect must be rectified (**Rectification Date**).
- (b) The Developer must comply with the Rectification Notice by:
 - (i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;
 - (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
 - (iii) carrying out the Rectification Works.
- (c) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.
- (d) When the Developer considers that the Rectification Works are complete, either the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (e) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under clause 8.4(d) of this Schedule and, acting reasonably:
 - (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or
 - (ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.
- (f) The Developer must meet all costs of and incidental to rectification of defects under this clause 8.4.
- (g) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:
 - (i) call upon any Bond or Bank Guarantee provided to the Council under clause 8.5 of this Schedule to meet its costs of carrying out Rectification Works; and

Corrs Chambers Westgarth

- (ii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the security deposit and the costs incurred by the Council in carrying out Rectification Works.
- (h) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Developer and before the end of the Defects Liability Period.
- (i) If, prior to the end of the Defects Liability Period the Developer fails to request the inspection, the Council may extend the Defects Liability Period so that the inspection may be carried out.

8.5 Security for Defects Liability

- (a) Prior to the issue of a Certificate of Practical Completion for each item of the Works the Developer must deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 2.5% of the construction costs for the particular item of Works.
- (b) The Developer advises and the Council acknowledges its awareness that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:
 - (i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and
 - (ii) the Developer procures an agreement from the Builder and the Builder's bank that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.
- (c) Within 10 Business Days after the Defects Liability Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 8.5(a) of this Schedule for that item of Works (or any remaining balance of it) to the Developer.
- (d) Notwithstanding clause 8.4(c) of this Schedule, if during the Defects Liability Period for a particular item of Works, the Council issues a Rectification Notice and the Rectification Notice is not complied with, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until that defect has been rectified.
- (e) The Council must deliver the balance of any Bond or Bank Guarantee for the Defects Liability Period to the Developer within 14 days after the Defects Liability Period has ended.

9 Risk

The Developer undertakes the Works entirely at its own risk.

10 Insurance

- (a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
 - (i) construction works insurance for the value of the Works;
 - (ii) public risk insurance for at least \$20 million;
 - (iii) workers compensation insurance as required by Law.
- (b) The Developer must provide evidence of currency of insurance required by clause 10(a) of this Schedule upon request by the Council, acting reasonably, throughout the term of this agreement.

11 Indemnities

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

12 Intellectual Property Rights

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer has or receives intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

13 Risk of contamination

The Developer acknowledges and agrees:

- (a) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;
- (b) it will attend to any necessary remediation at its own cost; and
- (c) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

14 Plans

Corrs Chambers Westgarth

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

- (a) matters affecting Works not capable of identification on or before the date of this agreement; or
- (b) by agreement between the parties.

Draft for exhibition

Corrs Chambers Westgarth

Schedule 4

Concept Plan for Works



Legend

	Existing Tree		Stainless Steel Handrail
	New Tree (By Others)		Retaining Wall
	Planting		Sitting Wall with Timber Seat
	Large Format Paving		Alfresco Seating
	Precast Concrete Steps		Proposed Level

Schedule 5

Easement in Gross

Definitions

For the purpose of this Schedule 5 of this Agreement, the following words have the following meanings:

Council means North Sydney Council and its successors;

Easement means the Easement created in accordance with this Schedule 5 of this Agreement;

Easement Site means the location of the Thru Site Link as defined in Schedule 1 of this Agreement;

Lot Burdened means the Land;

Owner of the Lot Burdened means the registered proprietor of the Lot Burdened from time to time;

Easement Terms

1. The owner of the Lot Burdened grants to the Council and members of the public full and free right to go, pass and repass over the Lot Burdened at all times (but only within the Easement Site):
 - (a) with or without companion animals (as defined in the *Companion Animals Act 1998*) or other small pet animals; and
 - (b) on foot without vehicles (other than wheelchairs or other disabled access aids), unless vehicles are being used to access the building on the Land via clearly identified entry and exit points;

for all lawful purposes.
2. The owner of the Lot Burdened must, to the satisfaction of Council, acting reasonably:
 - (a) keep the Easement Site (including any services in, on or under the Lot Burdened) in good repair and condition;
 - (b) maintain and repair the Easement Site and all improvements on it;
 - (c) keep the Easement Site clean and free from rubbish; and
 - (d) maintain sufficient public liability insurance covering the use of the Easement Site in accordance with the terms of this Easement.
3. The owner of the Lot Burdened must ensure that any rules made by an Owner's Corporation relating to the Easement Site have been approved by the Council, acting reasonably.
4. If any member or members of the public loiter or congregate, for any purpose which the owner of the Lot Burdened, acting reasonably, considers to be a nuisance or a safety risk, the owner may either remove those members of the public, or arrange for their removal by an appropriate authority.

Corrs Chambers Westgarth

5. The owner of the Lot Burdened may erect safety signage and any other appropriate signage and may erect CCTV cameras on the Lot Burdened.
6. The owner of the Lot Burdened may engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals apart from those referred to in 1(a), bicycles and skateboards and the like in accordance with any rules made by an Owner's Corporation relating to the Lot Burdened.
7. The owner of the Lot Burdened may with the Council's prior written consent (except in the case of an emergency, in which case the Council's prior written consent is not required) temporarily close or temporarily restrict access through all or part of the Lot Burdened for the time and to the extent necessary but only on reasonable grounds for the purposes of:
 - (a) construction, construction access, repairs, maintenance, replacement and alteration to the Lot Burdened or any improvements in, on or under the Lot Burdened; or
 - (b) security, public safety or evacuation of the Lot Burdened and adjoining buildings.
8. Subject to ensuring the provision of access in accordance with clause 1 of this Easement, the owner of the Lot Burdened may, with the consent of Council:
 - (a) carry out works in the Lot Burdened for the purposes of enhancing the Lot Burdened;
 - (b) install or erect works of art, street furniture, awnings, tables and chairs associated with ground floor commercial premises, notice boards or any other similar improvements at ground level within the Lot Burdened; and
 - (c) use the Lot Burdened,in a manner consistent with any outdoor or footway dining policy of the Council.
9. The Council is solely empowered to release this Easement.

Release and Variation of Easement

- (a) The Council is solely empowered to release the Easement.
- (b) The Easement may only be varied by written agreement between the Council and the Owner of the Lot Burdened.

Corrs Chambers Westgarth

Executed as deed.

Executed by North Sydney Council by)
its duly appointed officer in the presence)
of:)

.....
Witness

.....
Officer

.....
Name of Witness (print)

.....
Name of Officer (print)

Executed by TWT Property Group Pty)
Ltd ABN 69 611 972 091 pursuant to)
section 127 of the *Corporations Act 2001* :))

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

Executed by Tildoon Pty Ltd ACN 603)
442 244 in its capacity as trustee of the)
Atchison Street Trust pursuant to section)
127 of the *Corporations Act 2001*:)

.....
Company Secretary/Director

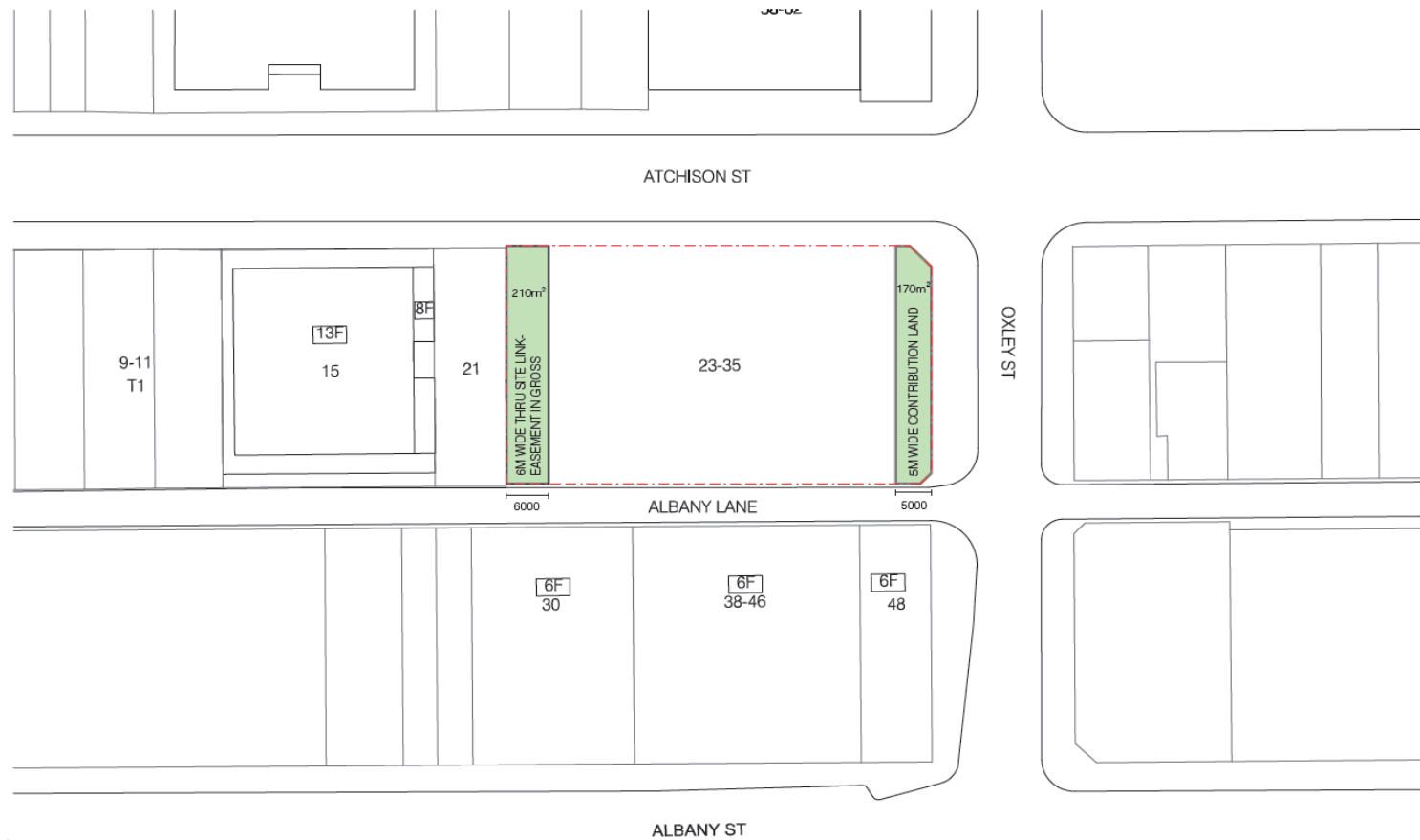
.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

Corrs Chambers Westgarth

Annexure A - Contribution Land and Thru Site Link





SECTION 3 ST LEONARDS / CROWS NEST PLANNING AREA

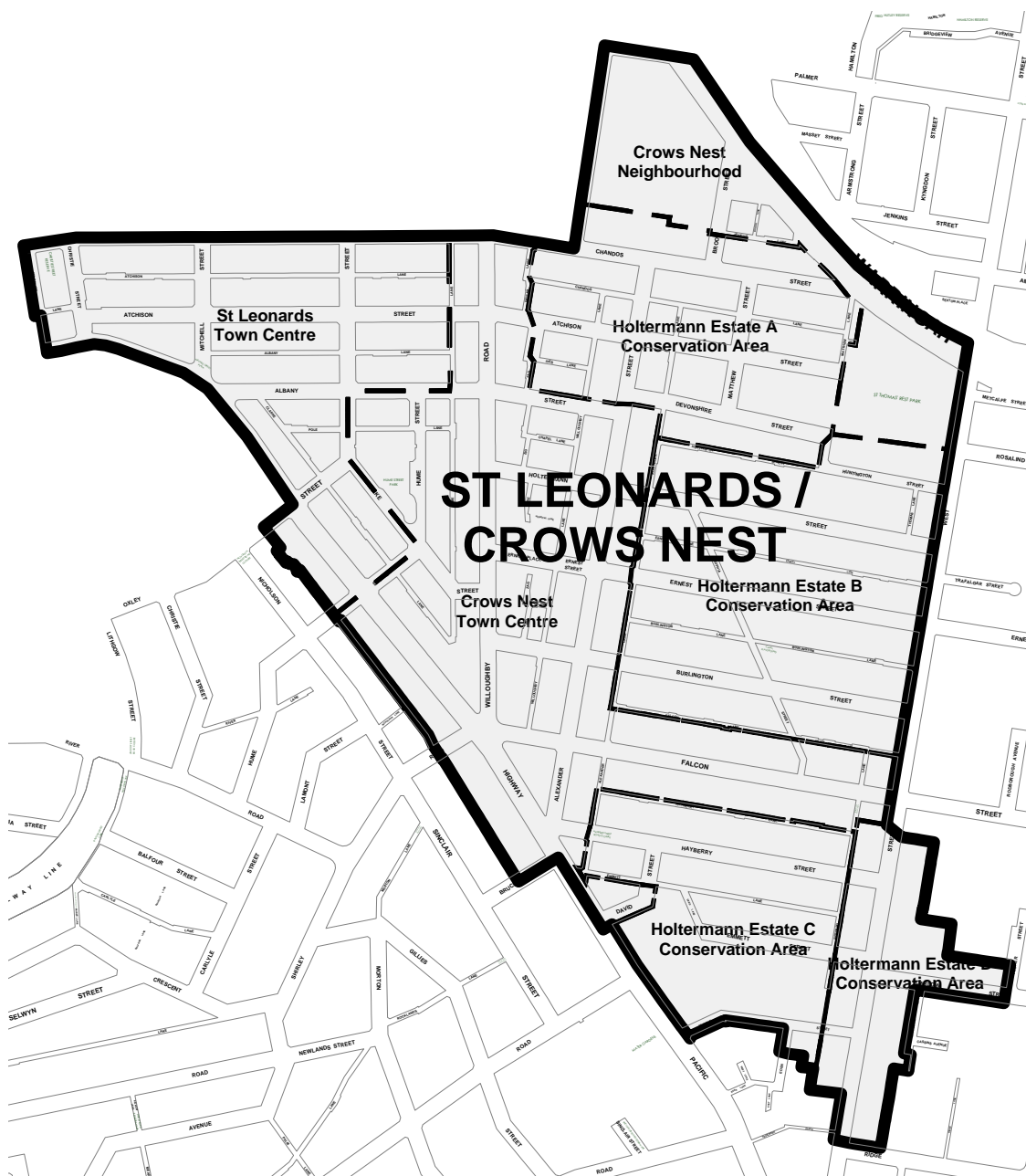
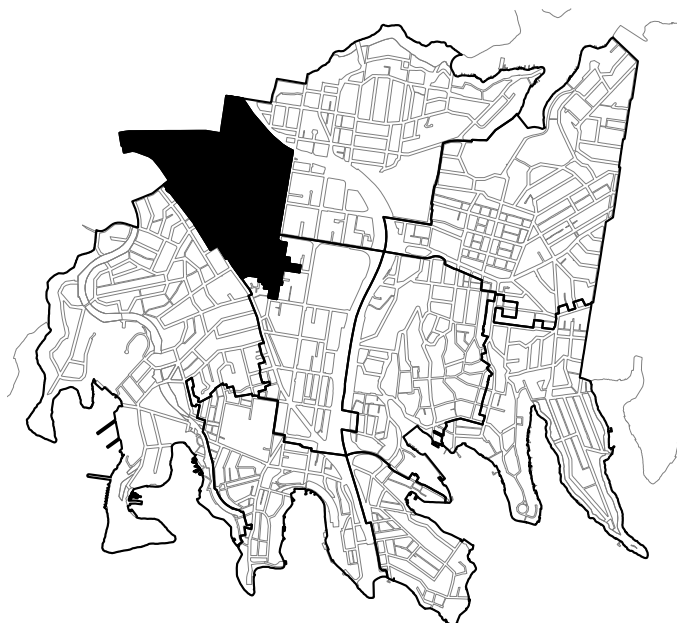


Figure C-3.1: St Leonards / Crows Nest Planning Area and associated Locality Areas



3.0 ST LEONARDS / CROWS NEST PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the St Leonards/Crows Nest Planning Area.

The Planning Area is focussed around the town centres of St Leonards and Crows Nest in the north-west of the area both of which are situated on major traffic routes. The remainder of the Area comprises a number of predominantly low density residential neighbourhoods, much of which is characterised by retention of the historic subdivision pattern.

St Leonards Town Centre, which is identified as a Specialist Centre under the Metropolitan Strategy 2036, is a significant, sustainable and busy urban centre where:

- Creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail are supported to enhance the economic function of North Sydney.
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the centre
- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

Crows Nest Town Centre is smaller in scale in comparison to St Leonards, with 19th Century, two storey shopfront parapets along Willoughby Road and the Pacific Highway. The Town Centre services the daily needs of residents and visitors, as well as having a lively dining district. Traffic is managed so pedestrians can move freely across Willoughby Road.

The residential neighbourhoods are generally quiet and characterised by wide roads with street tree plantings. Laneways facilitate movement and provide rear lane access to properties. Local shops, dispersed throughout the area, serve both local and regional needs.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area**

St Thomas Rest Park, located toward the northern edge of the area, as well as Hume Street Park, provides much needed open space and complements pocket parks within the area, with access to St Leonards Park on the eastern edge.

and where:

Function

- there is housing choice in the mix of dwelling types and in the range of affordability
- various grades and sizes of business spaces are provided in the St Leonards and Crows Nest Town Centres to accommodate a mix of small and large business premises, retail premises and community services
- the lower levels of mixed use buildings in the St Leonards Town Centre are designed to provide flexible spaces to support the growth of creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail.
- existing uses, such as the fruit market on Atchison Street, which are important to the community, are maintained
- community facilities meet the needs of the centre's working and resident population, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the centre
- public transport, including walking and cycling, is the main form of access to the St Leonards Town Centre
- parking is adequate but is managed in a way that maintains pedestrian safety, the quality of public space and built form, and minimises traffic generation
- traffic is managed so that pedestrians can move within the area freely and safely and amenity is maintained
- pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway
- the grid pattern of streets and lanes imposes order and allows freedom of movement
- north/south mid-block pedestrian connections provide alternative routes through blocks at street level to assist pedestrian movement
- the area is highly permeable for pedestrians

Environmental Criteria

- the extremes of sun, wind and rain are mitigated by good building design
- natural light reaches buildings, public places and streets
- mechanical and other noise is controlled to protect residential amenity
- there is opportunity for all to enjoy views within the area
- additional public open space is provided for increased residential population

Quality Built Form

- a safe, high quality urban environment is achieved through careful design of buildings and use of materials, and a well designed and maintained public domain
- the high ridge that underlies St Leonards is reflected in its built form and the skyline is an interesting and distinctive feature in the broader landscape, with the station marked by the Forum development



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

- buildings are scaled down from the Forum development towards surrounding areas, to fit in with lower scale development and reducing adverse affects on lower scale areas
- high rise development is generally contained by Pacific Highway to the west, Oxley Street to the east and south and Chandos Street to the north
- the character in the St Leonards Town Centre is highly urbanised, but softened through urban design and landscaping
- the visual characteristics of the Crows Nest neighbourhood's heritage conservation status are reflected in new development, with low rise small scale dwellings predominating
- the heritage items retain their heritage significance, illustrate a rich development history and provide interest in the physical fabric of the area

Quality Urban Environment

- tree planting in private and public spaces and small landscaped areas provides softening from the built form
- traffic is managed so that pedestrians can move within the area safely and freely
- parking is managed to maintain pedestrian safety and the quality of traffic generation
- rear lanes are used for vehicle access to properties
- pedestrians are assisted in safely crossing barriers such as the Pacific Highway

Efficient Use of Resources

- energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimal use of non-renewable energy resources
- stormwater runoff is minimised, and reused on-site where possible

In addition to the above character statement for the Planning Area, the character statements for the following Locality Areas also require consideration:

- Section 3.1: St Leonards Town Centre
- Section 3.2: Crows Nest Town Centre
- Section 3.2.4 Hume Street Park
- Section 3.3: Crows Nest Neighbourhood
- Section 3.4 Holtermann Estate Conservation Area A
- Section 3.5: Holtermann Estate Conservation Area B
- Section 3.6: Holtermann Estate Conservation Area C
- Section 3.7: Holtermann Estate Conservation Area D

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****3.1 ST LEONARDS TOWN CENTRE**

A comprehensive master planning process may be required to be prepared in consultation with Council and neighbouring landowners for key sites identified in the St Leonards/Crows Nest Planning Study Precincts 2&3. These sites include:

- (a) Christie Street Masterplan: 655 & 657 Pacific Highway and 100 Pacific Highway
- (b) Oxley Street Masterplan: 75-89 Chandos Street, 21-35 and 58-64 Atchison Street.

3.1.1 Significant elements**Land Use**

- P1 Predominantly mixed commercial and residential development.
- P2 Commercial development.
- P3 Community facilities.
- P4 Passive and active recreational spaces.

Topography

- P5 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

Identity / Icons

- P6 The Forum development and plaza.
- P7 St Leonards Station a major transport interchange hub.
- P8 Pacific Highway, a major sub-arterial thoroughfare.

Subdivision

- P9 Generally rectilinear grid pattern with dual frontages

Streetscape

- P10 Wide fully paved footpaths along Pacific Highway and other commercial and mixed use buildings.
- P11 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P12 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.

P13 Irregular planting of street trees.

Public transport

P14 Development is to take advantage of high levels of access to high frequency public train and bus services.

P15 Public transport, cycling and walking are the main forms of transport to the Centre.

3.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Predominantly medium-high rise, mixed commercial and residential development.

P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the Commercial Core and Mixed Use zones.

P3 Intensify the provision of commercial office and business premises along Christie Street with active uses such as food and drink premises and retail located at the ground level addressing the public domain.

P4 Maximise ground level activation along Mitchell Street and Chandos Street by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.

P5 High density residential accommodation within mixed use buildings is concentrated closest to the railway station.

Public spaces and facilities

P6 Establish Atchison Street as the civic main street by:

- (a) ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;
- (b) maximising active uses such as retail, food and drink and outdoor dining at the ground level; and
- (c) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

P7 Outdoor dining to be concentrated along widened footpaths to Atchison, Mitchell and Oxley Streets.

P8 Public plaza is provided at the closure of Mitchell Street with Pacific Highway.

P9 A linear park is provided along the western side of Mitchell and Oxley Streets, between Chandos and Albany Street.

P10 A shared way is provided along Mitchell Street from Atchison Street to properties in Albany Lane.

P11 Artworks and water features are integrated into design of the plaza - artworks and other features act as windbreaks, particularly at the Pacific Highway end of Mitchell Street.

P12 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.

P13 Roof top gardens and public facilities that allow public access to district views from higher floors.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****Accessibility and permeability**

- P14 The following through site links are to be provided, retained and enhanced:
- (a) A north - south pedestrian link from Chandos to Atchison Street across 63-65 or 67-69 Chandos Street and 40-48 Atchison Street.
 - (b) A north - south pedestrian link from Atchison to Albany Street across 15-19 Atchison Street and 22, 26 or 28 Albany Street.
 - (c) A north - south pedestrian link from Chandos to Atchison Street across 33 or 35-37 Chandos Street and 6-16 Atchison Street.
- P15 Consideration should be given to expanding the existing through site link across 6-16 Atchison Street along the western side of 20 Atchison Street.
- P16 New through site links are to align as best as possible with existing through site links to maximise permeability.

3.1.3 Desired Built Form**Subdivision**

- P1 Maintain a frontage of 20m - 40m, which equates approximately to the amalgamation of two or three original allotments.
- P2 Development on consolidated allotments with a frontage wider than 20m - 40m frontage is to be broken down by articulation, design and detailing, change in materials and colours.

Form, massing and scale

- P3 Buildings should generally step down in height from the tallest buildings, being the Forum (201-207 Pacific Highway) down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.
- P4 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.
- P5 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.
- P6 Developments on land greater than 1,000m² should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.

Setbacks

- P7 Zero setback to all street frontages, with the exception of the setbacks on the Building Setbacks Map (refer to Figure C-3.2)

**DRAFT North Sydney Development Control Plan 2013****Area Character Statements - St Leonards / Crows Nest Planning Area**

Diagram above to be deleted

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****Figure C-3.2: Building Setbacks Map**

Diagram above to be added

Podiums

- P8 Podiums are to be provided in accordance with the Building Podiums Map (refer to Figure C-3.3)
- P9 Despite P8, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.

**DRAFT North Sydney Development Control Plan 2013****Area Character Statements - St Leonards / Crows Nest Planning Area****Figure C-3.3: Building Podiums Map****Above Podium Setbacks**

- P10 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure C-3.4). Setbacks above the podium are to be measured from the outer wall of the podium.
- P11 Despite P10, increased setbacks above the podium may be required to achieve adequate building separation in accordance with SEPP 65.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****Figure C-3.4: Above Podium Setbacks Map****Awnings**

- P12 Awnings are to be provided along all street frontages in the B3 Commercial Core and B4 Mixed Use zones.

Solar access

- P13 Development to the north of Atchison Street and east of Mitchell Street is restricted in height and massing to maintain and improve existing solar access on June 21 between 12pm and 3pm to the open space area at the south end of Mitchell Street.
- P14 Development should not increase overshadowing of the existing or proposed public open space area at Hume Street Park bounded by Pole Lane, Oxley Street, Clarke Street and Hume Street between the hours of 9am – 3pm.

Noise

- P15 Elevations of buildings fronting Pacific Highway and Chandos Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

Views

P16 Slot views to the sky and between higher buildings are to be provided.

R4 – High Density Residential Zone

Note: *these provisions only apply to land within the R4 – High Density Residential Zone. Provisions P15-P26 prevail over the provisions P1-P14 under s.3.1.3 to Part C of the DCP to the extent of any inconsistency that arises.*

P17 Generally 5 storeys with flat roofs.

P18 Development compliments the physical form of development in the adjoining mixed use areas.

P19 Height of development responds to adjacent building height and form.

P20 Landscaped areas should be accessible to all residents and not fenced off into separate courtyards.

P21 Rear open spaces must be accessible from the street.

P22 Laneway fences generally between 900 and 1200mm high.

Car accommodation

P23 Where a property has a frontage to a laneway, vehicular access must be provided from the laneway

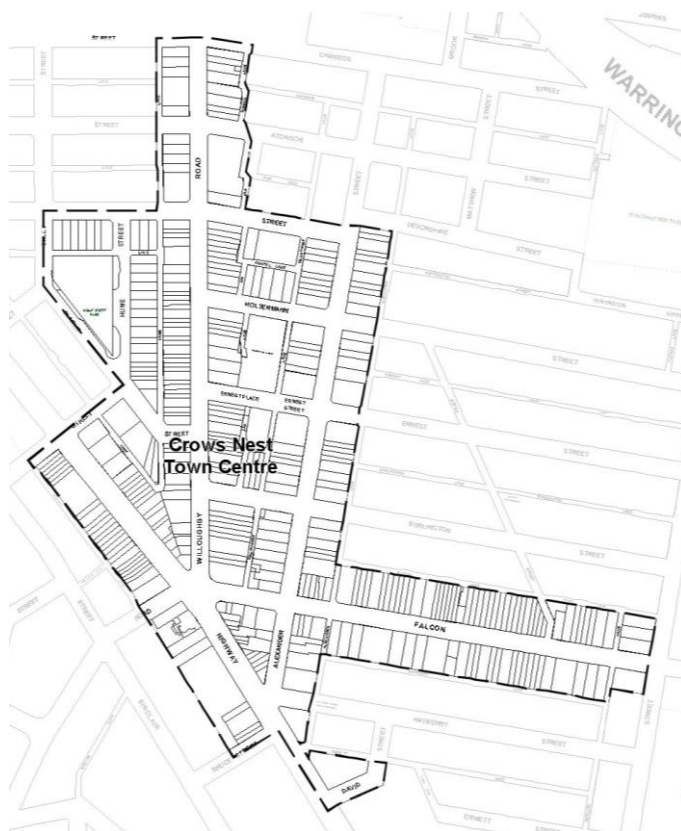
P24 All off-street car parking must be provided underground.

P25 Pick up and drop off points for public transport and taxi ranks should be located close to public spaces and activities, and main building entries.

P26 Short stay (ten minute) parking spaces should be located close to meeting places.

P27 The amount of long stay commuter parking is minimised.

P28 Non-residential parking is minimised.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****3.2 CROWS NEST TOWN CENTRE****3.2.1 Significant elements****Land Use**

- P1 Predominantly mixed commercial and residential development.
- P2 Public parking facilities.
- P3 Community facilities.
- P4 Medium density residential accommodation.
- P5 Passive and active recreational spaces.

Topography

- P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

Natural Features

- P7 Ridge line following the alignment of Pacific Highway.

Views

- P8 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Vista north along Willoughby Road and Pacific Highway.
 - (b) District views from the upper levels of taller buildings.

Identity / Icons

- P9 Crows Nest five ways intersection.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P10 Formalised outdoor dining on Willoughby Road, Burlington, Ernest and Holtermann Streets.

P11 Pacific Highway and Falcon Streets, major sub-arterial thoroughfares.

P12 Hume Street Park.

Subdivision

P13 Regular grid pattern interrupted by diagonal streets.

P14 Generally long narrow allotments with dual street frontages.

Streetscape

P15 In mixed use areas, buildings are built to the street and aligned with the street frontage.

P16 Continuous awnings provided for shops, cafes and other commercial uses.

P17 Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest and Holtermann Streets.

P18 Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.

P19 Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.

P20 Irregular planting of street trees and shrubs.

Public transport

P21 Development is to take advantage of the Area's high levels of accessibility to public train and bus services.

3.2.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Willoughby Road, between Falcon Street and Albany Street, and Pacific Highway, between Shirley Road and Hume Street, two storey parapet shopfront with shops at ground level, non-residential or residential above, with additional height set back above 2 storey parapet.

P2 Remainder of the Centre medium rise, mixed use development, boundary to boundary, with setbacks at laneway, public spaces and above podium - shops at ground level, non-residential/residential on first floor, residential above.

P3 Medium density residential development along Falcon Street.

P4 Provision of a large connected piece of open space connecting Willoughby Road to Oxley Street.

Accessibility and permeability

P5 Pedestrian access from Willoughby Road to through to Alexander and Hume Streets, improves access to the Council car parks.

Public spaces and facilities

P6 Ernest Place is a focus for the Town Centre.

P7 A significant urban park (Hume Street Park) is provided on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Street.

P8 A public plaza with a pedestrian link to Willoughby Road is provided between Hume Street and Hume Lane adjacent to Hume Street Park.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****3.2.3 Desired Built Form****Subdivision**

- P1 Maintain a 10m - 15m frontage (consistent with two storey parapet shopfront scale), especially along Willoughby Road and Alexander Street.
- P2 Frontages of sites larger than this have their apparent width broken down with detailing and design features.

Setbacks

- P3 Zero setback to all street frontages
- P4 A 1.5m setback to all laneways.

Podiums

- P5 A podium of 13m (4 storey) to all streets with a setback of 3m above the podium level, with the following exceptions:
- (a) A podium of 13m (4 storey) with a weighted average setback of 4m above the podium level to:
 - (i) the northern, eastern and southern frontages of the street blocks bounded by Falcon Street, Alexander Street, Holtermann Street and Willoughby Lane, and
 - (i) the triangular street block bounded by Falcon Street, Alexander Street and the Pacific Highway.
 - (b) A podium of 8.5m (2 storey) with a setback of 3m above the podium to:
 - (i) Willoughby Road, between Falcon Street and Albany Street, and
 - (ii) Pacific Highway, between Shirley Road and Hume Street
 - (c) A podium of 10m (3 storeys) to all laneways, with a setback of 3m above the podium.

Building design

- P6 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.
- P7 Off street car parking must be provided underground except when owned and operated by Council as a public car park.

Noise

- P8 Elevations of buildings fronting Falcon Street and Pacific Highway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Awnings

- P9 Awnings must be provided to all street frontages, except laneways.

Car accommodation

- P10 No vehicular access is permitted to:
 - (a) Willoughby Road, between Falcon Street and Albany Street, and
 - (b) Pacific Highway, between Shirley Road and Hume Street.
- P11 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.2.4 Hume Street Park

Plan of Management

- P1 Development is not permitted on the Hume Street Park site:
- (a) until a Plan of Management has been prepared for the site; and
 - (b) the development is consistent with the Plan of Management.

Diversity

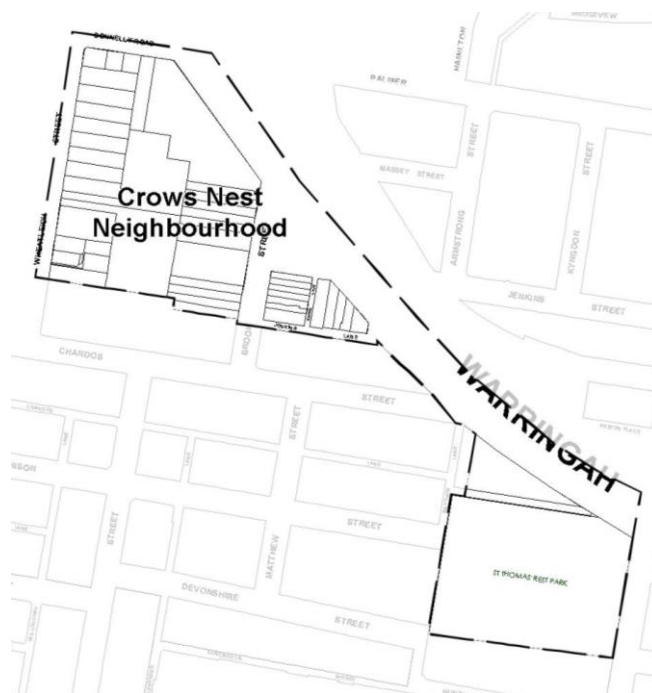
- P2 The principal purposes is to provide a large recreational area and urban plaza with a variety of community, recreational and business purposes provided below ground level.

Form, massing and scale

- P3 Development is predominately located below ground, to ensure that the land is highly accessible for pedestrians and can be actively used as a recreational space and urban plaza.
- P4 Any development located above ground shall not exceed 1 storey in height.



3.3 CROWS NEST NEIGHBOURHOOD



3.3.1 Significant Elements

Land Use

- P1 Predominantly residential accommodation.
- P2 Passive recreational spaces.

Topography

- P3 Gentle falls to the north-east towards the Warringah Expressway.

Views

- P4 The following views and vistas are to be preserved and where possible enhanced:
 - (a) Vista north along Willoughby Road and Pacific Highway.

Identity / Icons

- P5 Warringah Expressway a major arterial thoroughfare.
- P6 St Thomas Rest Park.
- P7 Holtermann Estate Conservation Areas.

Subdivision

- P8 Traditional grid subdivision pattern interrupted by the juxtaposition of the Warringah Expressway.
- P9 A mix of narrow deep allotments reflecting detached and semi-detached housing forms and larger consolidated allotments reflecting multi dwelling housing and residential flat building forms.

Streetscape

- P10 Tree lined streets with grassed verges and concrete footpaths.
- P11 Buildings setback from the boundary and aligned with the street frontage.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

P12 Low brick fences.

3.3.2 Desired Future Character

Diversity

- P1 Predominantly a mix of dwelling houses, attached dwellings, multi dwelling houses and residential flat buildings according to zone.
- P2 Retention and enhancement of existing public open spaces.

3.3.3 Desired Built Form

Form, massing and scale

- P1 Retention of a low density residential character along Wheatley Street.

Access

- P2 Vehicle access on Brook Street should be carefully designed to minimise disruption to vehicular traffic

Noise

- P3 Elevations of buildings fronting Chandos Street and Warringah Expressway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).



3.4 HOLTERMANN ESTATE A CONSERVATION AREA



3.4.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The Holtermann Estate A Conservation Area was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction-1884 to 1915.

3.4.2 Description

The Holtermann Estate A Conservation Area is the northern most section of the larger Holtermann Estate and is bounded by St. Thomas Rest Park, the Warringah Expressway and commercial development to the west.

The landform falls slightly to the north and west. Subdivision is determined by a grid pattern of wide streets, rear lanes and narrow cross lanes. Lot sizes are slightly larger than other parts of the Holtermann Estate though many lots have been developed for attached dwelling houses.

The area is characterised by its low scale of single storey, hipped roof, detached and attached dwelling houses that includes a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian, Filigree and Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with post war residential flat buildings and modern infill housing.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths and crossings to off-street parking. Deep set sandstone kerbs remain in some locations. Houses to the high side of the street are often set on sandstone plinths with retaining walls to the street. Rear lanes are lined with fences, carports and garages with some development fronting the lanes.

There are long views along the main streets and cross views along the lanes.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. High and low scale street trees.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.4.3 Statement of Significance

The Holtermann Estate A Conservation Area is significant:

- (a) as a late 19th century subdivision for speculative housing.
- (b) For its regular grid of streets, rear lanes and cross lanes.
- (c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



3.4.4 Significant elements

Topography

P1 Slight falls to the north and west.

Subdivision

P2 Detached houses: 380m² lots with 10m frontage.

P3 Semi-detached and attached houses and some detached houses: 180m² to 260m² lots with 4-6m frontages. Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P4 Street trees align streets.

P5 Sandstone retaining walls relate to changes in level between streets and lots.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area**

P6 Continuous grass verges and sandstone kerbs without vehicle crossings.

P7 Lanes have a low scale and service character.

Views

P8 Vistas along major streets and lanes.

3.4.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.4.6 Characteristic built elements**Siting**

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey with hipped and gabled roofs with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from street and rear lanes and stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, corrugated metal and terracotta tiled roofs.

P16 Timber windows, doors and joinery in a Victorian, Federation or Edwardian style.

P17 Original front garden landscaping.

Fences

P18 Original low front fences.

P19 Timber fences rear and side.

P20 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P21 Located off rear lanes.

**DRAFT North Sydney Development Control Plan 2013****Area Character Statements - St Leonards / Crows Nest Planning Area****3.4.7 Uncharacteristic elements**

- P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.



3.5 HOLTERMANN ESTATE B CONSERVATION AREA



3.5.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to the consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction 1880-1915.

3.5.2 Description

The Holtermann Estate B Conservation Area includes the central portion of the larger Holtermann Estate.

The landform is generally level, with slight falls to the south. Subdivision is determined by a grid pattern of wide streets and narrow, rear lanes. Lot sizes vary and many lots have been developed for attached houses.

The area is characterised by its low scale of single storey, hipped roof, detached and attached dwelling houses that include a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with some post war residential flat buildings and modern infill housing. There are examples of high quality attached dwellings.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Rear lanes are lined with fences, garages and carports with some remnant dunnies. The lane intersections are sometimes terminated by the side profile of a corner building oriented to the cross street.

Sophia Street provides diagonal views.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. There are high and low scale street trees and shrubs.



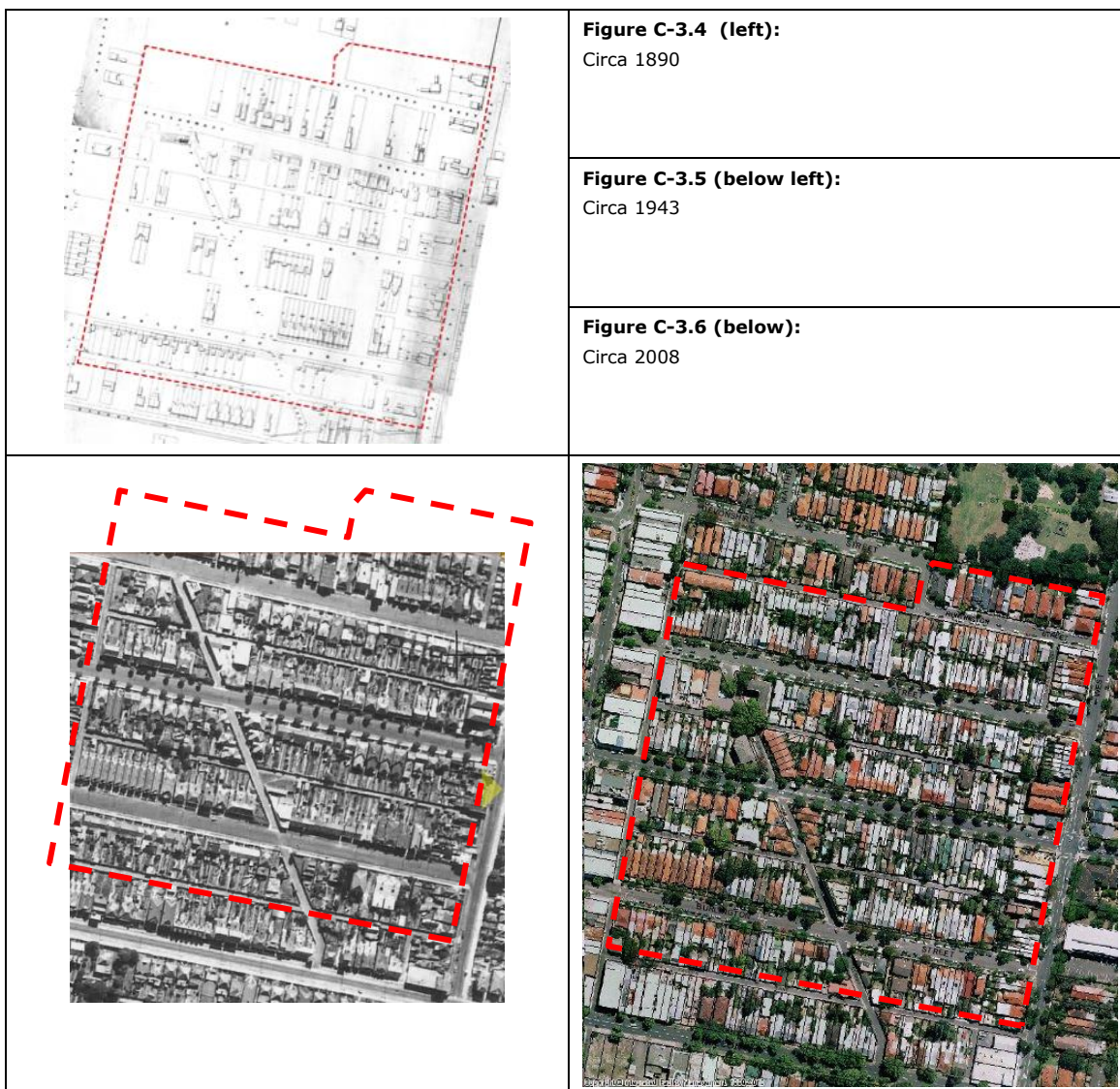
DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.5.3 Statement of Significance

The Holtermann Estate B Conservation Area is significant:

- (a) As a late 19th century subdivision for speculative housing.
- (b) For its regular grid of streets, rear lanes and cross lanes.
- (c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



3.5.4 Significant elements

Topography

P1 Generally level, slight falls to the south east.

Subdivision

P2 Detached dwelling houses: 380m² lots with 10m frontage.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area**

P3 Detached, semi-detached and attached dwelling houses: 180m² to 260m² lots with 4-6m frontages.

P4 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P5 Street trees and shrubs align streets. Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Lanes have a low scale and service character.

Views

P6 Along Sophia Street.

3.5.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.5.6 Characteristic built elements**Siting**

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, mass and height

P3 Single storey with hipped and gabled roofs with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs with decorative detailing.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) which often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from the street and rear lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, terracotta tiles, corrugated metal roofs.

P16 Original timber windows, doors and decorative joinery in a Victorian, Federation and Edwardian style.

P17 Original front garden landscaping.

Fences

P18 900-1600mm high to the street.

P19 1800mm high to laneways.

P20 Sandstone plinths, sandstone piers, metal palisade fences and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

Car accommodation

P21 Located off rear lanes.

3.5.7 Uncharacteristic elements

P1 Over-scaled two storey additions; contemporary buildings with laneway frontages; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.



3.6 HOLTERMANN ESTATE C CONSERVATION AREA



3.6.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B. O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.6.2 Description

The Holtermann Estate C Conservation Area includes part of the southern end of the larger Holtermann Estate and is bounded by Falcon Street, West Street and the Pacific Highway.

The landform is generally level with some stepping across the streets. Lot sizes are irregular and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The area is characterised by modest, speculative cottages in the Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow styles. There are also some Inter-War Californian Bungalow and Art Deco styles and later infill development including the large campus of the Sydney Girls High School.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Front cottage gardens contribute to the landscaping of the streets. Gardens are sometimes raised with centrally located steps to the street.

Rear lanes are important to the townscape and allow car access that helps the streets to maintain a pedestrian character. There are intrusive off street parking structures where rear lane access is not available. Other uncharacteristic elements include two storey additions constructed to the street, lot amalgamations and loss of original subdivision pattern, contemporary buildings with laneway frontages.



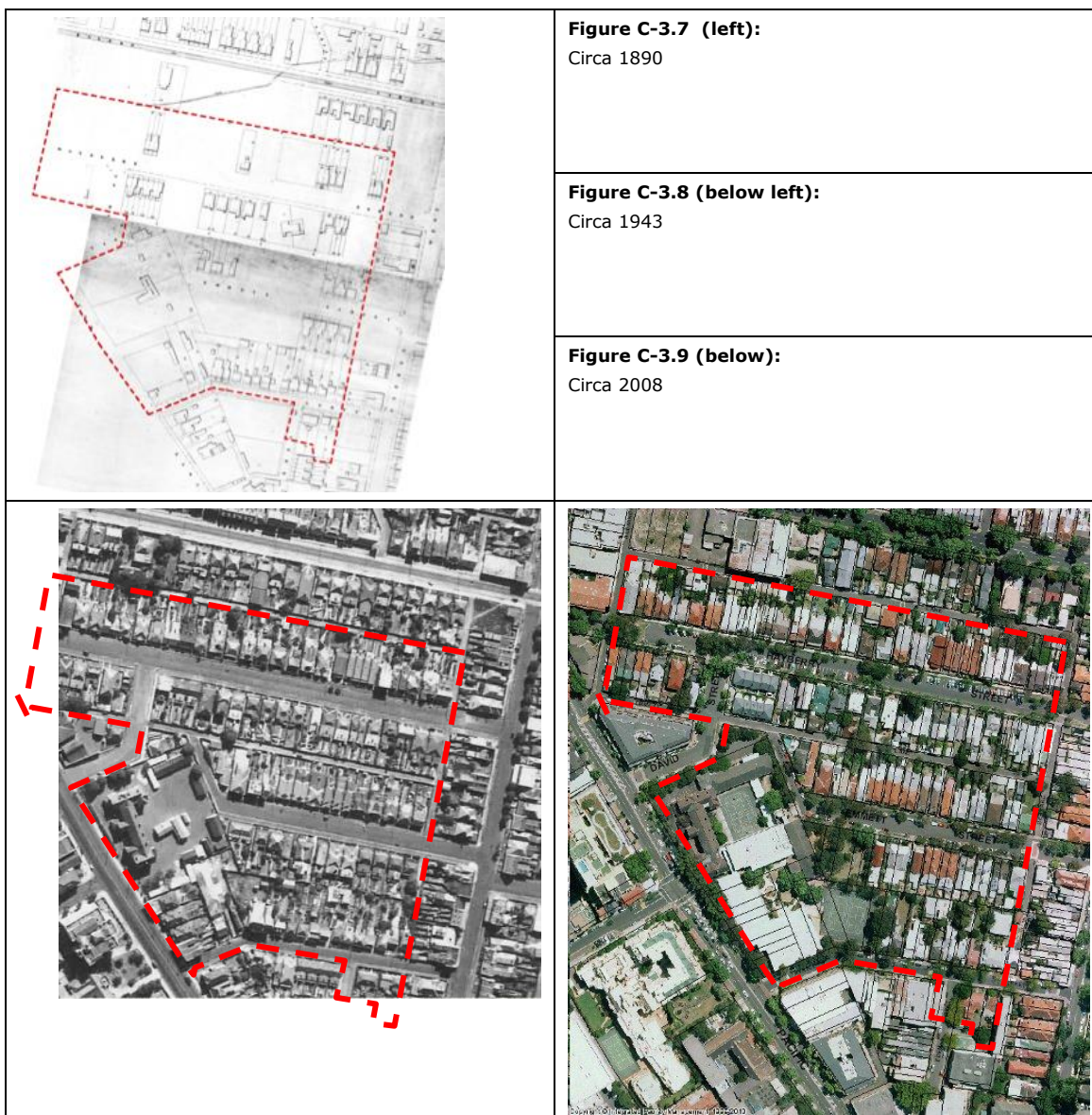
DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

3.6.3 Statement of Significance

The Holtermann Estate C Conservation Area is significant:

- (a) For its late 19th and early 20th century residential character that is characterised by single storey, detached and semi detached dwelling houses of modest scale in a mixture of late Victorian and early Federation styles.
- (b) As an area that represents the working class residential development of North Sydney at the turn of the century.



3.6.4 Significant elements

Topography

P1 Generally level, slight falls to the north and west with stepped street.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur). Semi-detached houses and some detached house.

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****Streetscape**

- P3 Sandstone retaining walls relate to changes in level between streets and lots.
- P4 Continuous grass verges and sandstone kerbs without vehicle crossings.
- P5 Lanes have an open, low scale and service character with lines of timber fences.

Views

- P6 Limited street views.

3.6.5 Characteristic buildings

- P1 Detached, late Victorian, Federation and Edwardian semi-detached dwelling houses.

3.6.6 Characteristic built elements**Siting**

- P1 Located towards the front of the block, with gardens to rear.
- P2 Consistent setbacks.

Form, massing and scale

- P3 Predominantly single storey.
- P4 Rear extensions located within a single storey roof line of reduced height and scale to the main dwelling.
- P5 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.
- P6 Dwelling houses in groups of identical design (detached, semi-detached and attached) with continuous front verandahs.
- P7 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes and following the natural changes in landform.

Roofs

- P8 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.
- P9 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.
- P10 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

- P11 Walls: face brick, timber weatherboards or sandstone on sandstone foundations.
- P12 Roofing materials: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

- P13 Late Victorian, Federation and Edwardian.

Fences

- P14 Rusticated sandstone base walls, face brick, timber (vertical pickets and horizontal railing and wire fences) or metal palisade. Face brick or sandstone piers and base with metal palisade panels. Higher timber fences to rear.

Car accommodation

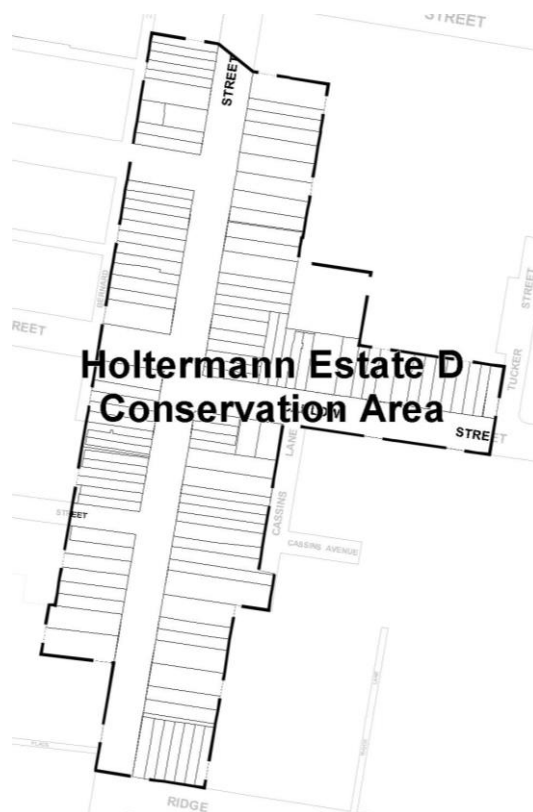
- P15 Located off rear lanes.

**DRAFT North Sydney Development Control Plan 2013*****Area Character Statements - St Leonards / Crows Nest Planning Area*****3.6.7 Uncharacteristic elements**

- P1 Modern additions; loss of original detail, painting and rendering of face brickwork; modern infill developments removal of original detailing, front and side dormers and rooflights.



3.7 HOLTERMANN ESTATE D CONSERVATION AREA



3.7.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B.O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.7.2 Description

The Holtermann Estate D Conservation Area is set to both sides of the southern end of West Street and is defined by Falcon Street and Ridge Street.

The landform is generally level and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The Area is characterised by modest, speculative cottages that include a mix of late 19th and early 20th century building styles including Victorian Georgian and Filigree, Federation Queen Anne and Federation Bungalow. There are also some two storey Victorian Italianate and Victorian Filigree terraces and Inter-War, Californian Bungalow and Art Deco styles.

The mature street trees are also a prominent and unifying feature of the West Street streetscape.

Front cottage gardens contribute to the landscaping of the streets, and are typical of small lot development of the pre-war era.



DRAFT North Sydney Development Control Plan 2013


Area Character Statements - St Leonards / Crows Nest Planning Area

There are rear lanes that have a distinct character that is different to the streets and that allow car access.

3.7.3 Statement of Significance

The Holtermann Estate D Conservation Area is significant:

- (a) for its consistent late 19th and early 20th century residential character that is characterised by single storey dwelling houses of modest scale and two storey attached dwellings in a mixture of late Victorian and early Federation styles.
- (b) for its regular grid subdivision pattern, the level landform and development over a single main development period.

	<p>Figure C-3.10 (left): Circa 1890</p>
	<p>Figure C-3.11 (below left): Circa 1943</p>
	<p>Figure C-3.12 (below): Circa 2008</p>
	

DRAFT North Sydney Development Control Plan 2013**Area Character Statements - St Leonards / Crows Nest Planning Area****3.7.4 Significant elements****Topography**

P1 Generally level, slight falls to the north and west.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P3 Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Street trees align streets. Lanes have an open, low scale and service character with lines of timber fences.

Views

P4 Along West and Carlow Streets.

3.7.5 Characteristic buildings

P1 A mixture of single storey detached and semi-detached dwelling houses and two storey attached dwellings.

3.7.6 Characteristic built elements**Siting**

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached and semi-detached dwellings.

P4 Two storey attached dwelling houses.

P5 Single storey, rear extensions within single storey roof line – reduced height and scale to rear of housing.

P6 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.

P7 Dwelling houses in groups of identical design often have continuous front verandahs.

P8 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P11 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

P12 Walls: face brick, timber weatherboards or sandstone on sandstone foundations. Where walls are painted darker shades are typically used for detailing.

P13 Roofs: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

P14 Late Victorian, Federation, Edwardian and Inter War.



DRAFT North Sydney Development Control Plan 2013

Area Character Statements - St Leonards / Crows Nest Planning Area

Fences

P15 A mixed use of:

- (a) low rusticated sandstone base walls, face brick;
- (b) timber (vertical pickets and horizontal railing and wire fences);
- (c) metal palisade.
- (d) face brick or sandstone piers and base with metal palisade panels.

Car accommodation

P16 Located off rear lanes.

3.7.7 Uncharacteristic buildings

P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; front and side dormers and rooflights; modified roof forms, removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street, car parking in front setback, lot amalgamation and loss of original subdivision pattern.

ATTACHMENT 5

**Planning Proposal 1/18 to amend North Sydney Local Environmental Plan 2013
Summary of public submissions received during public exhibition period
(4 April 2019 – 2 May 2019)**

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Planning Proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.
2. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the Planning Proposal.
 - b was already in the Planning Proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the Planning Proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the Planning Proposal was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

Attachment 1: Planning Proposal 1/18 to amend NSLEP 2013 – 23-35 Atchison St, St Leonards Submissions Table (Exhibition Period 4 April 2019 to 2 May 2019)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1.		Overdevelopment	Objects to the proposal as there is already too much development in St Leonards and will negatively impact the environmental, cultural and economic wellbeing of St Leonards during and after construction.	<p>Refer to Section '2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Heath and Education Precinct' which is identified to accommodate a significant uplift in employment floorspace and residential dwellings under the Regional and North District Plans.</p> <p>In relation to impacts caused during construction, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2E
		Overshadowing/ Solar Access	After construction, the place will become devoid of sunlight due to all the high-rise apartments	<p>Refer to Section 2.1.3 'Overshadowing' of the main report.</p> <p>During the preparation of <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that whilst additional height and density had the potential to reduce solar access, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate the housing and job targets mandated by State Government. A driving principle under Council's Planning Study is that new development could only occur with the delivery of commensurate public benefits to meet the needs of the community and that efforts are made to mitigate impacts to the surrounding area.</p> <p>The proposal has incorporated a number of design measures to ensure that overshadowing to surrounding properties and areas are mitigated.</p>	Nil	2E

2.		Overdevelopment	This development represents extreme over development. The commercial spaces on Atchison Street already sit empty and having more high rises with commercial spaces will only exacerbate this issue. Atchison Street should be encouraged to keep this artistic, creative and tranquil atmosphere. Adding more high rises will add chaos and destroy the creative vibe of this Street	<p>Refer to Section '2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Heath and Education Precinct' which is identified to accommodate a significant uplift in employment floorspace and residential dwellings under the Regional and North District Plans.</p> <p>The proposal for a 16-storey high mixed-use building is consistent with Council and the Department's plans for St Leonards.</p>	Nil	2E
		Traffic/ Pedestrian amenity	There are already extreme traffic issues at Atchison Lane where all the cars from Atchison street exit and enter. This includes traffic for the Albany street developments and apartments. Adding such high rise dwellings would result in adding to the extreme traffic congestion in this lane. Driving in and out of these apartments will become even more difficult and impose danger to foot traffic. Many choose to walk up this lane to enter into their dwellings. Rubbish removals and removalists, couriers and other trucks also park on this lane in addition to other traffic.	<p>Refer to Section 2.1.7 'Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generate higher traffic.</p>	Nil	2E
		Pedestrian amenity	There is already enormous traffic on Atchison street end to Oxley Street. Crossing the road is already difficult. Many people cross here to walk to Crows Nest proper as the vet hospital is situated on the corner of Oxley St and Atchison St. The proposal will contribute to more traffic, chaos and impose enormous danger to the foot traffic in this area.	<p>Refer to Section 2.1.6 Public Benefits and 2.1.7 Public Benefits' of the main report.</p> <p>As mentioned above, the proposal is considered to result in a reduction of traffic entering and exiting the site. In relation to pedestrian amenity, the proposal is accompanied by a VPA that seeks to provide a number of public benefits that aims to improve the pedestrian experience. This includes the 6m wide public laneway between Atchison and Albany Lane, 5m wide setback along Oxley Street to contribute to the Oxley St linear park and a monetary contribution to go towards the Hume St Park upgrade. It should also be noted that the proposal is accompanied by an amendment to the North Sydney Development Control Plan 2013 (NSDCP 2013) to increase the ground level setback from 0m to 6m. This will enable</p>	Nil	2E

				greater space for pedestrians wishing to cross the road to access the Vet.		
		Overshadowing	Such high rise will cast shadow on the existing buildings back onto Atchison Street as well as forward shadow onto Crows Nest itself. None of the houses on Albany Street will receive sunlight. Atchison Street will become dark and uninviting, affecting the existing businesses there.	<p>Refer to Section 2.1.3 'Overshadowing' of the main report.</p> <p>During the preparation of <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that whilst additional height and density had the potential to reduce solar access, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate the housing and job targets mandated by State Government. A driving principle under Council's Planning Study is that new development could only occur with the delivery of commensurate public benefits to meet the needs of the community and that efforts are made to mitigate impacts to the surrounding area.</p> <p>The proposal has incorporated a number of design measures to ensure that overshadowing to surrounding properties and areas are mitigated.</p>	Nil	2E
		Health	The townhouses and semis along Albany street and their back streets already have serious mould issues. Mould imposes enormous health risks to occupants as per Government inquiry in 2018. The proposal will impact existing dwellings on both sides of the proposed constructions enormously and have negative impacts on the health of existing occupants and vegetation in the area.	<p>There is no evidence to suggest that the proposal would result in increased health risks.</p> <p>Appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2A
		Height - Visual Impact	It is not necessary to construct such tall developments. The proposal should not exceed more than 6 storeys. The proposed siting of the development is particularly ill-considered and used by many villages and locals for recreation and walking dogs, and buildings here would both diminish the striking view into the centre of Crows Nest and will be an eyesore from most angles of Crows Nest below.	<p>Refer to 'Section 2.1.1 Height' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The height proposed is consistent with the recommended height of 16 storeys for this particular site under the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department of Planning, Industry and Environment's (DPIE) plans for St Leonards/Crows Nest. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, the Design Excellence Panel (DEP) also</p>	Nil	2E

				<p>suggested that a height of 16 storeys could assist in defining the 'edge' of St Leonards and Crows Nest.</p> <p>The proponent has also incorporated a number of design measures to help further respect the 'village' character of Crows Nest to the east through the proposed 5m wide landscaped setback and the 7m above podium setback to Oxley Street. This is considered an acceptable response.</p>		
3.		Height - scale	<p>Opposes the proposed height of the building as the application is seeking to more than double the height that is currently allowed in St Leonards/Crows Nest. It would be unreasonable to have a building of this height surrounding all the smaller buildings.</p> <p>The submitter has been informed that the plan for Crows Nest is to have the buildings tapering down in height from Pacific Highway to Willoughby Road where the maximum height will be 3 levels.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The height proposed is consistent with the recommended height of 16 storeys for this particular site under the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department of Planning, Industry and Environment's (DPIE) plans for St Leonards/Crows Nest. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, the Design Excellence Panel (DEP) also suggested that a height of 16 storeys could assist in defining the 'edge' of St Leonards and Crows Nest.</p> <p>It is highlighted that unlike <i>SLCN Planning Study – Precinct 1</i>, the relevant study applicable to this site (<i>SLCN Planning Study – Precincts 2 & 3</i>) steps away from the 'stepping down' of heights from Pacific Highway to Willoughby Road and instead, focuses on concentrating height and density in close proximity to mass public transport, jobs and services.</p>	Nil	2E
4.		Safety requirements (During Construction)	<p>Ausgrid consents to the development subject to conditions being imposed in relation to:</p> <ul style="list-style-type: none"> <u>overhead powerlines</u>: minimum safety separation requirements between mains/poles to structures within the development throughout the construction process <u>underground cables</u>: minimum requirements for working around Ausgrid's underground cables. 	<p>Refer to Section 2.3.2 of the main report.</p> <p>The supplied conditions can be dealt with at the Development Application (DA) stage. Nevertheless, it is demonstrated that a taller building constructed to the height of 56m can occur without affecting existing Ausgrid infrastructure.</p>	Nil	2G

5.		Overshadowing - Value	The 56m building on the proposed site will result in the loss of natural sunlight to north facing apartments in the neighbouring Aria building and their balconies and living areas of these residents will be cast in shadow for at least 6 months of the year. This will impact the value of these properties and is unacceptable.	<p>Refer to Section 2.1.3 'Overshadowing' of the main report.</p> <p>During the preparation of <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that whilst additional height and density had the potential to reduce solar access, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate the housing and job targets mandated by State Government. A driving principle under Council's Planning Study is that new development could only occur with the delivery of commensurate public benefits to meet the needs of the community and that efforts are made to mitigate impacts to the surrounding area.</p> <p>The proposal has incorporated a number of design measures to ensure that overshadowing to surrounding properties and areas are mitigated. Moreover, the accompanying solar studies indicate that the proposal results in greater solar performance to the southern properties than what would occur in a compliant scheme under the <i>SLCN Planning Study - Precincts 2 & 3</i>.</p>	Nil	2E
		Overshadowing/ Solar Access	In addition to the loss of sunlight as mentioned above, the proposal will cause at least 50 percent of the Aria roof terrace to be in shadow for almost 6 months of the year and all of the rooftop terrace will be in shadow for three months over the winter, meaning it will not receive the minimum 3 hour daily sunlight requirement during these periods.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p>	Nil	2E
		Views/Value	The building would impede the views enjoyed by the owners of existing properties adjoining Albany Lane, and as such would have material impact on the value of these properties and create a less enjoyable living environment for its residents.	<p>Refer to 'Section 2.1.5 Views' of the main report.</p> <p>There is no legal right to a view. There is an expectation that there would be some level of impact in an emerging dense</p>	Nil	2E

				<p>urban environment such as St Leonards. This is recognised in the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>In terms of value of the apartments, there is no specific measure that can indicate reduction in property value nor is this a matter that Council can solely rely on in the refusal of any Planning Proposal.</p>		
		Privacy	<p>The proposed building would reduce privacy and has the potential to impact air flow and cross ventilation, further reducing the value and quality of living enjoyed by existing properties</p>	<p>The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate privacy to neighbouring properties.</p> <p>The matters of air flow and cross ventilation can be addressed at the DA stage.</p> <p>In relation to value of the apartments, there is no specific measure that can indicate reduction in property value nor is this a matter that Council can solely rely on in the refusal of any Planning Proposal.</p>	Nil	2E
		Monetary Contributions	<p>The Independent Commission Against Corruption has repeatedly stated monetary contribution from developers towards Local Government projects must not influence Council decision making</p>	<p>Council's decision is based on the proposal's consistency with the adopted <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>The proposal is generally consistent with the built form outcomes and prescribed public benefits in accordance to <i>SLCN Planning Study – Precincts 2 & 3</i>. Refer to Sections 2.1.1 to 2.1.8 of the main report for further details.</p> <p>The proposal presents a good opportunity for Council to realise the objectives of the community endorsed outcomes of the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
6.		Height Bulk and Scale	<p>The proposal is incompatible with existing density and future character of the locality.</p> <p>The site is located at one of the highest points overlooking surrounding residents and private open space, maximises the dominating, imposing effect of multiple, out-of-character large structures.</p>	<p>Refer to Section 2.1.1 Height and Section 2.1.4 of the main report.</p> <p>The height proposed is consistent with the recommended height of 16 storeys for this particular site under the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department of</p>	Nil	2E

			<p>The “boxy” shape is incompatible with existing new buildings.</p> <p>The height represents a clear and unreasonable imposition on the properties on Albany Street.</p> <p>The buildings would be an even greater height over Atchison Street itself, visually dominating the street.</p>	<p>Planning, Industry and Environment’s (DPIE) plans for St Leonards/Crows Nest. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, the Design Excellence Panel (DEP) also suggested that a height of 16 storeys could assist in defining the ‘edge’ of St Leonards and Crows Nest.</p> <p>The proponent has also incorporated a number of design measures to reduce the bulk and scale of the development and ensure that the proposal can fit in well with the emerging skyline of St Leonards. Nevertheless, the bulk and scale and the design of the building can be further investigated at the DA stage.</p>		
		Overdevelopment	<p>The proposal instantly triples the number of dwellings of North Sydney Council Development Control Plan 2013 to the subject property.</p>	<p>Refer to Section ‘2.1.2 Overdevelopment’ of the main report.</p> <p>St Leonards is identified as a ‘Heath and Education Precinct’ which is identified to accommodate a significant uplift in employment floorspace and residential dwellings under the Regional and North District Plans.</p> <p>The proposal is estimated to deliver a total of 102 apartments. North Sydney has a 5-year housing target of 3,000 dwellings. Therefore, the proposal contributes 3.4% of the housing target.</p>	Nil	2E
		Visual and Acoustic Privacy	<p>The overdevelopment of the site, proximity of the dwellings to the property boundaries and the sheer bulk and scale of the development will have significant impact on the visual and acoustic privacy of the neighbouring properties on Albany Street.</p> <p>There will be significant noise generated from the development’s plant and equipment/ventilation.</p> <p>Given the location of the development, it directly impacts on the visual and acoustic privacy on Albany Street’s north facing properties and the private open space of the Albany Street buildings.</p>	<p>Refer to ‘Section 2.1.4 Scale of Development’ of the main report.</p> <p>The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy to neighbouring properties is achieved.</p> <p>The proposal has incorporated certain design measures to reduce the bulk and scale of the proposal. However, this can be further dealt with at the DA stage. The issue of noise can also be better dealt with at the DA stage.</p>	Nil	2E

		Overshadowing/Solar access	<p>The development appears to have a lack of sensitivity tests to address overshadowing impact to neighbouring buildings.</p> <p>The bulk and scale of the proposed development and imposing height above properties on Atchison St will have a significant overshadowing impact on the properties of 9 Albany St and the streetscape generally.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report</p> <p>The proposal is accompanied by solar diagrams, suneye diagrams and a comparison table of the overshadowing impacts under three different scenarios. These suggested that the proposal can achieve greater solar performance than a compliant scheme under the <i>SLCN Planning Study – Precincts 2 & 3</i> through the incorporation of several design measures. As such, it is considered that the proponent has made satisfactory consideration of the overshadowing impacts to neighbouring properties and the surrounding area.</p> <p>Further design considerations can be made at the DA stage to further mitigate any overshadowing impacts.</p>	Nil	2E
		Traffic	<p>Traffic (particularly in Oxley St, but also in feeder roads of Albany St, Brook St, Chandos St, Willoughby Rd and Pacific highway will be negatively impacted by the addition of large number of residences in this development.</p> <p>Development would also see the excavation and removal by large trucks of tens of thousands of tonnes of natural rock along that is barely wide enough for two cars to pass each other. Given the existing street parking on Oxley St, Albany St, Brook St, Chandos St and Willoughby Rd, this task would be dangerous at best and virtually impossible at worst.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generates higher traffic.</p> <p>In relation to traffic impacts caused at the construction stage, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2E
		Parking	<p>Significant street parking already occurs on Atchison, Oxley, Albany, Brook, and Chandos St not only from its own residents and guests, but also as overflow from residents and guests of properties from new developments from the other side of Pacific Highway.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>Refer to the above. The proposal is not considered to further exacerbate parking as the TIA suggests that the proposal would result in the reduction of traffic entering and exiting the site.</p>	Nil	2E

		Public benefits	The proposed development does not make a positive contribution to the surrounding community.	Refer to 'Section 2.1.6 Public Benefits' of the main report. The public benefits offered as part of the VPA are largely consistent with the items identified in Council's study and will help meet the needs of the community and reduce the impacts of the proposal.	Nil	2E
7.		Overdevelopment	The points raised regarding 'Overdevelopment' are identical to Submission No.6.	Refer to Section '2.1.2 Overdevelopment' of the main report. St Leonards is identified as a 'Heath and Education Precinct' which is identified to accommodate a significant uplift in employment floorspace and residential dwellings under the Regional and North District Plans. The proposal is estimated to deliver a total of 102 apartments. North Sydney has a 5-year housing target of 3,000 dwellings. Therefore, the proposal contributes 3.4% of the housing target.	Nil	2E
		Visual and Acoustic Privacy	The overdevelopment of the site, proximity of the dwellings to the property boundaries and the sheer bulk and scale of the development will have a significant impact on the visual and acoustic privacy of 9 Albany St. Given the location of the development, the proposal directly impacts on the visual and acoustic privacy directly on the submitter's property and the private open space of 9 Albany St.	Refer to 'Section 2.1.4 Scale of Development' of the main report. The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy to neighbouring properties is achieved. The proposal has incorporated certain design measures to reduce the bulk and scale of the proposal. However, this can be further dealt with at the DA stage. The issue of noise can also be better dealt with at the DA stage.	Nil	2E
		Overshadowing/solar access	The bulk and scale of the proposed development and imposing height above properties on Atchison St will have a significant overshadowing impact on the properties of 9 Albany St and the general streetscape. Overshadowing impacts to neighbouring buildings should be minimised.	Refer to 'Section 2.1.3 Overshadowing' of the main report. As mentioned above, the proponent has considered a number of design measures to reduce the bulk and scale and overshadowing of the development. Furthermore, the proposal achieves a better solar performance than a scheme that is compliant with the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> . Further	Nil	2E

				reduction in overshadowing impacts can be investigated at the DA stage to ensure overshadowing impacts are further minimised.		
		Height	<p>The height represents a clear and unreasonable imposition on the properties on Albany St.</p> <p>The proposed development should have considered the bulk and scale carefully by reducing the height and density.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights under the Council endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department's <i>SLCN Draft 2036 Plan</i>. The proponent has also incorporated a number of design measures to reduce the bulk and scale of the development. Refer to 'Section 2.1.4 Scale of Development' regarding this matter.</p>	Nil	2E
		Visual Amenity	<p>The buildings would be an even greater height over Atchison St, visually dominating the street. The proposal should consider design excellence principals and be competitive to other high-rise buildings within St Leonards and Crows Nest Precinct along Atchison St, Chandos St, Albany St and Pacific Highway.</p>	<p>Refer to above response.</p> <p>The concept plan was also referred to the Design Excellence Panel who were generally satisfied with the architectural form proposed. Nevertheless, these matters can be further refined at the DA stage. It is highlighted that the Planning Proposal does not establish a detailed design for approval, but rather a 'proof of concept' to demonstrate a capacity to develop the site within the planning amendments being sought.</p> <p>As mentioned in the above response, the proposal is consistent with the heights recommended in Council's endorsed planning study and the Department's draft plans for St Leonards/Crows Nest.</p>	Nil	2E
		Parking	<p>The points raised regarding 'Parking' are identical to Submission No. 6.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>Refer to the response below. The proposal is not considered to further exacerbate parking as the TIA suggests that the proposal would result in the reduction of traffic entering and exiting the site.</p>	Nil	2E
		Traffic	<p>The points raised regarding 'Traffic' are identical to Submission No. 6.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the</p>	Nil	2E

				<p>proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generates higher traffic.</p> <p>In relation to traffic impacts caused at the construction stage, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>		
8.		Overshadowing/solar access	<p>The development lacks the sensitivity tests to address overshadowing impact to neighbouring buildings, in particular, all north facing apartment residences of 7-19 Albany St and its playground/BBQ areas on the podium.</p> <p>The proposal must not be approved at the expense of the right of neighbours.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>The proposal is accompanied by solar diagrams, suneye diagrams and a comparison table of the overshadowing impacts under three different scenarios. These suggest that the proposal can achieve greater solar performance than a compliant scheme under the <i>SLCN Planning Study – Precincts 2 & 3</i> through the incorporation of several design measures. As such, it is considered that the proponent has made satisfactory consideration of minimising the overshadowing impacts to neighbouring properties and the surrounding area.</p> <p>Further design considerations can be made at the DA stage to further mitigate any overshadowing impacts.</p> <p>The issue of solar access when critiqued against the role of St Leonards/Crows Nest as a 'Health and Education Precinct' and Council's Planning study is not considered sufficient to warrant an amendment to the Planning Proposal.</p>	Nil	2E
9.		Overshadowing/solar access	<p>The proposed development will affect solar access/overshadowing of 9 Albany Street. It will have a significant overshadowing impact on the properties on 9 Albany St and the streetscape in general.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>During the preparation of Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, it was acknowledged that whilst additional height and density would result in impacts</p>	Nil	2E

			<p>The overshadowing and overlooking impact to the neighbouring buildings needs to be minimised.</p>	<p>on residential amenity, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods.</p> <p>Although the proposal may impact on the solar access of properties to the south, the proponent has provided a number of public benefits in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, as well as incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments. The proposal achieves a better solar performance to 38-46 Albany Street and 7-19 Albany Street than what would occur under a scheme compliant with the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>		
		Height/ Bulk and Scale	<p>The height represents a clear and unreasonable imposition on the properties on Albany St and the buildings would be an even greater height over Atchison St itself, visually dominating the street.</p> <p>The height and density of the proposal should be reduced.</p>	<p>Refer to Section '2.1.1 Height' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights of 16 storeys under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, The proponent has also incorporated a range of design measures to reduce the bulk and scale of the proposal.</p>	Nil	2E
		Privacy	<p>It is requested that the proposal be reconsidered by reducing the height and density and overshadowing and the overlooking impact to neighbouring buildings be considered.</p>	<p>Refer to 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy to neighbouring properties is achieved.</p> <p>The proposal has incorporated certain design measures to reduce the bulk and scale of the proposal. However, this can be further dealt with at the DA stage. The</p>	Nil	2E

				issue of overshadowing and privacy can be further explored during the design phase at the DA stage.		
10.		Traffic	The points raised in 'Traffic' are identical to Submission No. 6	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generates higher traffic.</p> <p>In relation to traffic impacts caused at the construction stage, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2E
		Overshadowing/solar access	The points raised in 'Overshadowing/solar access' are identical to Submission No. 9.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>During the preparation of Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, it was acknowledged that whilst additional height and density would result in impacts on residential amenity, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods.</p> <p>Although the proposal may impact on the solar access of properties to the south, the proponent has provided a number of public benefits in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, as well as incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments. The proposal achieves a better solar performance to 38-46 Albany Street and 7-19 Albany</p>	Nil	2E

				<p>Street than what would occur under a scheme compliant with the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>Nevertheless, the issues of overshadowing/solar access can be further addressed at the design phase of the DA stage.</p>		
11.		Overshadowing/Solar access	<p>The proposed rezoning will have a huge and adverse impact to residents and property owners in and around the proposed 16 storey building, especially in Albany Lane.</p> <p>The loss of natural sunlight to all north facing apartments in the Aria building 38-46 Albany Street, backing onto Albany Lane will have a huge impact.</p> <p>The proposed building will cast a shadow to the living areas and balconies for at least six months of the year and have a major impact and loss of value to all our properties.</p> <p>Further, 50% of the whole Aria building (which is only 6 storeys high) will be in shadow for six months of the year and three months over the winter period. This will be very gloomy and cold to live in.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>During the preparation of Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, it was acknowledged that whilst additional height and density would result in impacts on residential amenity, the concentration of mixed use development in close proximity to mass public transport, employment and services would better accommodate housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods.</p> <p>Although the proposal may impact on the solar access of properties to the south, the proponent has provided a number of public benefits in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, as well as incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments. The proposal achieves a better solar performance to 38-46 Albany Street and 7-19 Albany Street than what would occur under a scheme compliant with the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>Nevertheless, the issues of overshadowing/solar access can be further addressed at the design phase of the DA stage.</p>	Nil	2E
		Privacy/Cross Ventilation/Air flow	<p>The loss of privacy, cross ventilation and air flow will further reduce the quality of living and the value of apartments.</p>	<p>The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy and natural cross ventilation to neighbouring</p>	Nil	2E

				properties is achieved.		
		Overdevelopment	St Leonards is overdeveloped and no more buildings like the one proposed in Atchison Street is needed.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties</p>	Nil	2E
12.		Bulk and Scale/Visual Amenity	<p>The proposed development is incompatible with existing density and future character of the Crows Nest locality.</p> <p>The site location at one of the highest points overlooks surrounding residents and private open space and maximises the dominating imposing effect of multiple, out-of-character large structures.</p> <p>The "boxy" shape is incompatible with existing new buildings and is against the North Sydney Council's Urban Design Principal. It also results in an unreasonable imposition on the properties on Albany St, Atchison St and Chandos St.</p> <p>It is urged that council reconsider the proposed development by reducing the height and density and be competitive to the existing high rise buildings within the St Leonards and Crows Nest Precinct along Atchison Street, Chandos Street, Albany Street and Pacific Highway.</p>	<p>Refer to Section '2.1.1 Height' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights of 16 storeys under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. The proponent has also incorporated a range of design measures to reduce the bulk and scale of the proposal.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal is estimated to deliver a total of 102 apartments, this makes up only 3.4% of the 5-year housing target of 3,000 dwellings in the North Sydney Local Government Area (LGA), and only 1.3% of the 7,525 additional dwellings to be delivered across the whole St Leonards Crows Nest Planned Precinct as identified by the DPIE's St Leonards/Crows Nest Draft 2036 Plan.</p>	Nil	2E
		Parking	There is an increasing shortage of street parking and traffic digestion.	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the proposal would result in the net reduction of traffic entering and exiting the site compared to existing uses. This is largely</p>	Nil	2E

				due to the reduction of commercial floorspace and the removal of the existing car repair business which generates higher traffic.		
		Public benefits	The proposed development does not make a positive contribution to the surrounding community to support the development.	Refer to 'Section 2.1.6 Public Benefits' of the main report. The public benefits offered as part of the VPA are largely consistent with the items identified in Council's study and will help meet the needs of the community and reduce the impacts of the proposal.	Nil	2E
		Overshadowing/Solar access	It is urged that council reconsider the proposed development to minimise the overshadowing and overlooking impact to the neighbouring buildings.	Refer to 'Section 2.1.3 Overshadowing' of the main report. Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met. The proponent has incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments. This has resulted in better solar performance of the surrounding properties than what would be achieved under a compliant building form in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> . In terms of overlooking impacts, design measures could be further explored at the DA stage to mitigate these.	Nil	2E
		Traffic	It is urged that council reconsider the proposed development and conduct independent traffic study and street parking study.	Refer to 'Section 2.1.7 Traffic Congestion' of the main report. The Traffic Impact Assessment (TIA) indicates that through the provision of parking consistent with the maximum parking rates for St Leonards/Crows Nest Precincts 2 & 3, there will be an expected	Nil	2E

				net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing site uses.		
13.		Bulk and Scale	<p>The proposal seeks a 16 storey built form immediately to the north of the "Aria" building (38-46 Albany St) and almost all the width of adjoining "Encore building" (36 Albany St) as well as 46 Albany St.</p> <p>The location departs from the remainder of precincts 2 & 3 by the fact it has already been developed by high density 20m high apartment buildings that were designed at the time with the planning guidelines that constrained future development in the north to 20m height limits also. The proposal in this location has the opportunity through the flexibility of its large site area and 3 street addressed corner site to respond by design and appropriate built form to mitigate the impacts outlined to this already developed context now arising from a proposal whose new height limit has been changed from 20m to 56m.</p>	<p>Refer to 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposal for a 16 storey high building is consistent with Council and the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. The height of 16 storeys was considered useful in helping define the 'edge' of St Leonards. Furthermore, it is consistent with State government's plans for St Leonards/Crows Nest, the <i>St Leonards Crows Nest Draft 2036 Plan</i></p> <p>The concept plan depicts a built form that is considered appropriate with the future and existing character through a number of design measures. Further investigation to refine the design can be undertaken at the DA stage to further reduce the bulk and scale of the development.</p>	Nil	2E
		Overshadowing/Solar access	<p>The proposal states in its sunlight analysis that a small number of apartment buildings to the south (Aria and Encore buildings) will result in substantial sunlight loss. However, it fails to mention that the sunlight to the communal rooftop terrace of these buildings will be removed permanently. Therefore, 50% of Aria and Encore apartments or apartments to the north at the lower levels that receive no sunlight will have their only oasis for sun removed permanently.</p> <p>The inappropriate built form of the proposal which is surrounded by tightly "knitted" apartment buildings will cause 50% of the Aria and Encore apartment buildings communal roof terrace to be in shadow for almost 6 months in the year prohibiting it from achieving the minimum 3 hour daily sunlight with the roof terrace being almost 100% in shadow for most of the day for about 3 months in the year (winter) not achieving the minimum 3 hour daily sunlight. Hence, the existing 50% of south facing apartments of the Aria and Encore buildings receiving no sunlight from their</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p> <p>The suggested built form is not considered acceptable as this has the potential to cause significant overshadowing of the Oxley Street linear park. This would be inconsistent with the design principles of the <i>SLCN Planning Study – Precincts 2 & 3</i>, which state that the proposed built form envelope 'maximises sunlight access to streets, Mitchell Street Plaza and the linear</p>	Nil	2E

			<p>living rooms/balconies will have their only opportunity for sunlight enjoyment on the roof terrace considerably diminished by at least another 50% for 6 months in the critical period of the year. In addition, the North apartments facing Albany Lane that currently enjoy sunlight from their balconies and living rooms will also be removed completely for almost 6 months if the planning proposal is approved.</p> <p>A better planning outcome would be to have a higher slender built form which is sited further to the east and north potentially incorporating a stepping down "ziggurat" formation in part on the site so that the shadows will be re-located east on Oxley St and or further North on the south of the proposals roof away from the buildings to the south in Albany Lane. This will create faster moving shadows reducing the adverse impacts associated with what is fast becoming an urban context of tightly "knitted" high rise apartments that enjoy communal roof terraces.</p>	parks.'		
		Views	<p>The submitter asks council to refuse the proposed planning proposal and that any proposed built form considers a potentially higher but slender tower and facilitates view sharing for all.</p>	<p>Refer to 'Section 2.1.5 Views' of the main report.</p> <p>The concept design was referred to the Design Excellence Panel (DEP) who recognised that the height, width and architectural form was generally appropriate.</p> <p>It should be noted that there is no legal right to a view. Whilst the proposal will unlikely cause a total view loss, it will likely result in the loss of some regional views of properties to the south, however, these views are accepted as likely to be interrupted by future heights of 16 storeys envisaged under Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department's <i>St Leonards/Crows Nest Draft 2036 Plan</i>.</p>	Nil	2E
14.		Overshadowing Sunlight Value	<p>The development would block sunlight and views of Artarmon and significantly reduce the value of my property. This will be further exacerbated given the declining Sydney property market.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' and 'Section 2.1.5 Views' of the main report.</p> <p>Whilst the Apartment Design Guide</p>	Nil	2E

				<p>(ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p> <p>Whilst the proposal will unlikely cause a total view loss, it will likely result in the loss of some regional views of properties to the south, however, these views are accepted as likely to be interrupted by future heights of 16 storeys envisaged under Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, and the Department's <i>St Leonards/Crows Nest Draft 2036 Plan</i>.</p>		
		Traffic Overdevelopment	<p>The area already has a number of new apartments, causing severe traffic congestion. There is already an over-supply of apartments in St Leonards.</p>	<p>Refer to 'Section 2.1.2 Overdevelopment' and 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal is considered to appropriately assist with the provision of Council's housing and employment targets in close proximity to mass public transport, services and facilities.</p> <p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i>. This has the potential to reduce traffic congestion.</p>	Nil	2E
		Value	<p>Units in the submitter's apartment are already declining in value. Rents have come down due to the over-supply in the region, causing property values to decline.</p>	<p>There is no specific measure to that can indicate reduction in property value nor is this a matter that Council can solely rely on in the refusal of any Planning</p>	Nil	2E

15.		Residential amenity	The rezoning proposal has the potential to impact on the submitter's amenity.	<p>Proposal.</p> <p>The proposal is generally consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. It was acknowledged that whilst the proposal had the potential to lead to impacts on residential amenity, the concentration of appropriate mixed-use properties in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p>	Nil	2E
		Overdevelopment	The rezoning proposal will create further over-development in a precinct already lacking in infrastructure.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties.</p> <p>The Planning Proposal is accompanied by a VPA (Voluntary Planning Agreement) which seeks to provide a number of public benefits that are generally consistent with the items prescribed in Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. These are considered to be commensurate public benefits in relation to the proposed additional development capacity associated with the Planning Proposal.</p>	Nil	2E
16.		Overshadowing/Solar access	<p>The development appears to lack the sensitivity tests to address overshadowing impacts on neighbouring buildings. In particular, to all the north facing apartment residences of 7-19 Albany St.</p> <p>The bulk and scale of the proposed development and imposing height above properties on Atchison St will have a significant overshadowing impact on the properties on 9 Albany St and the streetscape in general</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p>	Nil	2E

				<p>The proponent has incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments. This has resulted in better solar performance of the surrounding properties than what would be achieved under a compliant building form in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>		
		Visual Privacy Bulk and Scale	<p>The site location is at one of the highest points. This will result in overlooking of surrounding residents and private open space, as well as maximise the dominating, imposing effect of multiple, out-of-character large structures.</p>	<p>Refer to 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proponent has considered a number of design measures to ensure that the bulk and scale is reduced and that it is appropriate to the character of the surrounding street and buildings. Nevertheless, this can be further explored at the DA stage.</p> <p>Additionally, the concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate privacy to neighbouring properties.</p>	Nil	2E
		Building Separation Overdevelopment	<p>The overdevelopment of the site, proximity of the dwellings to the property boundaries and the sheer bulk and scale of the development will have a significant impact on the visual and acoustic privacy of the neighbouring properties on Albany Street.</p>	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal is estimated to deliver a total of 102 apartments, this makes up only 3.4% of the North Sydney Local Government Area's 5-year housing target of 3,000 dwellings.</p> <p>Moreover, the concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy to neighbouring properties is achieved.</p>	Nil	2E

		Visual and acoustic privacy	Given the location of the development, it directly impacts on the visual and acoustic privacy of Albany Street's north facing properties and the private open space of the Albany Street buildings.	The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate visual and acoustic privacy to neighbouring properties is achieved.	Nil	2E
		Parking	Significant street parking already occurs on Atchison St, Oxley St, Albany St, Brook St, Chandos St, not only from its own residents and guests, but also overflow from residents and guests of properties from new developments from the other side of Pacific Highway.	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i>.</p> <p>The provision of the maximum parking space compliant with Council's NSDCP 2013, and the measures detailed in the draft travel green plan is considered to help encourage sustainable forms of transport and achieve a <i>'zero net increase in traffic generation'</i> consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, and therefore it is not expected to affect the street parking along the streets in the surrounding locality.</p>	Nil	2E
17.		Site isolation	<p>Despite Clause 9.3.1 Site Isolation of the proposal which suggests that the owner of 21 Atchison St property was, and is, not interested in discussions to sell/work with the owners of 23-35 Atchison St. This is not the client's position as discussions would be welcomed.</p> <p>The client believes that consultation between the owners would lead to a much-improved planning outcome for the community and disagrees with the Urbis' proposal whereby 21 Atchison St remain controlled by the current height determination under the existing Control Plan whilst all adjoining properties benefit from the new height control plan proposed. The client is always interested in the advancement of the area.</p>	<p>Refer to 'Section 2.1.8 Site Isolation' of the main report.</p> <p>Following the receipt of this submission, Council contacted the proponent regarding this matter. The proponent stated that they had recommenced dialogue with the owner of 21 Atchison Street and were unable to reach an agreement. Prior to this, the proponent had provided documentation indicating the numerous attempts made between 2015-2018 to purchase the property, but despite all efforts, were unsuccessful in doing so. Given this, it is considered that the proponent has satisfactorily</p>	Nil	2E

				<p>demonstrated that a reasonable level of consultation and discussion has been undertaken with the owners of 21 Atchison Street over the course of four (4) years.</p> <p>The proponent has provided a number of design considerations to demonstrate that 21 Atchison Street could be appropriately redeveloped on its own. A letter of commitment was also submitted to provide Council with a level of certainty regarding the delivery of the shared basement with 21 Atchison Street.</p>		
		Insufficient Time	<p>The submitter's client has not been provided sufficient time for planning consultants to prepare a professional proposal for Council's consideration. The submitter requests that Council support a reasonable extension of the approval process to allow meaningful discussions to proceed with Council, the developers and the submitter to arrive at a better planning outcome for the community.</p>	<p>Following the receipt of this submission, a meeting was subsequently held with the submitter and Council staff to clarify their submission in June, approximately one month after the end of public exhibition. Council then urged the proponent to recommence dialogue between the proponent and the submitter in July.</p> <p>Therefore, it is considered that the submitter's client has been provided with sufficient time and that meaningful discussions has been undertaken.</p>	Nil	2E
		Insufficient notification	<p>The submitter's client did not receive any correspondence from Council regarding this proposal prior to 28 March 2019. It is noted that the URBIS proposal was submitted to Council prior to 25 June 2018.</p>	<p>The proposal was placed on public exhibition for 28 days from Thursday 4 April 2019 to Thursday 2 May 2019 in line with the notification requirements of Planning Proposals as set out in <i>A guide to preparing local environmental plans</i> (Department of Planning and Environment 2016). As part of this process, a letter was also sent to the submitter's client.</p>	Nil	2E
18.		Height	<p>The proposal does not request a change of zone, which means that it is still under B4, which under the Act should be mixed use under 20m.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The Planning Proposal does not seek an amendment in zoning, it does seek an amendment to the maximum Height of Buildings (HOB) within the NSLEP 2013. The height is consistent with the heights recommended in Council's <i>St Leonards/Crows Nest Planning Study – Precincts 2 & 3</i>, and the Department's <i>St Leonards Crows Nest Draft 2036 Plan</i>. As</p>	Nil	2E

				such, the height requested is not considered to be unreasonable.		
		Bulk and Scale	The proposal is inconsistent with the Atchison and Oxley Street areas. The Nexus building next to 21 Atchison is only 40m, all the higher buildings near Pacific Highway and the one next to St Leonards train station is 50m	Refer to above response and 'Section 2.1.4 Scale of Development' of the main report. The proposal has incorporated a number of design measures to ensure that the proposal is appropriate to the character of the surrounding street and buildings.	Nil	2E
		Overshadowing/Solar access	Shadowing will be an issue onto 21 Atchison Street which already has shadow from the Nexus building. The building would be looming across, shadowing the house and townhouse across the other side of Oxley St which only shares about 13m to 16m distance between the two and the distance on Oxley St is not too different as it is not a widened street.	Refer to 'Section 2.1.3 Overshadowing' of the main report. Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met. The accompanying solar diagrams suggest that from approximately 11:30am onwards, no overshadowing will be caused by the proposal on to 21 Atchison Street. It also indicates that the proposal will have minor overshadowing after 2:55pm to the properties east towards Oxley Street.	Nil	2E
		Traffic/Parking	102 residential apartments will have an impact on the traffic around this area and will further exacerbate the lack of parking spaces within this area. Although the train station and Metro station is closer, it is not enough for all residents to choose to use public transport. In addition, the road is not wide enough and will have traffic jam along the roundabout on Albany St towards Pacific Highway.	Refer to 'Section 2.1.7 Traffic Congestion' of the main report. As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i> . The provision of the maximum parking space compliant with Council's NSDCP	Nil	2E

				<p>2013, and the measures detailed in the draft travel green plan is considered to help encourage sustainable forms of transport and achieve a '<i>zero net increase in traffic generation</i>' consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>The provision of additional traffic infrastructure is contrary to the '<i>zero net increase in traffic generation</i>'. This is demonstrated in the RMS' <i>guide to traffic generating development</i> which states that there is a clear relationship between parking/road infrastructure supply and traffic generation.</p>		
19.		Height	<p>The proposal more than doubles the height of the existing building and as such will create a massive tower over the low rise residential block on its eastern side</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the desired outcomes of the Council and community endorsed, <i>SLCN Planning Study – Precincts 2 & 3</i>. A height of 16 storeys along this site was also recognised by the DEP as a way to help define the 'edge' of St Leonards.</p> <p>The proponent has also incorporated a number of design measures to help respect the 'village' character of Crows Nest to the east such as the 5m whole of building setback to contribute to the Oxley St linear park, and the 7m above podium setback along Oxley Street. Refer to 'Section 2.1.2 Overdevelopment' of the main report' for more details.</p>	Nil	2E
		Precedent/Public Benefit	<p>The proposal will send a signal to other developers that Council is "open for business" meaning if they pay enough to provide community benefit, they can get almost anything they want.</p>	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>One of the many driving principles of the <i>SLCN Planning Study – Precincts 2 & 3</i>, is the delivery of commensurate public benefits to support additional height and density. The proposal is generally consistent with the built form outcomes of the <i>SLCN Planning Study – Precincts 2 & 3</i>, as well as the prescribed public benefit outcomes. In particular, the contribution</p>	Nil	2E

				of a 5m whole of building setback along Oxley Street, 6m wide publicly accessible laneway and the \$2,800,000 monetary contribution. The Planning Study states that <i>“following the successful delivery of the above open space (i.e. Oxley St linear park), activity and built form outcomes, Council may seek a contribution towards the regionally significant Hume Street Park.”</i> As such, it is not considered that the proposal will set a precedent for other developers as the Planning Proposal is generally consistent with the overall desired outcomes of Council’s Planning Study.		
		Height Bulk and Scale	The proposal will fail to continue a transition of height down from buildings further up the slope as well as destroy the character of the precinct.	<p>Refer to ‘Section 2.1.1 Height’ and ‘Section 2.1.4 Scale of Development’ of the main report.</p> <p>As mentioned in the report, the proposal is generally consistent with Council’s <i>SLCN Planning Study – Precincts 2 & 3</i>, which unlike <i>SLCN Planning Study – Precinct 1</i>, moves away from the ‘stepping down’ of heights. Instead, the study seeks to concentrate height and density around mass public transport, employment and services as being able to more sustainably support population growth with the lowest levels of traffic generation and the ability to more likely deliver well-located public benefits.</p>	Nil	2E
		Overdevelopment	<p>This gradual progression of over development will destroy the character of Crows Nest. After all, it was North Sydney Council that advocated the preparation of a local character statement picked up by the planning department and published in the 2036 Plan.</p> <p>Enough is enough. Council should take notice of the objections in relation to the 2036 Plan and Metro which will soon be published by the Department.</p>	<p>Refer to ‘Section 2.1.2 Overdevelopment’ of the main report.</p> <p>North Sydney Council prepared the <i>SLCN Planning Study – Precincts 1, 2 & 3</i>, in order to manage the high level of development interest in the area through a holistic and co-ordinated approach. Council received considerable amount of support from the community, local business and landowners.</p> <p>It is important to note that the Department’s plans identify further residential growth than anticipated in Council’s plans. Council has made a submission to the Department regarding</p>	Nil	2E

				this and have raised various matters for consideration. In particular, the need to refine the infrastructure list associated with the Special Infrastructure Contributions (SIC) to ensure future growth in the St Leonards/Crows Nest area is well supported appropriately.		
		Public benefits	The proposed funding for the Hume Street Park renovations which are minimal at best can be and should be funded by a special levy rather than from the developer of this proposal.	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>The Hume Street Park upgrade has been recognised as a public benefit of regional significance under Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. However, the Department's draft Special Infrastructure Contributions (SIC) levy list does not prioritise Hume Street Park nor does it provide enough funding to facilitate Council's vision of the park/much needed open space within the St Leonards/Crows Nest area. Furthermore, Council has raised a number of issues with the Department's SIC levy, in particular its ability to reduce Council's ability to negotiate VPAs that deliver important planned local infrastructure such as parks and community facilities, and the disproportionate allocation of regional funds whereby Willoughby Council will receive the greatest proportion of SIC funding despite the least uplift proposed under the <i>Draft 2036 Plan</i>.</p>	Nil	2E
20.		Visual amenity	<p>Incompatible with existing density and future character of the locality</p> <p>Site location is at one of the highest points overlooking surrounding residents and private open space, maximises the dominating, imposing effect of multiple, out-of-character large structures</p> <p>The "boxy" shape is incompatible with existing new buildings</p> <p>16 storey height of the development, the bulk and scale of the development and imposing impact on</p>	<p>Refer to Section '2.1.1 Height' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights of 16 storeys under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. The proponent has also incorporated a range of design measures to reduce the bulk and scale of the proposal. This can be further explored at the DA stage.</p> <p>St Leonards is identified as a 'Health and</p>	Nil	2E

			residents and users of Oxley St and Albany St.	Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal is estimated to deliver a total of 102 apartments, this makes up only 3.4% of the 5-year housing target of 3,000 dwellings in the North Sydney Local Government Area (LGA), and only 1.3% of the 7,525 additional dwellings to be delivered across the whole St Leonards Crows Nest Planned Precinct as identified by the DPIE's St Leonards/Crows Nest Draft 2036 Plan.		
		Overdevelopment	The points raised are identical to the ones raised in "Overdevelopment" in Submission No. 6.	Refer to the response to "Overdevelopment" in Submission No.6.	Nil	2E
		Visual and Acoustic Privacy	The points raised are identical to the ones raised in "Visual and Acoustic Privacy" in Submission No. 6	Refer to the response to "Visual and Acoustic Privacy" in Submission No. 6.	Nil	2E
		Traffic	The points raised are identical to the ones raised in "Traffic" in Submission No. 6.	Refer to the response to "Traffic" in Submission No. 6.	Nil	2E
		Parking	The points raised are identical to the ones raised in "Parking" in Submission No. 6	Refer to the response to "Parking" in Submission No.6	Nil	2E
		Overshadowing/Solar access	The points raised are identical to the ones raised in "Overshadowing/solar access" in Submission No.6	Refer to the response to "Overshadowing/solar access" in Submission No. 6.	Nil	2E
		Public benefits	The points raised are identical to the ones raised in "Public Benefits" in Submission No. 6	Refer to the response to "Public benefits" in Submission No.6.	Nil	2E
21.		Height Precedent Bulk and Scale Residential amenity Overdevelopment Misleading Information Public benefits	This submission is identical to Submission No. 19	Refer to the response to Submission No.19	Nil	2E
22.		Overshadowing/Solar access Residential Amenity	<p>The submitter resides in a three-bedroom unit on the first floor and currently only receives a few hours of direct sunlight from the north windows in their living room.</p> <p>Given that the proposal is directly opposite to the submitter's unit at the north, the increased height will block all sunlight and the submitter believes</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during</p>	Nil	2E

			they will not be able to see the sun or the sky from any windows. This will result in unhealthy living conditions for anyone.	<p>the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p> <p>In its efforts to mitigate overshadowing impacts to the properties south of the subject site, the proponent has made various design considerations such as the increased setbacks to the podium of Albany Lane, provision of a 6m wide open to sky laneway between Atchison Street and Albany Lane, the provision of two storey cutouts in the podium form along Albany Lane, and the provision of 2.5m deep cutouts in the tower form along Albany Lane. This has resulted in better solar performance than what would be achieved under a compliant building form in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>		
23.		Correspondence	The supporting documents have been reviewed and no specific comments are provided at this stage of the development.	<p>Refer to 'Section 2.3.1 Transport for NSW' of the main report.</p> <p>Noted.</p>	Nil	2C
24.		Height	<p>The proposal seeks to exceed the height limits by nearly 200%. This is not necessary to make a profitable development and is simply greedy on the part of developers.</p> <p>It uses the arguments of other large high rises nearby as the case for allowing the height exceedance. Then why bother having planning controls if Council is going to let them exceed simply based on this flawed logic. It makes a mockery of the DCP.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposal seeks to apply a height of 56m to facilitate a 16 storey building. This is consistent with the height recommendations under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>Should the proposal proceed, an amendment to the statutory Local Environmental Plan would be requested and not the non-statutory Development Control Plan (DCP).</p>	Nil	2E

		Site Isolation	The proposal isolates 21 Atchison St which is estimated to be restricted to 5 levels if developed in future. How is it fair for this site to be wedged between 16 storeys and 8 storeys?	<p>Refer to 'Section 2.1.8 Site Isolation' of the main report.</p> <p>Council staff have urged the proponent to continue discussions between the owner of 21 Atchison Street, however, it was clear that they were unable to reach an agreement. Nevertheless, the proponent has provided a number of design considerations to demonstrate that 21 Atchison Street can in fact be redeveloped on its own.</p>	Nil	2E
		Traffic	More than 200 people will live there but there will be reduction in traffic. This is ridiculous as we know Sydneysiders are still preoccupied with car ownership and despite proximity to the station's residents will all still have cars, sometimes two per apartment.	<p>Refer to Section 2.1.7 'Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that through the provision of parking compliant with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, the proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generate higher traffic.</p> <p>Furthermore, the proponent has provided a draft green travel plan which will assist in encouraging sustainable methods of transport and increase the uptake of walking, cycling and public transport consistent with the 'no net increase in traffic generation' approach within the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
		Overshadowing	15% of units get no direct solar access which seems unacceptable and undesirable.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p>	Nil	2E

				<p>The proponent has incorporated a number of design measures to reduce the overshadowing impacts to surrounding areas. This has resulted in better solar performance than what would occur under a scheme compliant to Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. The proponent can further explore the mitigation of overshadowing impacts at the DA stage.</p>		
		<p>Use Public Benefits</p>	<p>The proposal says residents will access existing infrastructure but there are no improvements planned to cater for the huge number of new residents coming in multiple developments. The site should be a commercial development.</p> <p>The proposal reduces the commercial floor space which is contrary to the vision for the St Leonards Crows Nest precinct as a workplace.</p>	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>The proposal is accompanied by a Voluntary Planning Agreement (VPA) which seeks to provide a number of public benefits consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. These are considered to be commensurate public benefits in relation to the additional development capacity proposed under the Planning Proposal.</p> <p>In terms of the use of the site, the proposal seeks to increase the minimum non-residential floor space ratio from 0.6:1 to 1.5:1. This will ensure that an appropriate level of commercial/jobs can remain on the site. Whilst the concept proposal sees a net reduction in the physical quantum of non-residential floor space from that existing, the current approved development involves uses that generate low employment rates (i.e. gallery/studio and a car repair store). The proposal will likely provide improved commercial floor space, enabling increased floor plate efficiency.</p> <p>As such, it is not considered that the proposal would reduce commercial floorspace, but instead increase the ability to maintain substantial commercial floorspace and improve floor plate efficiency.</p>	Nil	2E

25.		Height	The submitter strongly objects to almost tripling the height for this proposal.	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposal seeks to apply a height of 56m to facilitate a 16 storey building. This is consistent with the height recommendations under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> and the Department's <i>St Leonards Crows Nest Draft 2036 Plan</i>.</p>	Nil	2E
		Overshadowing/Solar Access	This section of Atchison St will become a dark, lifeless wind tunnel and will be at complete odds with the low-rise nature of the adjacent Crows Nest village – only two blocks away.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>Whilst the Apartment Design Guide (ADG) identifies a preferred minimum percentage (70%) of apartments and private open space (including the communal open space) being able to receive at least 2 hours of sunlight during the mid-winter solstice, it is acknowledged in a dense, urban environment, it is not always able to be met.</p> <p>The proponent has incorporated a number of design measures to reduce the overshadowing impacts to surrounding areas. This has resulted in better solar performance than what would occur under a scheme compliant to Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. The proponent can further explore the mitigation of overshadowing impacts at the DA stage.</p>	Nil	2E
		Bulk and Scale Height	A large 16 storey building would not continue a transition down from the buildings up to the hill. It will significantly reduce sunlight and sky.	<p>Refer to 'Section 2.1.1 Height' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>As mentioned in the report, the proposal is generally consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, which unlike <i>SLCN Planning Study – Precinct 1</i>, moves away from the 'stepping down' of heights. Instead, the study seeks to concentrate height and density around mass public transport, employment and services as being able to more sustainably support population</p>	Nil	2E

				growth with the lowest levels of traffic generation and the ability to more likely deliver well-located public benefits.		
		Precedent	The building will also create an 'advancing' precedent for surrounding areas.	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights in both Council's endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and State Government's <i>St Leonards Crows Nest Draft 2036 Plan</i>. As such, the proposal is not considered to result in an unacceptable precedent.</p>	Nil	2E
		Character Overdevelopment	<p>The proposed height/density will continue the destruction of any real sense of community in St Leonards and the building would add to the sense of a 'looming metropolis' overwhelming the low rise residential suburb of Crows Nest.</p> <p>Council has an obligation to listen to the community it represents. The community is horrified and despaired of the high rise and large scale densification of St Leonards and the threat it poses to Crows Nest.</p>	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. Furthermore, the proposal is generally consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
26.		Overdevelopment	The proposal is unacceptable and born out of greed. It completely ignores the wellbeing of existing residents and caters to money-hungry developers. Considering the downtrend in Sydney property prices and the already over-development of St Leonards, the decision is astonishing.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. Furthermore, the proposal is generally consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
27.		Support Public benefits	The submitter wishes to voice their support for the increased density around St Leonards, including the proposal. The submitter believes that there should be more development in areas that are close to public transport, especially train stations to improve housing affordability and create liveable cities.	<p>Noted.</p> <p>The Planning Proposal does not preclude the investigation of shared walkways/cycle paths. However, Council would first need to explore the potential of a complete route before placing any cyclepaths on this specific portion of the</p>	Nil	2D

			<p>The submitter is pleased that walkways have been taken into consideration of the linear park on Oxley Street, however, suggests that there may be scope for some of these to be shared walkways/cycle paths (the kind where cyclists are required to give way to pedestrians).</p>	linear park.		
28.		Bulk and Scale	<p>The submitter is concerned with the scale of this Planning Proposal, especially its impact on the enjoyment of the area, the overshadowing of Hume St Park and the submitter's building and the encroachment of 16 storey buildings further east towards the Crows Nest precinct.</p> <p>The proposal needs to be scaled back considerably.</p>	<p>Refer to 'Section 2.1.4 Scale of Development' and 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>The proposal for a 16 storey high building is consistent with Council and the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. The height of 16 storeys was considered useful in helping define the 'edge' of St Leonards. Furthermore, it is consistent with State government's plans for St Leonards/Crows Nest, the <i>St Leonards Crows Nest Draft 2036 Plan</i></p> <p>The bulk and scale of the building has been designed to ensure it is appropriate to the character of the surrounding street and buildings. In particular, the proposal provides a well-sized landscaped setback along Oxley Street which will help protect the low rise character of Crows Nest towards the east. Further investigation to refine the design can be undertaken at the DA stage to further reduce the bulk and scale of the development.</p> <p>The accompanying solar diagrams indicate that the proposal will have no impact to Hume St Park except for some minor overshadowing after 2:55pm of the proposed carpark access driveway.</p>	Nil	2E
		Height	<p>Given the Abode is only 15 stories and that "TWT1, 23-35 Atchison Street is identified as lying within the West of Oxley Street Creative Quarter, the west end of this precinct is outlined to remain a predominantly 12 storey mixed use area". This proposal should be no more than 12 stories.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposal seeks to apply a height of 56m to facilitate a 16 storey building. This is consistent with the height recommendations under the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> and the Department's <i>St Leonards Crows Nest</i></p>	Nil	2E

				<i>Draft 2036 Plan.</i> As such, a height of 16 storeys is considered to be appropriate.		
		Overdevelopment/ Public Benefits	In section 3 of Appendix E, it is stated that “St Leonards is a high population density area with a low provision of parks and open spaces.” And this proposal does nothing to help in fact, hinders the development of Hume Park and is expected to increase population density.	<p>Refer to ‘Section 2.1.2 Overdevelopment’ and ‘Section 2.1.6 Public Benefits’ of the main report.</p> <p>The proposal is accompanied by a VPA which seeks to provide commensurate public benefits to support the proposed additional population. These items include the 5m wide whole of building setback along Oxley Street, 6m wide publicly accessible laneway, and a monetary contribution of \$2,800,000 to fund the Hume Street Park project. These items are also consistent with the prescribed set of public items in the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, required to ensure growth is adequately supported by the much needed infrastructure and facilities.</p>	Nil	2E
		Traffic	There are currently 4 substantial developments being built in this vicinity (3 on Albany and 1 on Atchison) which will add further traffic into this congested area. With the level of traffic associated with all these developments plus the Metro and infrastructure developments on Albany Street is not really coping.	<p>Refer to ‘Section 2.1.7 Traffic Congestion’ of the main report.</p> <p>It is highlighted that St Leonards is identified as a ‘Health and Education Precinct’ under the relevant Regional and District Plans and has been identified to accommodate a significant amount of employment and housing.</p> <p>The proposal is accompanied by a TIA which indicates that through the provision of the maximum parking rates of <i>St Leonards/Crows Nest Precinct 2 & 3</i> compliant with the NSDCP 2013, there is an ‘<i>expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing site uses.</i>’ This is largely due to the reduction of the higher traffic generating commercial uses from 3,829sqm GFA to 3,165sqm GFA as well as the removal of the existing car repair business located on 31 Atchison Street which generates a significant amount of vehicle movements with the drop off/pick up of vehicles.</p>	Nil	2E

				The proposal also seeks to consolidate five existing driveways along Albany Lane and Atchison Street into one single driveway via Albany Lane. This will assist on reducing the number of vehicular movements along both streets.		
		Height/Bulk and Scale	The points raised are identical to the ones raised in "Height/Bulk and Scale" in Submission no. 6"	Refer to the response to "Height/Bulk and Scale" in Submission No.6.	Nil	2E
		Overdevelopment	The points raised are identical to the ones raised in "Overdevelopment" in Submission No. 6.	Refer to the response to "Overdevelopment" in Submission No. 6.	Nil	2E
		Visual and Acoustic Privacy	The points raised are identical to the ones raised in "Visual and Acoustic Privacy" in Submission No. 6.	Refer to the response to "Visual and Acoustic Privacy" in Submission No. 6.	Nil	2E
		Traffic	The points raised are identical to the ones raised in "Traffic" in Submission No.6.	Refer to the response to "Traffic" in Submission No.6	Nil	2E
		Parking	The points raised are identical to the ones raised in "Parking" in Submission No.6.	Refer to the response to "Parking" in Submission No. 6.	Nil	2E
		Solar Access/Overshadowing	The points raised are identical to the ones raised in "Solar Access/Overshadowing" in Submission No.6.	Refer to the response to "Solar Access/Overshadowing" in Submission No.6.	Nil	2E
		Public benefits	The points raised are identical to the ones raised in "Solar Access/Overshadowing" in Submission No.6.	Refer to the response to "Public Benefits" in Submission No.6	Nil	2E
29.		Use	The submitter believes a moratorium is required on residential developments. No more residential properties are needed in the area. Instead, there should be more businesses in the area that provides local jobs.	At its meeting of 30 July 2018, Council resolved " <i>as the planning proposal authority for the North Sydney LGA not to accept any new planning proposals involving a residential use as per the Minister's initiative, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct planning process and with the exception of any Planning Proposal submitted consistent with and in relation to a Precinct Planning Study already adopted by Council</i> ". Given that the proposal is consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i> , the planning proposal is acceptable.	Nil	2E

				It is noted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in employment floorspace and residential properties. The proposal seeks to increase the minimum non-residential floorspace ratio to ensure a substantial amount of commercial is retained on the site.		
		Infrastructure	A proper planning for green space, schools and amenities should be developed. If it goes ahead, the \$2.8 M should go to Hume Street park only.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>The planning proposal is accompanied by a VPA which seeks to deliver a number of public benefits consistent with the prescribed list of items in the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. This takes a holistic approach in terms of planned growth being supported by planned infrastructure and facilities. It is noted that the monetary contributions are intended to fund the Hume Street Park project.</p> <p>Refer to 'Section 2.2 Consideration of Precinct Committee Submissions' of the main report which further explains this matter.</p>	Nil	2B, 2E
		Traffic	The reduction in traffic, based on the reduction in parking space (33 to 5) is completely unrealistic. The fact that there is no parking in the building doesn't mean that people don't come by car, they just park elsewhere.	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>The Traffic Impact Assessment (TIA) suggests that through the provision of parking consistent with the maximum parking rates for the St Leonards/Crows Nest Precincts 2 & 3 identified in the NSDCP 2013, a future DA will provide no greater than 49 spaces and not 5 as stated by the submitter.</p>	Nil	2F
30.		Height	The high rise development is unsuitable for the location.	<p>Refer to 'Section 2.1.1 Height and Section 2.1.2 Overdevelopment' of the main report.</p> <p>The proposal which seeks a height of 56m to facilitate a 16 storey mixed use building is consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. It is noted that St</p>	Nil	2E

				Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in employment floorspace and residential properties.		
31.		Height	The submitter strongly objects to the proposed increase in height from 20m to 56m. Please do not approve the increase in height.	<p>Refer to 'Section 2.1.1 Height and Section 2.1.2 Overdevelopment' of the main report.</p> <p>The proposal which seeks a height of 56m to facilitate a 16 storey mixed use building is consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. It is noted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in employment floorspace and residential properties.</p>	Nil	2E
		Traffic	The encroachment of the massive buildings in St Leonards must be curtailed which will lead to massive traffic problems and associated issues for all local residents.	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>The accompanying Traffic Impact Assessment (TIA) suggests that the proposal would result in the reduction of traffic entering and exiting the site compared to existing uses. This is largely due to the reduction of commercial floorspace and the removal of the existing car repair business which generates higher traffic.</p> <p>In relation to traffic impacts caused at the construction stage, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2E
32.		Height	The human scale of current buildings in the local area – 4 – 8 floors high is part of the reason why Crows Nest is such a desirable and liveable community.	<p>Refer to 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposal for a 16-storey high building is consistent with Council and the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. The height of 16 storeys was considered useful in helping define the 'edge' of St Leonards.</p>		

				<p>Furthermore, it is consistent with State government's plans for St Leonards/Crows Nest, the <i>St Leonards Crows Nest Draft 2036 Plan</i></p> <p>The bulk and scale of the building has been designed to ensure it is appropriate to the character of the surrounding street and buildings. In particular, the proposal provides a well-sized landscaped setback along Oxley Street which will help protect the low rise character of Crows Nest towards the east. Further investigation to refine the design can be undertaken at the DA stage to further reduce the bulk and scale of the development.</p>		
		Overdevelopment - Infrastructure	<p>The local area is already straining under the rapid demand on its local services, schools and roads, without sufficient plans to show how this need will be met with such a rapid increase in population levels into the local area. There should be a stop to any further development until consultation with the public is complete.</p>	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and is identified to accommodate an increase in employment floorspace and residential properties. Moreover, the proposal is consistent with the community and Council endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. This study aims to manage growth in a holistic and co-ordinated way as evident through the prescribed set of public benefits to support additional growth as identified in the study.</p> <p>The Planning Proposal is consistent with the outcomes of the community endorsed, <i>SLCN Planning Study - Precincts 2 & 3</i>, which was placed on public exhibition for a period of ten (10) weeks, exceeding the standard community consultation requirements.</p>	Nil	2E
		Bulk and Scale	<p>The proliferation of buildings in north Sydney to the North and St Leonards to the South have left a disturbing legacy of dark overbearing buildings robbing the area of light, open space and a sense of social connection.</p>	<p>Refer to above response and 'Section 2.1.3 Overshadowing' of the main report.</p>	Nil	2E

33.		Overdevelopment	The proposal is an inappropriate overdevelopment in an already densely populated precinct.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and is identified to accommodate an increase in employment floorspace and residential properties to meet housing and job targets set by State Government.</p>	Nil	2E
		Planning Process	The proposal does not comply with North Sydney LEP. Crows Nest and St Leonards needs to be considered as a whole, not a series of individual sites to be developed without reference to the community and zoning.	The Planning Proposal is consistent with the outcomes of the community endorsed, <i>SLCN Planning Study - Precincts 2 & 3</i> , which was placed on public exhibition for a period of ten (10) weeks, exceeding the standard community consultation requirements. The study investigates the opportunities and constraints of the Precinct as a whole.	Nil	2E
34.		Overshadowing/Solar Access	The development should revert to the original 20m. This would greatly reduce the problem of overshadowing and would generally be far more acceptable.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the SLCN Planning Study – Precincts 2 & 3, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility. Council also received considerable support for the study by the community to unlock additional development capacity within the precinct, provided commensurate public benefits are delivered to meet the needs of the community and efforts are made to limit impacts of new buildings.</p>	Nil	2E

		Overdevelopment	The proposal would result in the RNS Hospital struggling in the future to cope with the increase of patients from the many apartment towers proposed for St Leonards.	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and is identified to accommodate an increase in employment floorspace and residential properties to meet housing and job targets set by State Government.</p> <p>Moreover, there is no evidence that suggests that the proposal would affect RNS Hospital's delivery of service.</p>	Nil	2E
		Traffic	The traffic will be much worse (many people use the train for commuting, but not after work and weekends when they want to be in their own cars).	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i>.</p> <p>The provision of the maximum parking space compliant with Council's NSDCP 2013, and the measures detailed in the draft travel green plan is considered to help encourage sustainable forms of transport and achieve a <i>'zero net increase in traffic generation'</i> consistent with Council's SLCN Planning Study – Precincts 2 & 3.</p> <p>The provision of additional traffic infrastructure is contrary to the <i>'zero net increase in traffic generation'</i>. This is demonstrated in the RMS' <i>guide to traffic generating development</i> which states that there is a clear relationship between parking/road infrastructure supply and traffic generation.</p>	Nil	2E

		Public benefits	It is hoped that North Sydney Council will not be lured by the large “contribution” from the developer.	<p>Refer to ‘Section 2.1.2 Overdevelopment’ and ‘Section 2.1.6 Public Benefits’ of the main report.</p> <p>The proposal is accompanied by a VPA which seeks to provide commensurate public benefits to support the proposed additional population. These items include the 5m wide whole of building setback along Oxley Street, 6m wide publicly accessible laneway, and a monetary contribution of \$2,800,000 to fund the Hume Street Park project. These items are also consistent with the prescribed set of public items in the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, required to ensure growth is adequately supported by the much needed infrastructure and facilities.</p>	Nil	2E
35.		Height Overdevelopment	Strongly objects to the proposal despite the offer of \$2.8 million of voluntary contributions. There are already too many approved high rise buildings in Crows Nest/St Leonards. There will not be the demand for all this additional housing and commercial space.	<p>Refer to ‘Section 2.1.1 Height and Section 2.1.2 Overdevelopment’ of the main report.</p> <p>The proposal which seeks a height of 56m to facilitate a 16 storey mixed use building is consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. It is noted that St Leonards is identified as a ‘Health and Education Precinct’ under the relevant Regional and District Plans and has been identified to accommodate an increase in employment floorspace and residential properties.</p> <p>The monetary contribution of \$2,800,000 is part of a suite of public benefit items offered as part of the VPA and are consistent with the prescribed set of public benefit items under the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
36.		Height	The development is a huge increase in height currently allowed for buildings in that location.	<p>Refer to ‘Section 2.1.1 Height and Section 2.1.2 Overdevelopment’ of the main report.</p> <p>The proposal which seeks a height of 56m to facilitate a 16 storey mixed use building is consistent with the community endorsed <i>SLCN Planning Study –</i></p>	Nil	2E

				<i>Precincts 2 & 3. A height of 16 storeys is also recommended under State Government's draft plans for St Leonards/Crows Nest, the St Leonards/Crows Nest Draft 2036 Plan.</i>		
		Overshadowing/Solar Access	The development will remove virtually all sunlight from the roof and all the units currently facing north	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the SLCN Planning Study – Precincts 2 & 3, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility. Council also received considerable support for the study by the community to unlock additional development capacity within the precinct, provided commensurate public benefits are delivered to meet the needs of the community and efforts are made to limit impacts of new buildings.</p> <p>The proponent has also incorporated a number of design measures to mitigate overshadowing to units south of the site. This has demonstrated that the proposal achieves a better solar performance than a scheme that is compliant under Council's <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2E
		Views	Views enjoyed by many of the units will be lost.	<p>Refer to 'Section 2.1.5 Views' of the main report.</p> <p>There is no legal right to a view. There is an expectation that there would be some level of impact in an emerging dense urban environment such as St Leonards. This is recognised in the <i>SLCN Planning</i></p>	Nil	2E

				<p><i>Study – Precincts 2 & 3.</i></p> <p>The proposal does not result in a total loss of views. Whilst it has the potential to affect some regional views, it is highly unlikely that it will affect the Sydney CBD and North Sydney CBD views.</p>		
		Privacy	Privacy will be removed	The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate privacy to neighbouring properties.	Nil	2E
		Value	There will be material impact on the value of the properties	In relation to value of the apartments, there is no specific measure that can indicate reduction in property value nor is this a matter that Council can solely rely on in the refusal of any Planning Proposal.	Nil	2E
37.		Height	Totally objects to the change from maximum building height of 20m to 56m. In its wisdom, Council previously identified the stepping down of building heights down the Atchison St slope as a visually appropriate course. The submitter purchased their apartment due to the height restrictions and the character that future developments to the east would still allow.	<p>Refer to ‘Section 2.1.1 Height and Section 2.1.2 Overdevelopment’ of the main report.</p> <p>The proposal which seeks a height of 56m to facilitate a 16 storey mixed use building is consistent with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. A height of 16 storeys is also recommended under State Government’s draft plans for St Leonards/Crows Nest, the <i>St Leonards/Crows Nest Draft 2036 Plan</i>.</p> <p>It is highlighted that unlike <i>SLCN Planning Study – Precinct 1</i>, the relevant study applicable to this site (<i>SLCN Planning Study – Precincts 2 & 3</i>) steps away from the ‘stepping down’ of heights from Pacific Highway to Willoughby Road and instead, focuses on concentrating height and density in close proximity to mass public transport, jobs and services.</p>	Nil	2E
		Overdevelopment	The submitter urges Council to work towards retaining the village atmosphere rather than an Asian/Singapore/Hong Kong nightmare equivalent. There are already sufficient numbers of high rise buildings having already been completed or well under way to continue to	<p>Refer to ‘Section 2.1.2 Overdevelopment’ of the main report.</p> <p>It is highlighted that St Leonards is identified as a ‘Health and Education Precinct’ under the relevant Regional and</p>	Nil	2E

			provide sufficient residences in the 23-35 Atchison Street block without resorting to 16 floors and almost three times the originally approved height.	District plans and is identified to accommodate an increase in employment floorspace and residential properties to meet housing and job targets set by State Government. Moreover, the Planning Proposal is consistent with the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> , which seeks to manage growth in a holistic and co-ordinated manner.		
		Views	<p>The submitter's unit which has an eastern outlook and the ability to take in a view/outlook 'right out to sea', with anticipated roof top vistas of about 20m in height as part of the easterly character and enjoy the fireworks on numerous occasions to the far east. These will be destroyed by the proposal.</p> <p>The proposal will result in an 'absolute' (100%) loss of views, especially when one is in the unit itself. The pleasure of current outlook from the submitter's apartment would be lost when sitting/standing in 2 of the 3 bedrooms and the lounge/dining area.</p>	<p>Refer to 'Section 2.1.5 Views' of the main report.</p> <p>There is no legal right to a view. There is an expectation that there would be some level of impact in an emerging dense urban environment such as St Leonards. This is recognised in the <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>The proposal does not result in a total loss of views. Whilst it has the potential to affect some regional views, it is highly unlikely that it will affect the Sydney CBD and North Sydney CBD views.</p>	Nil	2E
		Wind	There is an opportunity to catch good cooling south easterly breezes in the summer. This will be destroyed by the proposal.	There is no evidence to demonstrate that the proposal would affect the south easterly breezes in summer. Nevertheless, wind tunnel testing and the implementation of a number of amelioration devices (i.e. screens) can be explored at the DA stage.	Nil	2E
		Overshadowing/Solar access	Should the proposal be permitted, overshadowing of the unit blocks facing Albany Lane would be significant. Those various premises utilise the northern sun to dry their clothes on either balconies or within the premises. Such a building proposal would block a significant amount of sunlight, resulting in increased energy consumption.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the SLCN Planning Study – Precincts 2 & 3, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more</p>	Nil	2E

				<p>sensitive neighbourhoods with lower levels of accessibility. Council also received considerable support for the study by the community to unlock additional development capacity within the precinct, provided commensurate public benefits are delivered to meet the needs of the community and efforts are made to limit impacts of new buildings.</p> <p>The proponent has also incorporated a number of design measures to mitigate overshadowing to units south of the site. This has demonstrated that the proposal achieves a better solar performance than a scheme that is compliant under Council's <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>		
		Residential Amenity	<p>The proposed development appears to be a more 'greed versus need' application. The development will cause general havoc/chaos associated with construction and then move on. This includes the increase of construction noise, debris, and hazards.</p>	<p>As mentioned earlier, the proposal is consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. Furthermore, St Leonards has been identified as a 'Health and Education Precinct' under the relevant Regional and District plans to accommodate a significant amount of housing and job targets.</p> <p>In terms of construction impacts, appropriate conditions of consent will be imposed to ensure that works do not interfere with reasonable amenity expectations of existing residents and the community.</p>	Nil	2E
		21 Atchison St	<p>Should 21 Atchison St be developed up to only 8 levels, the submitter will continue to monitor the height and visual amenity as roof tops can be ugly or quite attractive. Such a development at 23-35 Atchison St would remove that pleasure.</p>	<p>Refer to 'Section 2.1.8 Site isolation' of the main report.</p> <p>The proposal does not seek to redevelop the site at 21 Atchison Street, but has provided a potential redevelopment scheme to demonstrate that the site can be redeveloped on its own.</p>	Nil	2E
		Public benefits	<p>There is limited/negligible benefit for a 'public access' laneway between Atchison St and Albany Lane. It doesn't go 'anywhere'. There is ample pedestrian access in Oxley St and Mitchell St because of professional suites in Nexus, there is already ample pedestrian access in Atchison St and Albany Lane.</p>	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>It is intended that the laneway between Atchison Street and Albany Lane will be publicly accessible 24/7 and open to sky. Additionally, a laneway along the west of 50-56 Atchison Street (located north of</p>	Nil	2E

			<p>The 'public access' would be earmarked not so much for the benefit of pedestrians but for access/egress from the proposed development. This concept of 'public access' on a 'lane doesn't go anywhere' continues to suggest its offer under another guise by the developer.</p> <p>An improvement for linear parking in Oxley St would be negligible and limited by just a few more parking spaces than there are already. There is no doubt would be metred parking where the only ongoing real benefit would be to Council. Oxley St has its traffic limitations and without huge expenditure, the width of the street cannot be overcome.</p> <p>In relation to the monetary contribution of almost 3 million to upgrade Hume St carpark or open space within North Sydney LGA, this is more like an inducement/entitlement as there is no immediate/real benefit provided to the Nexus residents who are most severely impacted by the proposal. One would query how many residents in the immediate vicinity would use the Hume St carpark. Council can require a monetary contribution on lower level constructions which can benefit the Council.</p>	<p>the subject site) is currently being negotiated between Council and a separate proponent. If this occurs, there is potential for a new north-south pedestrian link between the laneway under this Planning Proposal and the one currently under discussion</p> <p>In relation to the 'linear parking', the proposal's VPA seeks to provide a 5m wide setback along Oxley Street to facilitate a linear park and not additional parking spaces.</p> <p>In terms of the \$2,800,000 monetary contributions to fund Hume Street Park, it is recognised by the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, that the Hume Street Park is of regional significance and would be beneficial to the community located in St Leonards/Crows Nest Precincts 2 & 3.</p>		
		Traffic	<p>Vehicular access out of buildings already in Atchison St and Albany Ln can be extremely congested at times. The proposal would continue to exacerbate congestion.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate a significant amount of employment and housing.</p> <p>The proposal is accompanied by a TIA which indicates that through the provision of the maximum parking rates of <i>St Leonards/Crows Nest Precinct 2 & 3</i> compliant with the NSDCP 2013, there is an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing site uses.'</i> This is largely due to the reduction of the higher traffic generating commercial uses</p>	Nil	2E

				<p>from 3,829sqm GFA to 3,165sqm GFA as well as the removal of the existing car repair business located on 31 Atchison Street which generates a significant amount of vehicle movements with the drop off/pick up of vehicles.</p> <p>The proposal also seeks to consolidate five existing driveways along Albany Lane and Atchison Street into one single driveway via Albany Lane. This will assist on reducing the number of vehicular movements along both streets.</p>		
38.		Height	<p>Strongly opposes to the DCP and LEP. The height proposed is higher than any other block immediately around and beyond it. It is even higher than the zoning W1 address Pacific Highway.</p> <p>Recently finished or in-construction development along Albany Street comply with the height limits and show a harmonious stepping rise of height from Willoughby Rd towards Pacific Highway. The height of this development will break this envelope for no reason or benefit to the community or the urban environment.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed use building is consistent with the height and built form recommendations of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. Unlike the <i>SLCN Planning Study – Precinct 1</i>, the applicable study moves away from the 'stepping down' of heights for Precincts 2 & 3. This was based on the principle of concentrating height and density around mass public transport, employment and services as being able to more sustainably support population growth with lowest levels of traffic generation and the ability to deliver well-located public benefits to support any additional population.</p>	Nil	2E
		Overshadowing	<p>The additional overshadowing is enormous and it is completely avoidable keeping the height limit as is.</p>	<p>Refer to the above response and 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and</p>	Nil	2E

				<p>services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>Furthermore, the proponent has provided a number of public benefits and incorporated a number of design measures to help minimise overshadowing impacts on surrounding properties.</p>		
		Site isolation	<p>The isolated block between the W1 zoning and the proposed development will be detrimental for a cohesive and harmonious streetscape.</p>	<p>Refer to 'Section 2.1.8 Site Isolation' of the main report.</p> <p>The proponent has demonstrated that numerous attempts were undertaken over the course of four (4) years to purchase the property, however, despite all efforts, were unsuccessful in doing so. Given the unlikelihood of site amalgamation, the proponent has provided a number of design considerations to ensure that the site at 21 Atchison Street can be redeveloped on its own. These include a potential redevelopment scheme at 21 Atchison Street, shared basement parking access between 21 Atchison Street and 23-35 Atchison Street, and the provision of the required building separation between 21 Atchison Street.</p> <p>These are considered to be appropriate measures on ensuring that 21 Atchison Street will not be unfairly restricted.</p>	Nil	2E
39.		Overshadowing	<p>The proposed building will directly block the only source of sunlight to the submitter's apartment, including balconies and living areas. This will have huge negative impacts on living conditions, lead to decrease of property value and loss of rent for apartment owners.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and</p>	Nil	2E

				<p>services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>Furthermore, the proponent has provided a number of public benefits and incorporated a number of design measures to help minimise overshadowing impacts on surrounding properties.</p> <p>In terms of property value and loss of rent, there is no evidence to suggest that this will occur as a result of the proposal. Council cannot solely rely on this as a justification to refuse the proposal.</p>		
40.		Overshadowing	The proposal will put the submitter's apartment completely in shadow most time of the year and largely affect their living quality.	Refer to the above response.	Nil	2E
41.		Overshadowing	Not only will the proposed development block all access to natural light from the roof and units facing north, but many of the units facing south whose bedroom windows face north will lose what very little natural light they presently enjoy. I note that in the previous few years, Council approved the developments of 48 Albany St and 9 Albany St both of which have already severely reduced the natural light available to the submitter's building. The proposal will further exacerbate this situation resulting in the submitter's building being wholly overshadowed by taller buildings on all sides.	Refer to the above response.	Nil	2E
		Traffic Parking	<p>There will be detrimental effects of increased traffic. The previously approved developments have already created substantial traffic congestion and other disruption in the immediate area. Street parking is also impossible to come by.</p> <p>Pedestrian accessibility and amenity in Atchison St will come at the expense of existing residents in Albany Street.</p>	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate a significant amount of employment and housing.</p> <p>The proposal is accompanied by a TIA which indicates that through the provision of the maximum parking rates of <i>St Leonards/Crows Nest Precinct 2 & 3</i> compliant with the NSDCP 2013, there is</p>	Nil	2E

				<p>an 'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing site uses.' This is largely due to the reduction of the higher traffic generating commercial uses from 3,829sqm GFA to 3,165sqm GFA as well as the removal of the existing car repair business located on 31 Atchison Street which generates a significant amount of vehicle movements with the drop off/pick up of vehicles.</p> <p>The proposal also seeks to consolidate five existing driveways along Albany Lane and Atchison Street into one single driveway via Albany Lane. This will assist on reducing the number of vehicular movements along both streets.</p>		
42.		Height	<p>There will be visual intrusion to existing properties purchased under an existing building height limitation of 20m. If allowed, the proposal will set a precedent impacting on the entire area limiting sunlight and creating a high-rise monstrosity. The current heights of adjacent buildings are more like 10 levels. Having similar heights allow the building to follow the natural contour of the land.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed use building is consistent with the height and built form recommendations of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. Unlike the <i>SLCN Planning Study – Precinct 1</i>, the applicable study moves away from the 'stepping down' of heights for Precincts 2 & 3. This was based on the principle of concentrating height and density around mass public transport, employment and services as being able to more sustainably support population growth with lowest levels of traffic generation and the ability to deliver well-located public benefits to support any additional population.</p> <p>Moreover, State Government's draft plans for the area and the specific site also recommends a height of 16 storeys. As such, it is not considered that the proposal will set an unacceptable precedent.</p>	Nil	2E

		Bulk and Scale	There are already high rise developments served within Pacific Highway boundaries. There is no need to extend this type of development to the east. This building must be in sympathy with its surrounds.	<p>Refer to the above response and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proponent has incorporated a number of design measures to reduce the bulk and scale of the building. These are detailed in Section 2.1.4 of the main report. As such, it is evident that the proposal has considered the future scale and existing character into the design of their interfaces. In terms of being sympathetic to the Crows Nest Residential precinct to the site's east, the proponent has provided a 5m wide whole of building, landscaped setback to help alleviate perceived building scale and impacts on the 'village' atmosphere of Crows Nest.</p>	Nil	2E
		Traffic	A secondary fear is the increased traffic in this family suburban area make it unsafe for people to visit and walk around what should be a village atmosphere. Current traffic is already awful.	<p>Refer to 'Section 2.1.7 Traffic Congestion' of the main report.</p> <p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i>.</p> <p>The provision of the maximum parking space compliant with Council's NSDCP 2013, and the measures detailed in the draft travel green plan is considered to help encourage sustainable forms of transport and achieve a <i>'zero net increase in traffic generation'</i> consistent with Council's SLCN Planning Study – Precincts 2 & 3.</p>	Nil	2E
43.		Overshadowing	The proposed high-rise will cause shadows all day in the area, and the submitter's property. The reason why the submitter purchased their property is due to the north-facing aspect.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in</p>	Nil	2E

				<p>employment and residential floorspace.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>Furthermore, the proponent has provided a number of public benefits and incorporated a number of design measures to help minimise overshadowing impacts on surrounding properties.</p>		
44.		Overshadowing	<p>The proposal will significantly reduce sunlight on the submitter's property and especially their balcony which currently receives a reasonable amount of sunlight. With the new proposal, all the windows and balconies will be covered resulting in having to use more electricity to maintain adequate lighting.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in employment and residential floorspace.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more</p>	Nil	2E

				<p>sensitive neighbourhoods with lower levels of accessibility.</p> <p>Furthermore, the proponent has provided a number of public benefits and incorporated a number of design measures to help minimise overshadowing impacts on surrounding properties. As such, the solar comparison has demonstrated that the majority of the submitter's apartments can receive 2 hours direct sunlight from October 20th until March 5th.</p>		
45.		Height/Bulk and Scale Overdevelopment Visual/Acoustic Privacy Overshadowing/Solar Access Traffic Parking Public Benefits	This submission is identical to Submission No.6	Refer to response to submission no.6	Nil	2E
46.		Height/Bulk and Scale Overdevelopment Visual/Acoustic Privacy Overshadowing/Solar Access Traffic Parking Public Benefits	This submission is identical to Submission No.6	Refer to response to submission no.6	Nil	2E
47.		Height	<p>With the height of development planned, it will ruin that part of St Leonards/Crows Nest. All the short storey apartments/townhouses/semi houses along Albany will lose its small village characteristic and be replaced by a concrete city jungle.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed-use building is consistent with the built form outcomes of the Council and Community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, as well as the Department's draft plans for St Leonards/Crows Nest (<i>St Leonards Crows Nest Draft 2036 Plan</i>).</p> <p>The proponent has also incorporated certain design measures to ensure that an appropriate form of separation and measure is in place to help alleviate perceived building scale and impacts on the 'village' atmosphere of Crows Nest. This includes the 5m whole of building setback along Oxley Street and the 7m</p>	Nil	2E

				above podium setback along Oxley Street.		
48.		Height/Bulk and Scale Overdevelopment Visual/Acoustic Privacy Overshadowing/Solar Access Traffic Parking Public Benefits	This submission is identical to submission no.6	Refer to response to Submission no.6	Nil	2E
49.		Solar Access/Overshadowing	<p>According to the shadow analysis, it will cause all the Aria North facing apartments which all have balconies, living areas facing Albany Lane and their only source of sunlight to be in total shadow for at least 6 months in the year.</p> <p>Further, it will cause at least 50% of the Aria roof terrace to be in shadow for almost 6 months in the year prohibiting it from achieving the minimum 3-hour daily sunlight. Hence, the existing south apartments to the Aria buildings that receive no sunlight from their living rooms and balconies will have their only opportunity for sunlight on the roof terrace considerably diminished by at least another 50% for 6 months in the year as will North apartments facing Albany lane that currently enjoy sunlight from their balconies and living rooms, but will be removed completely for almost 6 months in the year if this planning proposal to increase the height limit is approved.</p> <p>Inadequate sunlight exposure for a minimum 6 months of the year has serious health implications, including vitamin D deficiency, seasonal affective disorder, respiratory complications and major depression. In addition, inadequate sunlight for vegetation and trees in the vicinity results in a reduction of available oxygen in the immediate environment.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District Plans and has been identified to accommodate an increase in employment and residential floorspace.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>Furthermore, the proponent has provided a number of public benefits and incorporated a number of design measures to help minimise overshadowing impacts on surrounding properties. As such, the solar comparison has demonstrated that the majority of the submitter's apartments can receive 2 hours direct sunlight from October 20th until March 5th.</p>	Nil	2E

		Refer to Submission 18.	Refer to Submission 18.	Refer to response to Submission No.18	Nil	2E
50.		Height – Precedent	The development creates a precedent for more high-rise structures spoiling the natural landscape of the eastern suburbia style of St Leonards and Crows Nest. The development would pave way for St Leonards and Crows Nest looking like the high rises of Asia and would lose what should be a village atmosphere unlike Asia where people lead a vastly different lifestyle, particularly after working hours.	<p>Refer to ‘Section 2.1.1 Height’ of the main report.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed use building is consistent with the height and built form recommendations of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. Unlike the <i>SLCN Planning Study – Precinct 1</i>, the applicable study moves away from the ‘stepping down’ of heights for Precincts 2 & 3. This was based on the principle of concentrating height and density around mass public transport, employment and services as being able to more sustainably support population growth with lowest levels of traffic generation and the ability to deliver well-located public benefits to support any additional population.</p> <p>Moreover, State Government’s draft plans for the area and the specific site also recommends a height of 16 storeys. As such, it is not considered that the proposal will set an unacceptable precedent.</p>	Nil	2E
		Traffic	The traffic assessment report covers Atchison St and ignores the already deplorable congestion experienced in Oxley St which will be further exacerbated by this development. Already, the narrow Oxley Street is insufficient to accommodate larger cars/trucks/vans etc. and at times struggles to accommodate normal car traffic. This may lead to the need for a complete widening of Oxley St with removal of pedestrian walkways.	<p>Refer to ‘Section 2.1.7 Traffic Congestion’ of the main report.</p> <p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, the proposal would result in an ‘<i>expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses</i>’.</p> <p>The provision of the maximum parking space compliant with Council’s <i>NSDCP 2013</i>, and the measures detailed in the draft travel green plan is considered to</p>	Nil	2E

				help encourage sustainable forms of transport and achieve a 'zero net increase in traffic generation' consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i> . The provision of additional traffic infrastructure (i.e. widening of Oxley St and removal of pedestrian walkways) is contrary to this and would result in induced traffic demand, increased congestion, and reduced uptake of walking, cycling and public transport.		
51.		Solar Access/Overshadowing Height Public consultation	<p>The proposal will severely limit the amount of sunlight for the living spaces and roof space in the submitter and the submitter's building, with flow on health impacts on the residents with decreased amount of sunlight reaching homes. The submitter disputes the findings and opinions in Appendix E of the proposal.</p> <p>Residents did not expect a decrease in sunlight when buying into the building or the area, as the proposed changes to height restrictions are recent with little public consultation.</p>	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the <i>SLCN Planning Study – Precincts 2 & 3</i>, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>In relation to little public consultation regarding changes to height restrictions, the proposal was placed on public exhibition for a period of 28 days from Thursday 4 April 2019 to Thursday 2 May 2019 in line with the notification requirements of planning proposals as set out by the Department. Furthermore, the proposal aligns with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>, which was placed on public exhibition for a period of ten (10) weeks, exceeding the standard community consultation requirements.</p>	Nil	2E
		Traffic	All driveways on Atchison St are being moved to Albany Lane. Even if the proposal leads to an overall reduction in vehicle traffic, there will be	Refer to 'Section 2.1.7 Traffic Congestion' of the main report.	Nil	2E

			<p>increase in traffic in Albany Lane. Driving on Albany Lane is already difficult due to the narrowness, this lane needs to be widened to accommodate extra traffic. The proposal does not consider the impact of current developments such as 28 Albany St, where traffic will exit to Albany Lane, with outflows either to Mitchell or most likely Oxley St. It is already very difficult to exit Albany Lane onto Oxley St especially in peak hour.</p> <p>The submitter disputes the proposal's findings regarding traffic footprint. Sydneysiders need to drive. The visitors in the area will also increase due to the increased number of residents. This increase in traffic will occur on narrow and already congested streets.</p>	<p>As part of the proposal, the proponent has supplied a Traffic Impact Assessment (TIA) which suggests that through the provision of parking compliant with the maximum rates under the NSDCP2013, and the consolidation of five (5) driveways into one (1) along Albany Lane, the proposal would result in an <i>'expected net decrease to the total volume of traffic accessing the site during the AM and PM peak hour periods compared to the existing uses'</i>.</p> <p>The provision of the maximum parking space compliant with Council's NSDCP 2013, and the measures detailed in the draft travel green plan is considered to help encourage sustainable forms of transport and achieve a <i>'zero net increase in traffic generation'</i> consistent with Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. The provision of additional traffic infrastructure (i.e. widening of streets) is contrary to this and would result in induced traffic demand, increased congestion, and reduced uptake of walking, cycling and public transport.</p>		
52.		Height	<p>Objects to the proposed increase in building height. To more than double the height than what was originally proposed for the site in the planning study is absurd.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and is identified to accommodate a significant uplift in housing and employment.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed use building is consistent with the height and built form recommendations of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. This study recognises the significance of concentrating height and density in close proximity to mass public transport, employment and facilities and its ability to more sustainably support population</p>	Nil	2E

				growth with the lowest levels of traffic generation.		
		Visual Impact	What happened to Council's step-down policy where building height would gradually decrease from the Pacific Highway towards Willoughby Road so as not to destroy the character of Crows Nest village? It is understood that the need for development in the area around the new metro station, but the tall towers should be kept along Pacific Highway where they belong.	<p>Refer to 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The proposal is generally consistent with the desired objectives and outcomes of the <i>SLCN Planning Study – Precincts 2 & 3</i>. This study moves away from the 'stepping down' of heights, and instead is based on the principle of concentrating height and density around mass public transport, employment and services as being able to more sustainably support population growth with the lowest levels of traffic generation and the ability to more likely deliver well-located public benefits to support any additional population. As such, the height proposed is considered appropriate.</p>	Nil	2E
53.		Height	<p>The more than doubling of the height on this site should be rejected. It will create a looming building tower over the lower rise residential block to the east, failing to continue a transition down from the buildings up the hill.</p> <p>The reports are most misleading in already showing a 60-storey building on the 617 Pacific Highway site when this has already been rejected. Hence, the height comparison should not take that into account. This intensification of the height increases must be stopped along Oxley St. The clear disaster of the massive Mirvac towers can now be seen for the totally disproportionate impact they have on this neighbourhood.</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>It is highlighted that St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and is identified to accommodate a significant uplift in housing and employment.</p> <p>The proposed height of 56m to facilitate a 16 storey mixed use building is consistent with the height and built form recommendations of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. This study recognises the significance of concentrating height and density in close proximity to mass public transport, employment and facilities and its ability to more sustainably support population growth with the lowest levels of traffic generation.</p> <p>Height increases are not identified for properties east of Oxley Street under the planning study.</p>	Nil	2E

				In relation to the report being misleading, the site analysis on page 21 of the Urban Design Report clearly indicates the correct height of 50 storeys at 617-621 Pacific Highway. This Planning Proposal was gazetted on 28 June 2019.		
		Visual amenity	The proposal will significantly reduce light and sky and so amenity to the low to medium rise residential and retail/commercial district of Crows Nest which defines the character of that district.	<p>Refer to 'Section 2.1.3 Overshadowing' and 'Section 2.1.4 Scale of Development' of the main report.</p> <p>The accompanying solar diagrams indicate that the proposal will have no impact on properties east of Oxley Street until 2:30pm during the winter solstice. Given that St Leonards is undergoing a significant transformation, in a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. This was acknowledged during the preparation of the now endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p> <p>Additionally, the proponent has incorporated a number of design measures to reduce the perceived building scale and impacts on the 'village' atmosphere of Crows Nest.</p>	Nil	2E
		Public benefits	The proposal is not an essential source of funding to the Hume Park renovation, which can be covered from other sources. The miniscule additions to the so-called public space i.e. a 5m kerbside space described as a 'park' is of virtually no extra public benefit.	<p>Refer to 'Section 2.1.2 Overdevelopment' and 'Section 2.1.6 Public Benefits' of the main report.</p> <p>The proposal is accompanied by a VPA which seeks to provide commensurate public benefits to support the proposed additional population. These items include the 5m wide whole of building setback along Oxley Street, 6m wide publicly accessible laneway, and a monetary contribution of \$2,800,000 to fund the Hume Street Park project. These items are consistent with the prescribed set of public items in the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, required to ensure growth is adequately supported by the much needed infrastructure and facilities.</p> <p>The 5m whole of building setback along</p>	Nil	2E

				Oxley Street equates to approximately 173.4sqm. This is considered to be a reasonably well sized public open space and is especially desirable given the lack of public open spaces within St Leonards/Crows Nest. Moreover, this proposal will contribute to the Oxley Street linear park as highlighted in the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i> .		
54.		Residential amenity	The high-quality standard of living that the submitter and other residents have been fortunate to experience will be destroyed.	<p>Refer to ‘Section 2.1.2 Overdevelopment’ of the main report.</p> <p>The proposal is consistent with the desired outcomes and objectives of the Council and community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. This study recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>Nevertheless, The proponent has provided a number of public benefits in line with the community endorsed SLCN Planning Study (refer to subsection 2.1.6 of the report), as well as incorporated a number of design measures to help minimise overshadowing impacts of surrounding mixed-use developments.</p> <p>Moreover, certain design measures can be further explored at the DA stage.</p>	Nil	2E
		Solar Access/Overshadowing	There will be a giant shadow that will plunge the building into darkness for most of the year. The most immediate concern is the severe reduction in sunshine. Whilst efforts are made in the building design, overall the hours of sunshine have significantly reduced.	<p>Refer to ‘Section 2.1.3 Overshadowing’ of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the SLCN Planning Study – Precincts 2 & 3, it was recognised that, whilst additional height</p>	Nil	2E

				<p>and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>The proponent has also incorporated a number of design measures that have demonstrated to achieve a better solar performance than compared to a compliant building form in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>		
		Privacy	<p>Having buildings in such close proximity can be uncomfortable. Looking out of your window straight into another property is not very pleasant. This can be quite normal in certain areas where residential density is extremely high, but this is not what I would expect of the North Sydney area.</p>	<p>Refer to 'Section 2.1.2 Overdevelopment' of the main report.</p> <p>St Leonards is identified as a 'Health and Education Precinct' under the relevant Regional and District plans and has been identified to accommodate an increase in employment floorspace and residential properties. The concept plan indicates that the proposal can comply with the building separation requirements under the Apartment Design Guide (ADG) to ensure adequate privacy to neighbouring properties.</p>	Nil	2E
		Property Value	<p>The abovementioned issues may contribute to lower value of properties. Once prized for their sun drenched North facing aspect.</p>	<p>Refer to previous response regarding Overshadowing.</p> <p>In terms of value of the apartments, there is no specific measure that can indicate reduction in property value nor is this a matter that Council can solely rely on in the refusal of any Planning Proposal.</p>	Nil	2E
		Precedent	<p>If this sort of development is approved, it sets precedence for future developments. This will lead to degradation in the urban planning and quality of life in the area.</p> <p>The submitter is supportive of developments in the Crows Nest area that create a better, more exciting community, but is also a place where</p>	<p>Refer to 'Section 2.1.1 Height' of the main report.</p> <p>The proposed height of 16 storeys is consistent with the recommended heights in both Council's endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>, and State Government's <i>St Leonards Crows</i></p>	Nil	2E

			people call home and the quality of life should be number one priority.	<i>Nest Draft 2036 Plan.</i> As such, the proposal is not considered to result in an unacceptable precedent.		
55.		Conditions of approval	<p>The submitter will be one of the most affected residents should this Planning Proposal be approved. Whilst not opposed to the change, strict conditions should be placed on the approval such that the intent of the Planning Proposal and attachments are preserved.</p> <p>Physical dimensions specified in page 56-59 (inclusive) of the urban design report attached to the Planning Proposal should be specified in any approval in addition to the maximum height and floor space ratios (subject to the modifications suggested below).</p> <p>Approval of the Planning Proposal should be accompanied by conditions that require the developer to submit a future planning application that very closely resembles the attachments to the Planning Proposal.</p>	It is highlighted that the Planning Proposal does not establish a detailed design for approval, but rather a 'proof of concept' to demonstrate a capacity to develop the site within planning amendments being sought. However, the floorspace ratio and height sought will ensure that an appropriate and similar form of development can occur on the site.	Nil	2D, 2G
		Public Benefit - Oxley St Linear Park	The linear park in Oxley St width increase from 5m to 10m in the VPA so that the park is actually usable.	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>The 5m whole of building setback along Oxley Street equates to approximately 173.4sqm. This is considered to be a reasonably well sized public open space and is especially desirable given the lack of public open spaces within St Leonards/Crows Nest. Moreover, this proposal will contribute to the Oxley Street linear park as highlighted in the endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>.</p>	Nil	2G
		Setbacks	Increase the podium setback from 2m to 3m to allow safe passage of pedestrians in Albany La (those who use the pedestrian walkway).	The proposal already exceeds the podium setback requirements along Albany lane by providing 2m rather than 1.5m in accordance with the <i>SLCN Planning Study – Precincts 2 & 3</i> .	Nil	2G
		Vehicular Access	Redirect parking access to Atchison St to increase safety risk of increased traffic in Albany Lane.	<p>Refer to 'Section 2.1.7 Traffic Congestion'</p> <p>The proposal seeks to consolidate five existing driveways along Albany Lane and Atchison Street into one single driveway accessed via Albany Lane at the southern boundary of the site. This</p>	Nil	2G

				will assist on reducing the number of vehicular movements along both streets and improving the safety of pedestrians along these streets. Furthermore, by locating the driveway onto Albany Lane, it will support Atchison Street in its role as a civic 'high street' and enable a more pleasant focal point for residents and visitors in St Leonards.		
		Solar Access/Overshadowing	Developer should be required to take additional steps to maximise solar access to dwellings in 38-46 Albany St. This can be achieved by requiring, as a condition of approval, that at least 3 hours of sunlight be achieved in all surrounding dwellings between 9am and 3pm on each day of the year.	<p>Refer to 'Section 2.1.3 Overshadowing' of the main report.</p> <p>In a dense urban environment, there is an inevitable degree of overshadowing expected when redevelopment occurs. During the preparation of the SLCN Planning Study – Precincts 2 & 3, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.</p> <p>The proponent has also incorporated a number of design measures that have demonstrated to achieve a better solar performance than compared to a compliant building form in accordance with the community endorsed <i>SLCN Planning Study – Precincts 2 & 3</i>. Further design measures can be investigated at the DA stage.</p>	Nil	2G
		Public Benefit	Approval conditions should require the developer to link this development site with the other areas the developer owns in St Leonards. It is important that the developer provides public access facilities given the scale of land ownership in the area.	<p>Refer to 'Section 2.1.6 Public Benefits' of the main report.</p> <p>The proposal is accompanied by a Voluntary Planning Agreement (VPA) which seeks to provide a number of public benefit items that are consistent with the prescribed set of public items in accordance to Council's <i>SLCN Planning Study – Precincts 2 & 3</i>. As such, it is</p>	Nil	2G

				considered that the proponent has satisfactorily demonstrated that a level of commensurate public benefits is provided to support the additional population.		
56.		Support	Supports the Planning Proposal and the contributions made under the Voluntary Planning Agreement. Also supports the draft amendment to NSDCP 2013 that seeks to introduce a 6-metre ground level setback along the Atchison St portion of the site.	Noted.	Nil	2D
		Public Benefits	Supports the contributions made under the Voluntary Planning Agreement. However, is concerned with the form of words relating to “a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park or public open space within the North Sydney Local Government Area”. The VPA is supported only when in return for greater density in the area, provide an agreed public benefit in the same area. The monetary contribution being spent on “public open space within the North Sydney LGA” is not supported. It is requested that Council ensure that the \$2,800,000 monetary contribution is spent on the Hume St Park Project	Refer to ‘Section 2.1.6 Public Benefits and Section 2.2 Consideration of Precinct Committee Submissions’ of the main report. It is Council's intention that the monetary contributions be allocated to the Hume Street Park project as evident in Clause 5.1(c) of the Voluntary Planning Agreement (VPA). The form of words relating to funding going towards other open space in the North Sydney LGA is to provide Council with some degree of flexibility within the context of a legal agreement should other circumstances arise.	Nil	2D, 2F

IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.