

## **8.8. Planning Proposal 3/20 - 20-22 Atchison Street, St Leonards**

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**ENDORSED BY:** Joseph Hill, Director City Strategy

### **ATTACHMENTS:**

1. Attachment 1 - 20-22 Atchison Street, St Leonards - Planning Proposal [8.8.1 - 95 pages]
2. Attachment 2 - 20-22 Atchison Street, St Leonards - Concept Design Report [8.8.2 - 87 pages]
3. Attachment 3 - 20-22 Atchison St, St Leonards - NSLPP Meeting Minutes [8.8.3 - 13 pages]

### **PURPOSE:**

To present to Council the assessment of a Planning Proposal which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards.

### **EXECUTIVE SUMMARY:**

On 29 May 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards. The site is located within the area covered by the St Leonards and Crows Nest 2036 Plan (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020.

The Planning Proposal as lodged, initially sought to increase the maximum building height control applying to the site from 49m to 169m and establish an overall maximum Floor Space Ratio (FSR) control of 24.5:1 for the site to accommodate a 48-storey mixed-use commercial and residential building (responding to the then draft 2036 Plan's nomination of the site as a 'Significant Site'). The Planning Proposal was also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to convert the Holtermann Street Car Park into an underground parking facility and create a new public space at the ground level.

Following the release of the finalised 2036 Plan in August 2020, the applicant submitted a revised Planning Proposal on 10 December 2020. The amended Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum FSR control 14.9:1; and
- include a site-specific provision to permit an additional 1,887sqm residential Gross Floor Area (GFA) for winter gardens.

The purpose of the revised Planning Proposal is to deliver a 35-storey mixed-use commercial and residential building with a 4-storey podium and tower above. The indicative scheme



includes 193 residential apartments with a 16,193sqm GFA (excluding winter gardens), 4,258sqm non-residential GFA and 97 car parking spaces.

The original offer to enter into a VPA has been withdrawn in response to the requirement to pay a Special Infrastructure Contribution (SIC), in accordance with the St Leonards Crows Nest Special Infrastructure Contribution (SIC) Plan, as well as in response to the identified maximum height assigned to the site in the finalised 2036 Plan.

Having completed an assessment of the amended Planning Proposal against the 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- It is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- The Planning Proposal if implemented, could have the potential to create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - o Greater Sydney Regional Plan and North District Plan;
  - o St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - o North Sydney Local Strategic Planning Statement (LSPS).
- It is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 3 March 2021, and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in this report.

Of note is that the applicant lodged a rezoning review in December 2020 in response to Council not having made a decision within 90 days of lodgement. The review is likely to be considered by the Regional Planning Panel shortly, and it is imperative that Council provide an endorsed position before the Panel meeting.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **RECOMMENDATION:**

**1.THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- a) The planning proposal is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of

non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;

- b) The Planning Proposal if implemented, would create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - i) Greater Sydney Regional Plan and North District Plan;
  - ii) St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - iii) North Sydney Local Strategic Planning Statement (LSPS).
- c) The Planning proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

**2.THAT** Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

**3.THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
  - 1.2 North Sydney is sustainable and resilient
  - 1.3 Quality urban greenspaces
2. Our Built Infrastructure
  - 2.1 Infrastructure and assets meet community needs
  - 2.2 Vibrant centres, public domain, villages and streetscapes
  - 2.3 Sustainable transport is encouraged
  - 2.4 Improved traffic and parking management
3. Our Future Planning
  - 3.1 Prosperous and vibrant economy
  - 3.4 North Sydney is distinctive with a sense of place and quality design
5. Our Civic Leadership
  - 5.1 Council leads the strategic direction of North Sydney
  - 5.3 Community is informed and consulted

## **BACKGROUND**

### **Pre-lodgement Discussions**

The applicant first approached Council in July 2015 with a 'Preliminary Site Analysis' including a concept design for a tall building (45-storeys) at 22 Atchison Street, St Leonards. Council officers advised that the preferred design outcome for a tall building, pursuant to its St Leonards Crows Nest Planning Study – Precincts 2 & 3 (2015), would only be considered if both 20 and 22 Atchison Street were amalgamated.

Subsequent meetings were held in late 2015 and 2016 to discuss design elements, acquisition matters and potential public benefit offers. Council advised the applicant at this time that, subject to the consolidation of the two sites, a concept scheme would be forwarded to the Design Excellence Panel (DEP) for consideration. Pending DEP support for the scheme, a Planning Proposal would then be invited accompanied by a Voluntary Planning Agreement (VPA) offer.

On 22 May 2019, a Planning Proposal (1/19) was lodged for 20 and 22 Atchison Street seeking a maximum building height of 177m (51-storeys) and a maximum FSR of 24.5:1. The Planning Proposal was subsequently withdrawn on 28 May 2019.

On 4 July 2019, a pre-lodgement meeting was held with the applicant, including owners of both sites, to discuss the process and design outcomes for the consolidated site. The applicant presented two concept schemes to Council. The first scheme included a 51-storey (177m)

mixed-use commercial and residential building with an FSR of 24.5:1. The second scheme a 74-storey mixed-use building.

On 2 August 2019, Council issued written feedback to the applicant advising that neither of the proposed schemes could be supported due to significant inconsistencies with the draft 2036 Plan. Detailed feedback was also provided on building height, overshadowing analysis, setbacks and podium height, ground floor and public domain design and transport. Further, it was reiterated that the applicant should continue to work with Council to resolve all outstanding issues and present a revised concept scheme to the DEP for advice before formally lodging a Planning Proposal with Council.

Follow-up discussions were held in mid and late 2019 to discuss design matters and confirm the methodology for the overshadowing analysis. In December 2019, the applicant put forward an offer to Council to underground the Council-owned Holtermann Street Car Park and create a new public space at ground level, as a public benefit offer delivered through a VPA to be submitted concurrently with the Planning Proposal.

### Planning Proposal

On 29 May 2020, the Planning Proposal (3/20) was lodged with Council. It initially sought to:

- increase the maximum building height control applying to the site from 49m to 169m; and
- establish an overall maximum Floor Space Ratio (FSR) control for the site of 24.5:1.

The accompanying indicative concept scheme proposed a 48-storey mixed-use building incorporating the following elements:

- 5 storey podium containing:
  - o ground floor retail floor space; and
  - o commercial office space and co-working space at mezzanine and podium levels.
- 43 storey tower above the podium containing:
  - o 40 levels of residential apartments (266 apartments);
  - o 3 levels of residential communal open space/plant room
- 8 basement levels containing:
  - o 130 car parking spaces.

A numerical overview of the initial concept scheme is provided below:

<b>Height</b>	165.2m (48 storeys)
<b>Gross Floor Area (GFA)</b>	33,705sqm <ul style="list-style-type: none"><li>• 4,121sqm non-residential</li><li>• 29,584sqm residential (total 266 apartments)</li></ul>
<b>Floor Space Ratio (FSR)</b>	24.5:1 (33,705sqm)
<b>Non-residential FSR</b>	3:1 (4,121sqm)
<b>Podium Setbacks</b>	Southern setback (Atchison Street): <ul style="list-style-type: none"><li>• Ground floor: 3m</li></ul>

	<ul style="list-style-type: none"> <li>• Mezzanine and Levels 1-3: 0m</li> </ul> <p>Northern setback (Atchison Lane):</p> <ul style="list-style-type: none"> <li>• Ground floor: 3m</li> <li>• Mezzanine and Levels 1-3: 1.5m</li> </ul> <p>Eastern setback (Mitchell Street):</p> <ul style="list-style-type: none"> <li>• Ground floor and mezzanine: 7m</li> <li>• Levels 1-3: 3m</li> </ul> <p>Western setback (adjoining 6-16 Atchison Street):</p> <ul style="list-style-type: none"> <li>• Ground floor, mezzanine and levels 1-3: 0m</li> </ul>
<b>Above Podium Setbacks</b>	<p>Southern setback (Atchison Street): 3m</p> <p>Northern setback (Atchison Lane): 3m</p> <p>Eastern setback (Mitchell Street): 3m</p> <p>Western setback (adjoining 6-16 Atchison Street): 6m</p>

The initial Planning Proposal was accompanied by an offer to enter into a VPA to convert the Holtermann Street Car Park into an underground parking facility containing a net increase in car parking spaces, and a new 1,460 sqm public space at the ground level of the existing car park site.

The public benefits contained in the applicant's draft VPA offer have since been incorporated in the final St Leonards and Crows Nest 2036 Plan (2036 Plan) and St Leonards and Crows Nest Special Infrastructure Contribution (SIC) Plan.

### **Amended Planning Proposal (subject of this report)**

On 10 December 2020, Council received an amended Planning Proposal (refer to Attachment 1) in response to the State Government's adoption in August 2020 of a final St Leonards and Crows Nest 2036 Plan (2036 Plan). The amended Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum Floor Space Ratio (FSR) control for the site of 14.9; and
- include a site-specific provision to permit an additional 1,887sqm of residential Gross Floor Area (GFA) where provided as winter gardens (enclosed balconies).

The accompanying indicative concept scheme proposes a 35-storey mixed-use building incorporating the following elements:

- 4-5 storey podium containing:
  - o ground floor retail space and co-working office space at mezzanine level; and
  - o commercial office space on podium levels.
- 31 storey tower above the podium containing:
  - o 1 level commercial office space/residential communal open space;
  - o 30 levels of residential apartments (193 apartments); and
  - o Rooftop plant room.
- 7 basement levels containing:

- o 97 car parking spaces

A numerical overview of the amended concept scheme is provided below:

<b>Height</b>	123.2m (35 storeys)
<b>Gross Floor Area (GFA)</b>	20,451sqm (excluding winter gardens) <ul style="list-style-type: none"> <li>• 4,258sqm non-residential</li> <li>• 16,193sqm residential (total 193 apartments)</li> </ul>
<b>Floor Space Ratio (FSR)</b>	14.9:1 (20,451sqm)
<b>Non-residential FSR</b>	3.1:1 (4,258sqm)
<b>Podium setbacks</b>	<p>Southern setback (Atchison Street):</p> <ul style="list-style-type: none"> <li>• Ground floor (including mezzanine): 3m</li> <li>• Levels 1-3: 0m</li> </ul> <p>Northern setback (Atchison Lane):</p> <ul style="list-style-type: none"> <li>• Ground floor (including mezzanine) and Levels 1-3: 0m</li> </ul> <p>Eastern setback (Mitchell Street):</p> <ul style="list-style-type: none"> <li>• Ground level (including mezzanine) and Levels 1-3: 5m</li> </ul> <p>Western setback (adjoining 6-16 Atchison Street):</p> <ul style="list-style-type: none"> <li>• Ground floor (including mezzanine) and Levels 1-3: 0m</li> </ul>
<b>Above podium setbacks</b>	<p>Southern setback (Atchison Street): 2m</p> <p>Northern setback (Atchison Lane): 7.5m</p> <p>Eastern setback (Mitchell Street): 6m</p> <p>Western setback (adjoining 6-16 Atchison Street): 6m</p>

A rezoning review has been lodged by the applicant on 22 December 2020 in response to Council 's non determination of the Planning Proposal within 90 days of lodgement.

## CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of any Gateway Determination issued.

## DETAIL

### 1. Applicant

The Planning Proposal was lodged by Urbis Pty Ltd on behalf of CVWL Atchison Pty Ltd and Radaca Investments Pty Ltd, the owners of the subject sites at 20-22 Atchison Street, St Leonards.

### 2. Site Description

The subject site comprises of two (2) allotments of land. The legal property description and existing development is outlined in Table 1 below:

TABLE 1: Property Description		
Property Description	Legal Description	Existing development
20 Atchison Street, St Leonards	Lot 1, DP 740017	3-4 storey commercial building with frontage to Atchison Street and vehicular access from Atchison Lane
22 Atchison Street, St Leonards	Lot 120, DP 564606	5-6 storey commercial building with frontage to Atchison Street and vehicular access from Mitchell Street and Atchison Lane



FIGURE 1: Subject site



FIGURE 2: Aerial photo of subject site

The subject site is bound by Atchison Lane to the north, Atchison Street to the south and Mitchell Street to the east and abuts 6-16 Atchison Street (also known as ‘Air Apartments’) to the west. A through-site link exists between Atchison Street and Atchison Lane, separating the subject site from this property. It is rectangular in shape with a frontage of approximately 40m to Atchison Street and Atchison Lane and 34m to Mitchell Street. The site is 1,374m<sup>2</sup> in area. The land falls approximately 2m from east to west along the Atchison Street frontage and 2.6-3m south to north, from the Atchison Street frontage to the Atchison Lane frontage.

The site contains two commercial office buildings which range from 3-6 storeys in height (refer to Figures 3 and 4). The buildings in their present form were constructed in the 1980s with a primary frontage to Atchison Street and secondary vehicular access from Atchison Lane, with 22 Atchison Street containing additional vehicular access at Mitchell Street.





*FIGURE 3: Photos of subject sites from Atchison Street*



*FIGURE 4: Photos of subject sites from Mitchell Street*



*FIGURE 5: Photo of subject sites from Atchison Lane*



*FIGURE 6: Photo of through-site link between subjects and 6-16 Atchison Street*

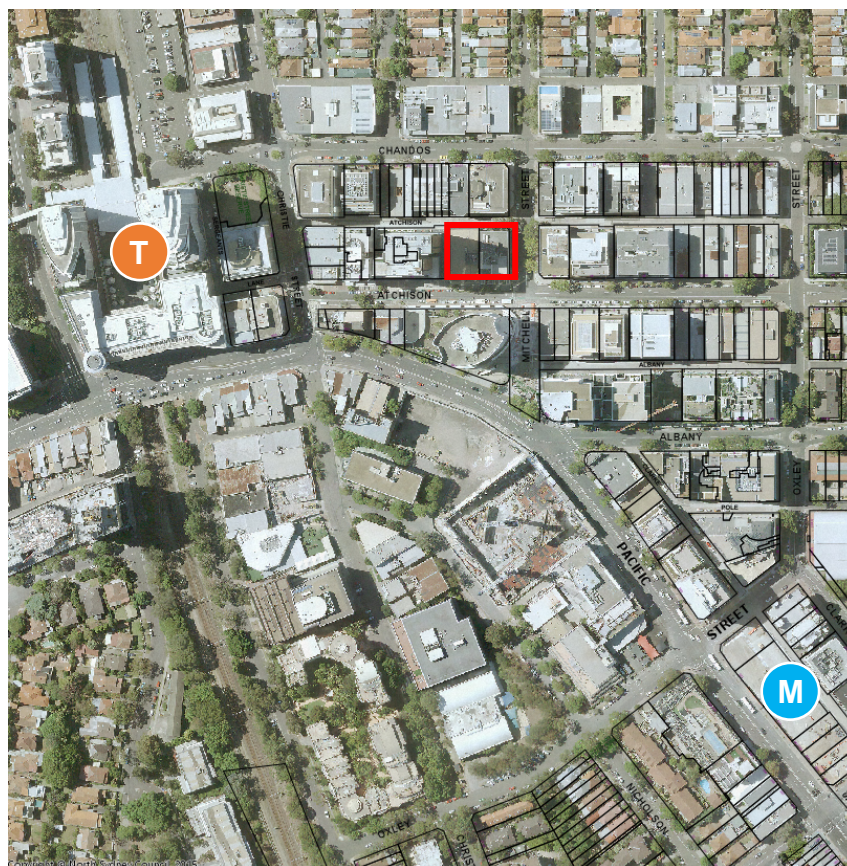
### 3. Local Context

The subject site is centrally located within St Leonards, which is identified as a ‘Strategic Centre’ under the relevant Regional Plan (A Metropolis of Three Cities) and North District Plan. The area is undergoing a significant transformation from typically 1-4 storey commercial buildings constructed in the 1970s and 80s to contemporary mixed-use commercial/residential



buildings, with commercial floor space contained within a podium and residential apartments above.

St Leonards Railway Station is located approximately 300m walk to the west of the subject site, which provides regular services to the south to North Sydney and Sydney CBD, and to the north to Chatswood, Macquarie Park and Hornsby. An access point to the future Crows Nest Metro Station is proposed to be located approximately 400m to the south-east of the site.



**FIGURE 7: Contextual Relationships**

-  Subject Site
-  St Leonards Train Station
-  Crows Nest Metro Station

To the west of the subject site, on the adjacent lot at 6-16 Atchison Street ('Air Apartments'), is a 30-storey mixed-use commercial/residential building completed in 2016. Further to the west is a 16-storey commercial/residential building completed in 2001 (at 2 Atchison Street) and a 2-storey pub (Gilroy's Hotel, corner of Atchison and Christie Streets).

To the south of the subject site is a 17-storey commercial building at 601 Pacific Highway (IBM building) and 7 and 10-storey commercial buildings on land at 617-621 Pacific Highway, which has recently been the subject of an unsuccessful LEP amendment allowing for a 50-storey mixed-use commercial/residential building.

To the north of the subject site, on the opposite side of Atchison Lane, are a row of 7-storey commercial office buildings (at 25-33, 35-37 and 39-41 Chandos Street) and a mix of commercial and mixed-use buildings ranging in height between 2 and 11 storeys towards Christie Street.

To the east of the site is a 5-storey commercial retail/office building (at 30 Atchison Street). Further to the east are 15-storey (32-38 Atchison Street) and 12-storey (40-48 Atchison Street) mixed-use commercial/residential buildings.

#### 4. Current Planning Provisions

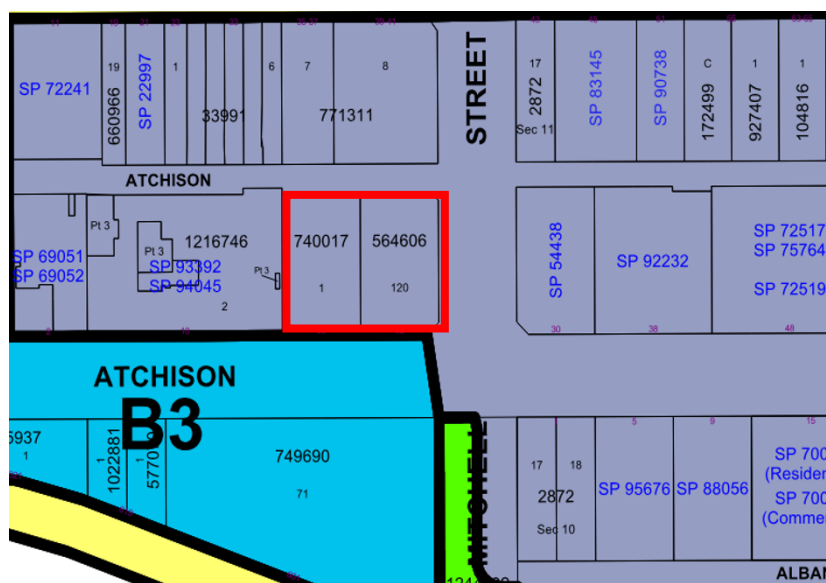
The following subsections identify the relevant principal planning instruments that apply to the subject site. A comparative table showing the primary built form controls is detailed below.

	<b>TABLE 2: Built form controls for subject site</b>		
	<b>NSLEP 2013</b>	<b>2036 Plan</b>	<b>Planning Proposal</b>
Height	49m	35 storeys (~124m)	127m (~35 storeys)
FSR	N/A	11.5:1	16.2:1 (including winter gardens)

##### 4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

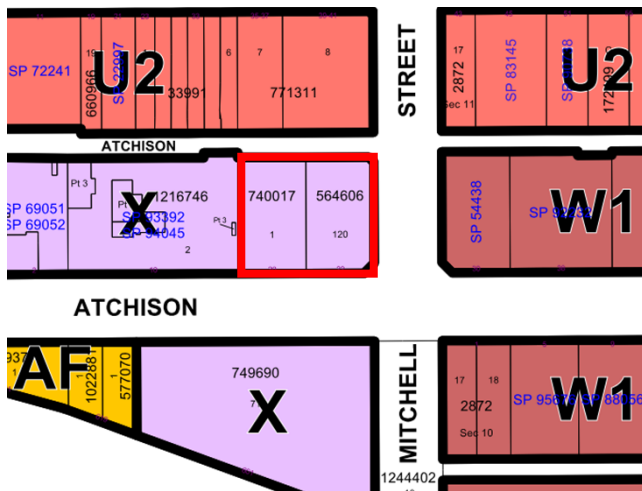
- Zoned B4 - Mixed Use (refer to Figure 8);
- A maximum building height of 49m (refer to Figure 9);
- A minimum non-residential floor space ratio of 3:1 (refer to Figure 10)



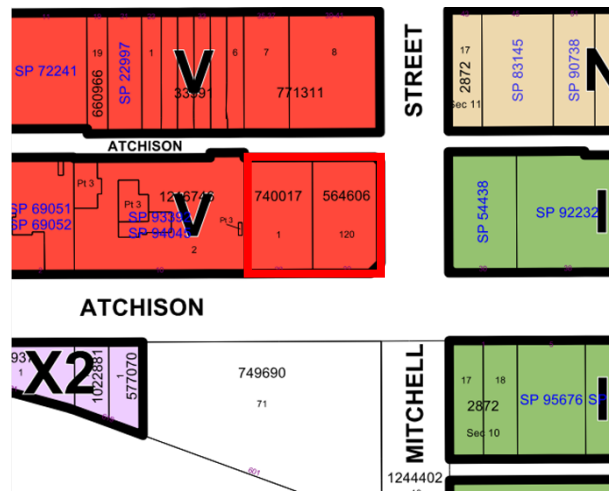
**FIGURE 8: NSLEP 2013**  
**Zoning Map extract**

*The subject site is zoned B4 – Mixed Use*





**FIGURE 9: NSLEP 2013 Height of Buildings Map extract**  
The subject site has a maximum height of 49m



**FIGURE 10: NSLEP 2013 Non-residential Floor Space Ratio (FSR) Map extract**  
The subject site must provide a minimum non-residential residential floor space of 3:1

#### 4.2 St Leonards and Crows Nest 2036 Plan (2020)

In July 2016, the Minister for Planning announced that the Department of Planning, Industry and Environment (DPIE) would undertake a strategic planning investigation into the Crows Nest, St Leonards and Artarmon industrial areas (refer to Figure 11).



**FIGURE 11: St Leonards and Crows Nest Precinct**

(source: *St Leonards and Crows Nest 2036 Plan*)

On 15 October 2018, the DPIE released the draft *St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan) and a suite of supporting documents for public exhibition. The draft 2036 Plan outlined capacity for significant residential and employment growth within the precinct (principally as a result of the new Crows Nest Metro station opening in 2024) and identified desired building heights, density (FSR), employment (non-residential FSR), land use, overshadowing and building setback controls. In particular, the draft 2036 Plan nominated the subject site as a “Significant Site” (similar to Council’s Planning Study’s “Tall Building” site nomination), with no specific height or FSR controls identified, but instead, a list of criteria to be met in determining an appropriate uplift.

On 29 August 2020, the 2036 Plan was published. The final Plan diverges from the draft version in a number of ways, including removing ‘Significant Sites’ and including site specific built form controls. Site specific height and FSR controls set out in the 2036 Plan for the subject site are as follows:

- A building height of 35 storeys; and
- An overall FSR of 11.5:1.

An assessment against the 2036 Plan’s criteria is undertaken under section 7.6.5 of this report.

## **5. Planning Proposal Structure**

The Planning Proposal (attachment 1) is considered to be generally in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPIE’s ‘*A guide to preparing planning proposals*’ (December 2018).

The Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed Local Environmental Plan (LEP);
- An explanation of the provisions that are to be included in the proposed LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

### **5.1 Statement of Objectives and Intended Outcomes**

The primary objective of the Planning Proposal as described by the applicant is as follows:

*The primary objective of the Planning Proposal is to amend the NSLEP building height and FSR control to enable built form density uplift to facilitate the desired site amalgamation outcome on the site.*

*The proposed amendments to NSLEP 2013 have the following objectives of enabling future development:*

- *Facilitate the amalgamation of the two sites into a single development opportunity;*
- *Realise the development potential of this Significant Site envisaged by both the Council's 2015 Plan and the endorsed tower form control in the 2036 Plan;*
- *Encourage development activity in identified key locations in St Leonards, supporting the evolution of a diverse mixed-use precinct and contributing to a rejuvenation of St Leonards town centre;*
- *Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial, retail to co-locate close to railway and metro stations;’ and*
- *Integrate the site with the broader area through improvements to public domain spaces and streetscape activation. Provide high quality publicly accessible spaces at the ground level, which activate Atchison Street and the Mitchell Street and the provision of a new site through link to the west.*

Despite the applicant's reference to 'Significant Sites' above being consistent with the draft 2036 Plan, as outlined in section 4.2 of this report, the final 2036 Plan removes 'Significant Sites' and includes site specific built form controls.

The intended outcomes of the Planning Proposal, as described by the applicant are as follows:

*The intended outcome of the Planning Proposal is to establish planning controls that will incentivise the amalgamation and redevelopment of the site into a single mixed-use tower form.*

## **5.2 Proposed LEP Amendment**

The Planning Proposal seeks to achieve the intended objectives and outcomes by amending NSLEP 2013 as follows:

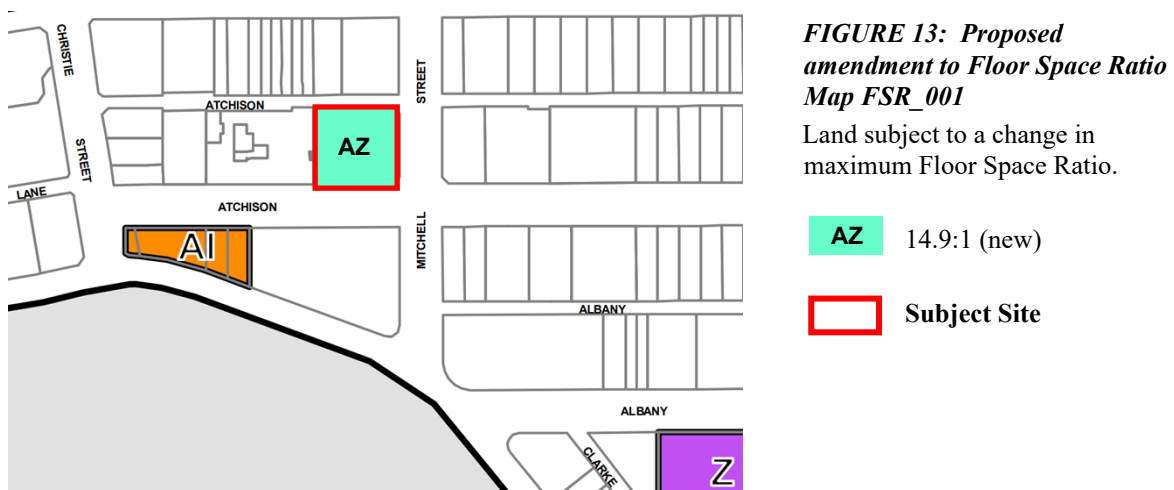
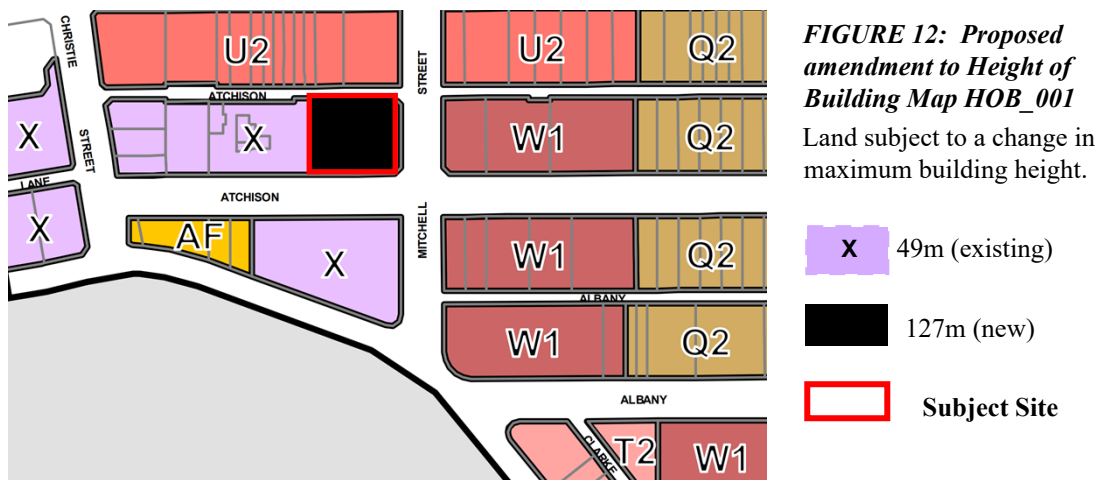
- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum Floor Space Ratio (FSR) control for the site of 14.9:1; and
- include a site-specific provision to accommodate additional residential Gross Floor Area (GFA) for future winter gardens (if required).

## **5.3 Mapping Amendments**

The Proposal requires a number of mapping amendments which are described in detail below:

- amend the *Height of Buildings Map* (ref: 5950\_COM\_HOB\_001\_010\_20180411) to NSLEP 2013 such that a maximum building height for 20-22 Atchison Street, St Leonards is increased from 49m to 127m; and
- amend the *Floor Space Ratio Map* (ref: 5950\_COM\_FSR\_001\_010\_20180411) to NSLEP 2013 such that a maximum FSR of 14.9:1 applies to 20-22 Atchison Street, St Leonards; and

The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figures 12 and 13.



## 5.4 Written Amendments

The proposal also requires a written amendment which is described in detail below:

*Insert new clause under Division 2 – General Provisions to Part 6 - Additional Local Provisions to NSLEP 2013 such that a total residential Gross Floor Area (GFA) permitted at 20-22 Atchison Street, St Leonards does not exceed 18,060 sqm inclusive of winter gardens.*

The Planning Proposal anticipates the wording of the new clause be as follows:

**Clause 6.19C Development at 20-22 Atchison Street, St Leonards**

- (1) *This clause applies to land that is identified as "Area 1" on the FSR Map and comprises the land in: 20-22 Atchison Street, St Leonards (Lot 1 DP740017 and Lot 120 DP564606)*
- (2) *Despite Clause 4.4, if detailed wind tunnel modelling requires enclosing balconies for the upper level residential units to create winter gardens to achieve necessary environmental amenity outcomes, the total gross floor area for the residential use component of the development must not exceed 18,060sqm inclusive of winter gardens.*
- (3) *This clause is only applicable if winter gardens are required for a future development.*

*The proposal retains the current B4 Mixed Use zone and the minimum non-residential FSR of 3:1 under the NSLEP 2013.*

## 6. Justification of the Planning Proposal

### 6.1 Objectives of the Planning Proposal

For the reasons outlined below (refer to Table 3), the proposed amendment to NSLEP 2013 does not achieve the Planning Proposal's objectives and intended outcomes.

TABLE 3: Analysis of Planning Proposal objectives and intended outcomes	
Objectives and Intended Outcomes	Comment
<i>To facilitate the amalgamation of the two sites into a single development opportunity</i>	<p>☒ In principle, the Planning Proposal will enable an amalgamated outcome on the subject sites. The proposed podium and tower elements are generally representative of a singular, amalgamated site.</p>
<i>To realise the development potential of this Significant Site envisaged by both the Council's 2015 Plan and the Department's Draft 2036 Plan</i>	<p>☒ The finalised 2036 Plan identifies site specific built form controls. These supersede the provisions of Council's 2015 Plan and the DPIE's draft 2036 Plan (refer to section 4.2 of this report).</p> <p>The Planning Proposal is inconsistent with the built form (height, FSR, street wall height and solar access) controls identified in the final 2036 Plan. By virtue of the degree of non-compliance and impacts arising, the Planning Proposal is inconsistent with the vision, objectives and actions of the 2036 Plan.</p> <p><i>Refer to sections 7.2, 7.3, 7.5 and 6.6.4 of this report.</i></p>
<i>To encourage development activity in identified key location in St Leonards, supporting the evolution of a diverse mixed-use precinct and contributing to a rejuvenation of St Leonards town centre</i>	<p>☒ In principle, the Planning Proposal will enable the redevelopment of the subject site to deliver 4, 258 sqm of flexible, upgraded commercial floorspace and 193 residential apartments. However, the proposed height and FSR is inconsistent with the 2036 Plan and the indicative scheme does not demonstrate how the site could be acceptably developed to the requested height and FSR controls insofar it will result in unacceptable public and private amenity impacts.</p>
<i>To provide compatible mix of land uses that contribute to the creation of a vibrant and active</i>	<p>☒ Refer to comments above.</p>

TABLE 3: Analysis of Planning Proposal objectives and intended outcomes	
Objectives and Intended Outcomes	Comment
<i>community, including the potential for residential, commercial, retail to co-locate close to railway and metro stations</i>	
<i>To integrate the site with the broader area through improvements to public domain spaces and streetscape activation. Provide high quality publicly accessible spaces at the ground level, which activate Atchison Street and the Mitchell Street and the provision of a new site through link to the west</i>	☒ The proposal includes a 5m setback to Mitchell Street, however the provision of the basement below the 5m setback would not allow for deep soil planting and the provision of canopy trees within the setback area.

## 6.2 Proposed Building Height

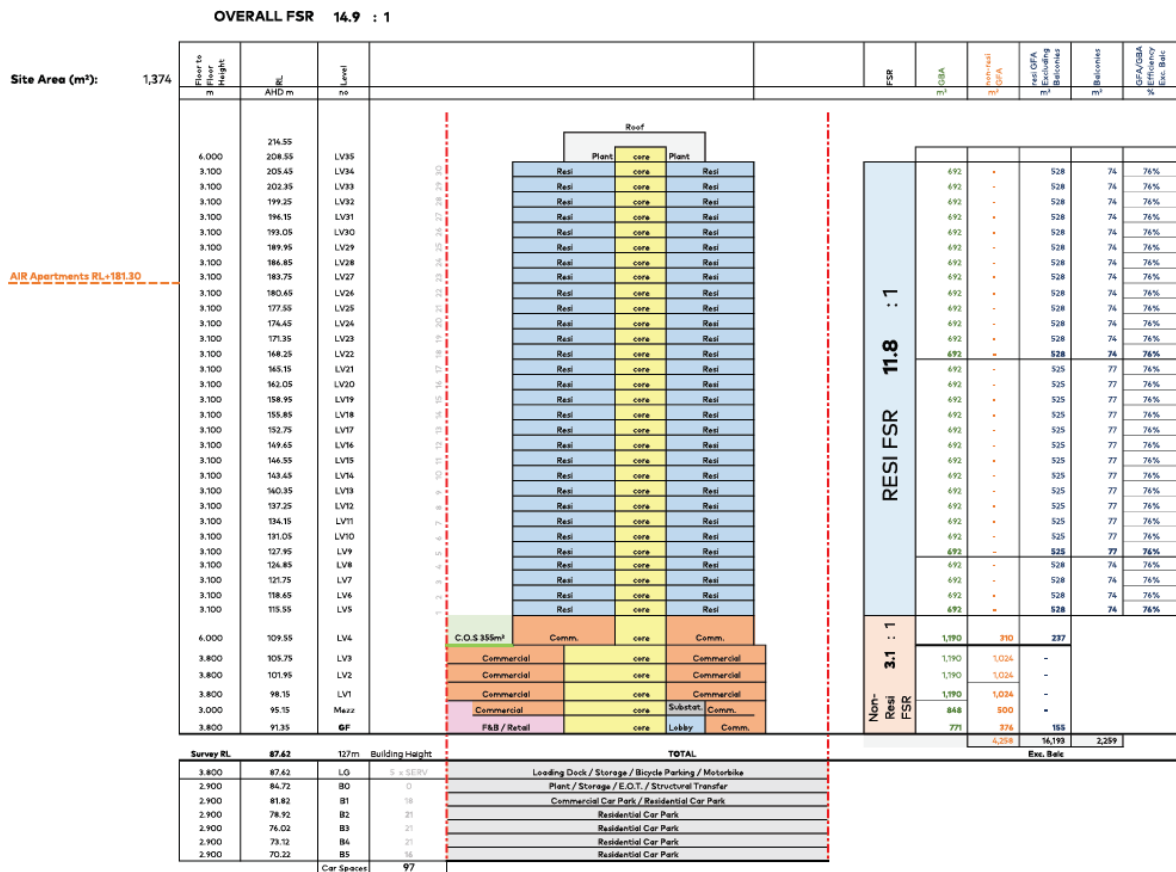
The 2036 Plan identifies a maximum building height of 35 storeys for the subject site. The Planning Proposal is seeking to increase the height from 49m to 127m to achieve 35 storeys on the site. The applicant's concept scheme seeks to demonstrate how the site could be developed to the requested height.

The concept proposal has a building height of 123.2m (RL 215.55) to the top of the roof plant and the applicant is seeking an additional allowance of 3.8m. It appears reasonable floor-to-floor height assumptions have been made for the residential levels, however excessive floor-to-floor height assumptions have been made for the non-residential components of the building, in particular:

- the podium height of 18.2m is excessive for 4 storeys and could be reduced;
- the proposed 6.8m floor-to-floor height at the ground floor appears excessive. It is considered that the mezzanine level provided within the ground floor should be included as a storey and as commercial floor space calculations;
- the 6m floor-to-floor height on level 4 (as referenced in Figure 14) appears excessive and could be reduced;
- the 6m height of the roof plant appears excessive.

On this basis, the proposed building height of 127m appears excessive for the number of storeys, even taking into account topography, and could potentially result in a building greater than 35 storeys. The concept proposal clearly reflects 36 storeys (5 storey podium and 31 storey tower) with an allowance sought for an additional 3.8m over and above the roof plant level. The proposed building height of 127m also increases overshadowing impacts to the public domain, contrary to the provisions of the 2036 Plan (refer to section 7.5.1 of this report).





**FIGURE 14: Area Schedule (p.82 Urban Design Report)**

In setting height controls, the Apartment Design Guidelines (ADG) recommend adding floor-to-ceiling heights for the desired number of storeys, then adding 0.4m per floor for structure and services, 1m for rooftop articulation and 2m to allow for topographic changes where required. Section 2.4.5 of North Sydney Development Control Plan (NSDCP) 2013 provides minimum floor-to-ceiling height requirements for mixed-use development (refer to Table 4).

TABLE 4: NSDCP 2013 Minimum floor to ceiling height requirements			
B4 Mixed Use	Ground Floor	First Floor	Upper Floors
	3.3m	3.3m	2.7m

Based on ADG considerations, a building height of 118m would be considered appropriate for a 35-storey building on the subject site. This takes into consideration reasonable floor-to-floor height assumptions and a more generous allowance for topographic changes to account for the 3m fall along the Atchison Street to Atchison Lane frontage.

### 6.3 Proposed Floor Space Ratio (FSR)

No specific maximum FSR currently applies to the site under NSLEP 2013. The 2036 Plan identifies a maximum FSR of 11.5:1 for the subject site, which equates to a Gross Floor Area (GFA) of 15,801sqm. The proposed FSR of 14.9:1 (excluding winter gardens) yields a GFA

of approximately 20,473sqm on the subject site. This represents a variation of 4,672sqm (or 30%).

The additional residential GFA sought via an Additional Local Provisions clause would permit a total 22,202sqm GFA on the subject site (approx. FSR 16.2:1). This could potentially result in a GFA of approximately 6,401sqm above the FSR control (or 40% variation) identified in the 2036 Plan.

The applicant contends that an FSR of 11.5:1 is significantly below what is achievable for a 35-storey tower, and the correct FSR (when DPIE assumptions are applied) should be 13.6:1. An FSR of 13.6:1 achieves a maximum Gross Buildable Area (GBA) of 625 sqm, which is significantly smaller than the maximum 750 sqm GBA recommended under Council's *St Leonards Crows Nest Planning Study – Precincts 2 & 3 (2015)*. The proposed FSR of 14.9:1 accounts for both the built form and GFA discrepancies.

The applicant contends that an FSR of 14.9:1 is acceptable on the basis that it still achieves a tower form on the site that complies with the setback requirements to the north, east and west, and where it is inconsistent with setback requirements to the south, the tower is still setback sufficiently to comply with ADG building separation requirements. The applicant also contends that there is no discernible additional environmental impact (visual, view, shadow, traffic and privacy) arising from the increased FSR.

The proposed FSR of 14.9:1 is not supported and considered excessive on the basis of:

- non-complying ADG setbacks to the north;
- non-complying ADG setbacks to the west;
- non-complying 2036 Plan and NSDCP 2013 street wall heights and setbacks to the south;
- a proposed building height that facilitates a building greater than 35 storeys.

The 2036 Plan identifies some ground level and whole of building setbacks for the site. However, where it is silent, the objectives and actions of the 2036 Plan require new building design provide ground and upper-level setbacks that provide high on-site amenity and consider street width and character; achieve a human scale at the street; are sympathetic to existing buildings; improve the public domain by introducing 'green streets'; and minimize overshadowing to key open spaces, public places and adjoining residential areas.

In its current form, the proposal unfairly "borrows" from the development potential of the site to the north. The Proposal does not demonstrate a satisfactory level of residential amenity on the basis of non-compliances with ADG building separation and privacy considerations, as well as solar access and communal open space non-compliances (further detail provided in section 7.5.2 of this report). In addition, the proposal has non-compliant street wall (podium) heights and inadequate upper-level (above podium) setbacks, resulting in an excessively bulky and visually dominant built form in its context, with adverse public and private impacts (wind, overshadowing, visual and view loss).

It is considered that an FSR compliant with the 2036 Plan of 11.5:1 would be able to address the above-mentioned non-compliances. An FSR of 11.5:1 assumes a level of building separation and articulation that is deemed adequate.

The inclusion of a site-specific clause under *Division 2 – General Provisions to Part 6 - Additional Local Provisions* to NSLEP 2013 to permit additional residential GFA in the event winter gardens are required instead of balconies, is not supported as it provides no certainty and inconsistent with the way floor space is considered elsewhere. The applicant should undertake a detailed windflow analysis at this early stage to confirm the extent of impact and treatment required (refer to section 7.5.4 of this report). In any case, it is arguable that winter gardens should be included in GFA calculations given that they contribute to a buildings bulk and scale. Were the proposed wintergardens to be included, a total FSR of 16.2:1 would result.

#### **6.4 Alternative Options**

The DPIE's '*A Guide for Preparing Planning Proposals*' (2018) requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal considers two alternate options, these include:

- Option 1: Lodge a Development Application (DA) under the current NSLEP 2013 controls; and
- Option 2: 'Do Nothing' and wait for future NSLEP 2013 updates to align with the outcomes of the 2036 Plan.

The Planning Proposal considers lodging a DA under the current NSLEP 2013 controls, however, these controls are foreshadowed to be amended by the strategic framework provided by the 2036 Plan and would result in the under-development of the subject site.

It acknowledged that the intent of the Planning Proposal cannot be achieved through the application of *clause 4.6 - Exceptions to development standards* under NSLEP 2013 due to the degree of variation sought to the current height controls.

It is also acknowledged that the implementation of the 2036 Plan, as intended by the DPIE, will be the responsibility of each relevant Council or proponents to progress Planning Proposals to amend LEPs to give effect to the built form controls in the 2036 Plan. On this basis, the proposed means of amending NSLEP 2013 is considered the most appropriate option to achieve the intent of the Planning Proposal.

#### **6.5 Environmental Impacts**

The applicant has gone to some effort to document the implications of the proposed uplift relating to overshadowing, residential amenity (solar access, privacy), views, wind and transport impacts as detailed within the attached Planning Proposal and accompanying Urban Design Report. Council must be satisfied that potential impacts from this Planning Proposal relating to overshadowing, views and wind are not significantly different to those envisaged under the 2036 Plan.

### 6.5.1 Overshadowing

Retaining solar access to public open space, valued streetscapes and residential areas is a key objective of the 2036 Plan. In particular, the objectives of the 2036 Plan specify that new development within the precinct should:

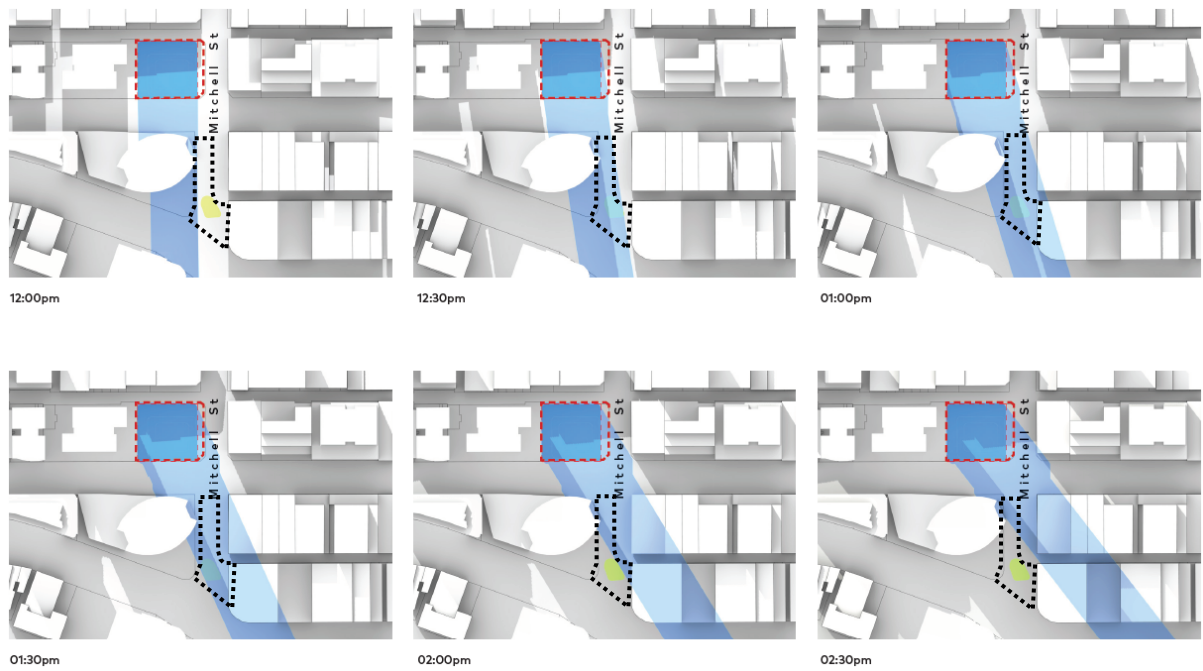
*ensure no additional overshadowing of public open spaces and important places, in accordance with the solar access controls identified on page 38 of the 2036 Plan.*

The locations, and specific hours, relevant to this proposal are as follows:

- Hume Street Park between 10am-3pm (mid-winter)
- Earnest Place between 10am-3pm (mid-winter and March/September equinox)
- Mitchell Street and Oxley Street between 11.30am – 2.30pm (mid-winter)
- Willoughby Road between 11.30am – 2.30pm (mid-winter and March/September equinox)

The applicant contends that the proposed scheme will have negligible overshadowing impacts on Mitchell Street Plaza. The overshadowing diagrams provided by the applicant appear do not identify the full extent of Mitchell Street Plaza (ie land zoned *RE1 – Public Open Space* under NSLEP 2013), thereby understating the degree of impact. The solar access provisions of the 2036 Plan also require overshadowing impacts to Mitchell Streetscape to be more broadly considered.

Despite an increase in solar access to Mitchell Street during the 11.30am to 12 noon period, as illustrated in Figure 15, the proposed podium and tower elements will cast additional shadows over Mitchell Street between 12pm-2.30pm. It is acknowledged, however, that even a compliant scheme would create additional overshadowing impacts to Mitchell Street Plaza. Notwithstanding, the concept proposal's impacts should be compared to a building form which is compliant with the relevant, height, FSR and setback controls identified under the 2036 Plan. As illustrated in Figure 16, the proposed tower element will cast additional shadows over Hume Street Park at 2.50pm for 10 minutes, affecting approximately 3.6% of the park. The justifications made in the Planning Proposal, that the impacted area is a portion of a hard surface driveway area and not within useable open space and will be offset by new public domain space along Mitchell Street, is considered immaterial in this context.

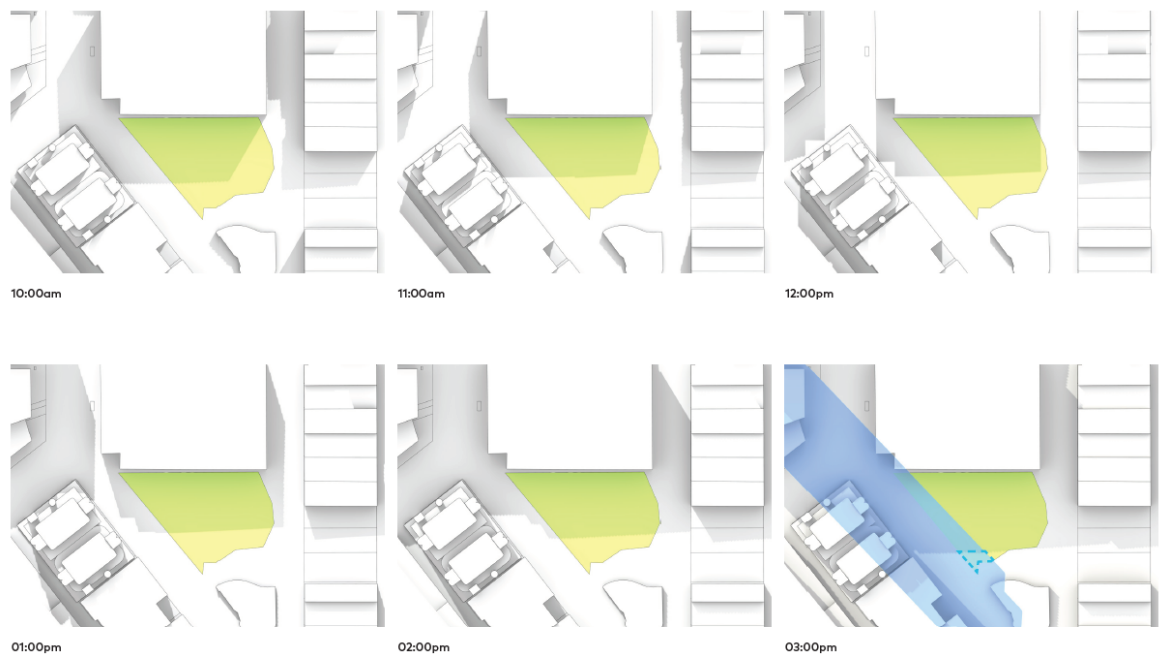


**FIGURE 15: Overshadowing Analysis – Mitchell Street Plaza**  
(p.55 Urban Design Report)

**LEGEND**

- Proposed Building
- Public Open Spaces
- Existing Shadow
- Additional Shadow Contribution

  Land zoned RE1 – Public Open Space under NSLEP 2013



**FIGURE 16: Overshadowing Analysis – Hume Street Park**  
**(p.56 Urban Design Report)**

Hume Street Park is identified to be upgraded under the 2036 Plan and accompanying SIC Plan in recognition of the critical need for additional, high-quality public open space within the St Leonards/Crows Nest precinct. Solar access to this space is deemed critical given the general lack of access to usable open green space in the Precinct. This is reinforced by Council's long-term plans for the park. A Planning Proposal seeking a non-compliant Height and FSR control and directly facilitates increased overshadowing of key public open space is contrary to sound planning principles and is unable to be supported.

Council modelling indicates that a compliant 35-storey (118m) building on the subject site can comply with the solar access provisions of the 2036 Plan for Hume Street Park, and not cast any additional shadows over Hume Street Park between 10am-3pm in mid-winter.

Although the proposal does not appear to overshadow Willoughby Road or Ernest Place between 11.30am-2.30pm in mid-winter, an analysis during the March and September equinox has not been undertaken. It is also difficult to determine from the overshadowing diagrams provided, whether there is any overshadowing impact to Oxley Streetscape between 2pm-2.30pm.

No detailed analysis has been undertaken of the proposal's impact to the adjacent residential building to the west (6-16 Atchison Street) and residential buildings further to the south, south-west and south-east of the subject site. Whilst the overshadowing diagrams provided by the applicant indicate some overshadowing impact, the degree of impact is unclear and should be considered in this context.

### **6.5.2 Residential Amenity**

As outlined in section 7.3 of this report, it is questioned whether a satisfactory level of residential amenity can be achieved with the proposed setbacks, particularly the northern elevation.

#### Privacy

In accordance with Section 2F of the ADG, a minimum setback of 12m is required along the northern elevation of the residential levels measured from the centreline of laneway (to achieve a 24m separation). The concept proposal provides a non-compliant setback of approximately 11m and unfairly borrows from the development potential of the site to the north to provide adequate building separation along its northern elevation. Non-compliance with the building separation requirements would result in the need to incorporate privacy screening which in turn impacts upon the ability for apartments within the development to receive appropriate levels of sunlight.

Along the western elevation, a 6m setback to the boundary is provided. This meets non-habitable setback requirements only. The concept design must take into account that no outlook can be afforded from any windows within this elevation. Louvres and screening can be provided and addressed at the development application stage.

Satisfactory separation has been provided to the east and south to maintain adequate levels of privacy.

#### Solar Access

It is unclear from the ADG compliance analysis provided by the applicant, whether the number of apartments within the concept scheme could achieve the 70% solar access requirements set out in Section 4A of the ADG. As indicated, the proposed living rooms along the northern elevation fail to provide a 12m setback from the centreline of Atchison Lane and therefore living areas and balconies cannot be provided unscreened.

The applicant's solar analysis does not consider the impact from the likely development of sites to the north will have on the concept proposal. Solar access impacts on the subject site cannot be considered in isolation of adjoining future development.

#### Communal Open Space

Section 3D of the ADG requires residential communal open space to have a minimum area of 25% of the site. To comply with ADG requirements, the setbacks for the communal open space currently proposed on level 4 podium should meet ADG setback controls, with 9m required to the boundary or centreline of the laneway. Where this is not achieved, the design will need to be reconsidered. The outdoor terrace, as currently proposed, may result in amenity impacts (privacy, solar access, wind and noise) given the non-compliant ADG separation on the northern elevation, which should be addressed.

Furthermore, solar access to this space has not been adequately considered, ignoring the future potential redevelopment of properties to the north. An increased above podium setback on the eastern side of the site, may alleviate some of these issues.

### **6.5.3 Podium height and setbacks**

#### Southern elevation (Atchison Street)

The 2036 Plan requires the subject site provide a 3m reverse setback at the ground level along Atchison Street and a 4-storey street wall (podium) height. This is consistent with the built form controls identified under section 3.1 to Part C (Character Statement) of NSDCP 2013.

The 2036 Plan does not identify upper-level (above podium) setbacks to for the subject site, however the objectives of the 2036 Plan state:

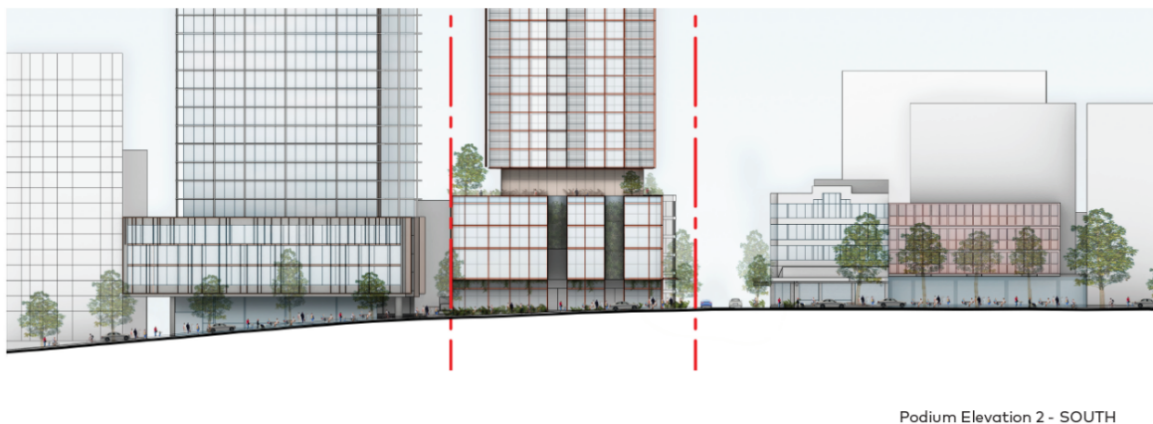
*New building design should provide high on-site amenity and consider street width and character by providing ground and upper-level setbacks and awnings to achieve a human scale at the street level.*

The 2036 Plan identifies Atchison Street as the retail heart of St Leonards with a focus on improving the interface between new buildings and the public domain, providing wider streets to support more active uses and pedestrian movement. In particular, page 24 of the 2036 Plan states:

*This village character will also be extended through the identification of Atchison Street as a 'civic street'. The Plan supports more active retail uses on Atchison Street and the role and function of this street as an active space should be enhanced as future rezoning occurs.*

The proposal complies with the 3m reverse setback at the ground level to Atchison Street, however, the overall scale of the proposed podium is excessive and inconsistent with the emerging street character. The proposed street wall (podium) height of 18.2m is excessive and should be reduced to better relate to the 4-storey podium of the adjacent development at 6-16 Atchison Street (refer to Figure 17). The proposed 2m setback above the podium is inadequate and results in a bulky and visually dominant built form.

Council has consistently required new development along Atchison Street to have its levels above the podium setback 3m from the boundary. This is in accordance with the setback requirements under NSDCP 2013 Character Statement, which were informed by Council's *St Leonards/ Crows Nest Planning Study – Precincts 2 & 3 (2015)*. They seek to ensure built form outcomes of an appropriate scale that maximise solar access and establish Atchison Street as the 'civic' main street of St Leonards. A 3m setback above a 4-storey podium would provide a more appropriate contextual response to Atchison Street consistent with the objectives of the 2036 Plan.



*Figure 17: Indicative concept scheme – Podium Elevation (Atchison Street)  
(p.65 Urban Design Report)*

#### Northern elevation (Atchison Lane)

The NSDCP 2013 Character Statement requires a 1.5m whole of building setback be provided to Atchison Lane, however it appears that this laneway setback has been provided as part of previous (lower scale) approvals.

The proposed upper-level setbacks along the northern elevation have been discussed in some detail with respect to ADG compliance under section 7.3 and 7.5.2 of this report.

The proposed street wall height along the northern elevation appears excessive for 4-storeys, even taking in account the 3m fall across the site from the Atchison Street frontage to Atchison



Lane frontage, and should be reduced to better relate to the adjacent 4-storey podium at 6-16 Atchison Street (refer to Figure 18).



*Figure 18: Indicative concept scheme – Podium Elevation (Atchison Lane)  
(p.64 Urban Design Report)*

#### Eastern elevation (Mitchell Street)

The 2036 Plan requires a 5m landscaped setback with grass and canopy trees to Mitchell Street. Given the location and design of the proposed basement below the 5m setback, it is questioned whether this can be achieved.

The proposed 5m whole of building setback to Mitchell Street and 1m setback above the podium is inconsistent with NSDCP 2013 Character Statement, which requires a 3m whole of building setback and 3m above podium setback to Mitchell Street. It is acknowledged, however, that the built form controls of the 2036 Plan will prevail in this instance.

The proposed built form still provides an overall setback of 6m above the podium from the boundary, which is generally consistent with NSDCP 2013. Internal modelling indicates that a 3m above podium setback would result in minor solar access gains to Mitchell Streetscape. However, it is questioned whether the proposed 1m setback above the podium to Mitchell Street is sufficient enough to address potential wind impacts on pedestrian comfort at the street level or enough to delineate the podium and tower above, and should be addressed by the applicant.

Consistent with previous comments, the proposed street wall height is excessive for 4 storeys and should be reduced.

#### **6.5.4 Wind**

The Planning Proposal is accompanied by a preliminary wind assessment undertaken by SLR Consultants, which primarily analyses:

- existing wind conditions in the vicinity of the site; and
- future winds expected as a result of the proposed development on all public access areas

within and external to the development (including surrounding footpaths, primary entry points, and adjacent through-site link).

Key findings of the assessment:

- existing wind conditions could be close to or greater than 16m/s for some prevailing wind directions, resulting from channelling winds along aligning streets. In particular, channelling winds between buildings along Mitchell Street, Atchison Street and Atchison Lane are likely to exceed 16 m/s along pedestrian pathways; and
- Future potential wind impacts will remain close to or exceeding 16 m/s along Mitchell Street, Atchison Street, Atchison Lane and adjacent through-site link.

The assessment concludes that winds along the surrounding footpaths should remain at similar levels provided appropriate landscaping is employed. It also acknowledges that shielding from the development itself will have some impact on wind conditions along Atchison Lane and Mitchell Street. The extent of the impact remains unclear.

Notwithstanding, wind conditions close to or greater than 16m/s exceeds the acceptable level of wind speeds under section 2.3.3 to Part B of NSDCP 2013, which requires new development not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces. The proposed building should be designed to reduce wind velocity at footpaths and public outdoor spaces and is questioned whether the suggested mitigation measures (windbreaks, additional landscaping) will be sufficient. Given the proposal to redevelop the entire site, even if the existing wind speeds exceed 13m/s, the proposal should seek to address these to meeting the minimum requirements from the outset.

The assessment also broadly considers potential wind impacts to the communal open space area proposed on level 4 above the podium and private balconies. Potential wind impacts close to or exceeding 10m/s are identified for both components of the building. It is recommended 1.8m high vertical windbreaks be installed around the communal open space and private winter gardens be provided throughout the tower above level 5. The report acknowledges that further detailed windflow modelling is required (at the DA stage) to confirm wind speeds at specific locations and determine the extent of treatment required.

Incorporation of 1.8m high wind breaks on top of the excessively high podium walls will further exacerbate the proposal's inconsistency with the desired built form as outlined in the 2036 Plan.

These issues require satisfactory resolution before the planning proposal can progress to the next stage of the plan making process.

### **6.5.5 Views**

The Planning Proposal is accompanied by a visual impact assessment. The report concludes that the proposed development will have a moderate impact on views and allow for an acceptable levels of view sharing. The report acknowledges, however, the need for further

refinement of the scheme and careful consideration of the façade design to further mitigate the visual impact of the proposed built form.

The subject site has a large visual catchment, with the upper part of the tower form visible from a number of distant locations to the north, west and east of the site. Views to the proposed development from further afield will be in the context of the cluster of towers in the St Leonards skyline.

In close view of the subject site, the proposed podium and tower form projects to the south and will almost entirely block views to the adjacent building to the west at the street level (refer to Figures 19 and 20). The proposed tower element will also substantially impact views from the living areas of dwellings located on the eastern elevation of the adjacent building to the west (at 6-16 Atchison Street).

Whilst a degree of impact is to be expected, the impacts should be compared to those which would result from a built form compliant with the height and FSR controls identified under the 2036 Plan. As outlined in section 7.3 and 7.5.3 of this report, the proposed setbacks along the southern elevation are inadequate and should be reconsidered to minimise view loss, maximise solar access and reduce the impact of a visually dominant and bulky built form along Atchison Street.



*Figure 19: Photomontage - Atchison Street looking west (p.49 Urban Design Report)*

### **6.5.6 Transport Implications**

The Planning Proposal is accompanied by a Traffic and Parking Study prepared by JMT consulting.

#### Car Parking

The indicative concept design provides 97 parking spaces over 8 basement levels. This is the maximum amount of car parking allowed under section 10.2 to Part B of NSDCP 2013.

The assessment estimates that the proposed development (containing 193 residential apartments) will generate 5 net additional vehicle trips during the AM peak hour and 3 net additional vehicle trips during the PM peak hour. The assessment acknowledges that the

proposed increase in traffic generation is greater than that of a scheme with an FSR of 13.6:1, which will generate an extra 2-3 traffic movements during peak hours.

The subject site currently has high levels of access to public transport (Pacific Highway bus services and St Leonards T1 Station). This will improve in future with the opening of Sydney Metro's Crow's Nest station. A revised draft travel plan for the site should demonstrate how providing less than maximum parking requirements can be supported at the site; how this will result in reduced car ownership and use at the site; and how this will result in increased uptake of walking, cycling and public transport by occupants, workers and visitors to the development and minimise traffic generation.

### Car Share

NSDCP 2013 permits extensive use of car share vehicles to address resident mobility requirements. The applicant should consider that a single car share vehicle can replace more than 3-4 private vehicle spaces at the site. Justification of car share provisions and how they relate to reduced car parking provisions for the site should be provided as part of a revised draft travel plan for the applicant's proposal.

### Walking

Consideration should be given to increasing the active frontage on Atchison Street and Mitchell Street by potentially consolidating the main residential entrance on the south-eastern corner of the site; an entrance at this corner of the site will more clearly address the focus of pedestrian movements within the Atchison Street/Mitchell Street junction.

### Cycling

The applicant's Traffic and Parking Study suggests 193 Type 1 and 2 (lockable compound) cycle parking spaces will be provided for residents and 19 Type 3 (cycle hoops) will be provided for visitors. This is generally in accordance with the minimum requirements under section 10.5 to Part B of NSDCP 2013. However, the Lower Ground Floor Plans indicate approximately 110 Type 2 (lockable compound) cycle parking spaces and no Type 3 (cycle hoops) visitor cycle parking spaces provided near main building entries in ground floor setbacks.

Additional Type 2 and 3 commercial cycle parking spaces must also be provided for workers and customers, in accordance with the minimum rates identified under NSDCP 2013. These spaces should be located in the central parking facility and near main building entrances (either within on-site setbacks or within the public footpath with Council approval). Café/restaurant cycle parking must be provided separately to general commercial cycle parking requirements.

End of trip facilities for non-residential uses (ie lockers, showers and change rooms) are not shown in the proposed plans. These must be provided in accordance with rates identified in section 10.5 to Part B of NSDCP 2013.

### Travel Planning

Section 4.8 of the Transport Assessment (Green Travel Plan) does set broad Vision/Objectives for the applicant's proposal, however it does not provide an empirical analysis of parking demand for the proposal; provide specific, measurable, achievable, relevant and time-specific targets; and potential actions are not linked to these targets. As such, it is unclear how the applicant intends to reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site. This analysis should demonstrate how further reductions in parking supply can be supported by the provision of other hard and soft engineering measures at the site.

## **6.6 Policy and Strategic Context**

### **6.6.1 Section 9.1 Ministerial Directions**

Section 9.1 of the EP&A Act 1979 enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which Section 9.1 Directions are relevant and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions, with the exception of:

- Direction 3.5 – Development Near Licensed Aerodomes
- Direction 5.10 – Implementation of Regional Plans
- Direction 7.11 – Implementation of St Leonards Crows Nest 2036 Plan

#### **6.6.1.1 Direction 3.5 – Development near Licensed Aerodomes**

Direction 3.5 – *Development near Licensed Aerodomes* applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. In particular, subclause (4) to this Direction states:

*In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:*

- (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,*
- (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,*
- (c) for land affected by the OLS:*
  - (i) prepare appropriate development standards, such as height, and*
  - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome*
- (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained*

*prior to undertaking community consultation in satisfaction of section 57 of the Act.*

Despite not being located in close proximity to Sydney Airport, the subject site is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal seeks to introduce new maximum building height of 127m which equates to 214.55m AHD on the subject site, which exceeds the OLS by 58.55m. It is also considered that any activities associated with the construction of the concept proposal would further encroach above the OLS on a temporary basis.

The Planning Proposal is accompanied by a preliminary aeronautical impact assessment, which states:

*Provided temporary construction cranes and the overall building envelope inclusive of plant room, towers, masts, building maintenance unit (BMU) when in operation and ancillary features all remain below the PANS-OPS surface (340m AHD) and RTCC surface (335m AHD), aviation approval should be granted.*

The Planning Proposal has not been referred to the Commonwealth Department of Infrastructure and Regional Development, nor the Sydney Airport Corporation for their comment and permission in accordance with subclauses (4)(a) and (d) of the Direction.

A referral can still be undertaken and permission obtained as a requirement of any future Gateway Determination consistent with the requirements of the Direction.

#### **6.6.1.2 Direction 5.10 – Implementation of Regional Plans**

Direction 5.10 – Implementation of Regional applies to land to which a Regional Plan has been released by the Minister for Planning. The Sydney Regional Plan: *A Metropolis of Three Cities*, released in March 2018 applies to the subject land.

Subclause (4) to the Direction states that Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning. However, subclause (5) to the Direction states:

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:*

- (a) is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.*

As demonstrated at section 6.6.3 to this report, the proposal is generally consistent with the strategic Directions and Objectives of the Regional Plan to the extent it will increase housing supply within an identified *Strategic Centre*; provide upgraded and flexible commercial

floorspace that will support jobs in St Leonards; and provide active ground floor uses and increased setbacks to provide increased public domain and pedestrian movement.

However, there are a number of inconsistencies between the Planning Proposal and the Directions and Objectives of the Regional Plan that are not of minor significance and have the potential to undermine the goals and directions of the Regional Plan.

The Planning Proposal is seeking a Height and FSR control that is inconsistent with the strategic planning framework set out in the 2036 Plan. The indicative scheme accompanying the Planning Proposal fails to demonstrate how the site could be acceptably developed to the requested Height and FSR controls insofar that it will result in unacceptable public and private amenity impacts contrary to the vision, objectives and actions of the 2036 Plan. It is considered that a scheme compliant with the 2036 Plan's Height and FSR controls would be able to largely address the impacts identified.

If implemented, the Planning Proposal could potentially establish a pathway for significant non-compliances with the 2036 Plan and facilitate an unanticipated level of growth in the precinct with cumulative impacts to existing and future amenity. It also has the potential to result in a level of growth that cannot be adequately supported by established infrastructure delivery programs (SIC Plan and Local Infrastructure Contributions Plan), which respond to an assumed capacity within the precinct.

In addition, the proposal does not demonstrate how it will mitigate climate change and promote sustainable transport use to the extent no deep soil planting is proposed within setbacks for increased tree canopy cover; and the proposal will result in a net increase in traffic movements, over and above what would be generated from a compliant scheme. On this basis, the proposal directly undermines the achievement of:

*Direction 1 - A city supported by infrastructure*

*Direction 2 – A collaborative city*

*Direction 3 – A city for people*

*Direction 5 – A city of great places*

*Direction 8 – A city in its landscape*

*Direction 9 – An efficient city*

*Direction 10 – A resilient city*

#### **6.6.1.3 Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan**

Direction 7.11 – *Implementation of St Leonards and Crows Nest 2036 Plan* applies when a relevant planning proposal authority prepares a Planning Proposal for land within the St Leonards and Crows Nest Precinct as identified on Map Sheet LAP\_001 St Leonards and Crows Nest 2036 Plan Ministerial Direction Map.

Subclause (4) to the Direction states that a planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, as approved by the Minister for Planning and Public Spaces and published on the DPIE website on 29 August 2020. However, subclause (5) to the Direction states:

*A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:*

- (a) the provisions of the planning proposal that are inconsistent are of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.*

As demonstrated at section 6.6.6 to this report, the proposal is generally consistent with the Vision, Objectives and Actions of the 2036 Plan to the extent it will provide flexible upgraded commercial floorspace to support jobs in St Leonards; increase housing supply within close proximity to high frequency public transport, jobs and services; and provide active ground floor uses and increased setbacks for increased public domain and pedestrian movement.

However, the Planning Proposal is seeking a Height control above 35 storeys (127m) and an FSR of 16.2:1 (including winter gardens), which represents a variation of 40% or 6,401 sqm of GFA above the maximum FSR control identified for the site under 2036 Plan. The proposed variation is therefore not considered to be of minor significance.

## **6.6.2 State Environmental Planning Policies**

### SEPP 65

The Planning Proposal includes an assessment against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated Apartment Design Guide (ADG), regarding visual privacy (based on building separation distances), solar access, natural ventilation, communal open space, ceiling heights, apartment size, private open space and apartment mix.

Whilst the concept proposal appears to comply with some of the key development standards, there are a number of inconsistencies and non-compliances. As discussed in section 7.5.2 of this report, the concept proposal does not demonstrate a satisfactory level of residential amenity on the basis of non-compliances with ADG building separation and privacy considerations, as well as solar access and communal open space requirements.

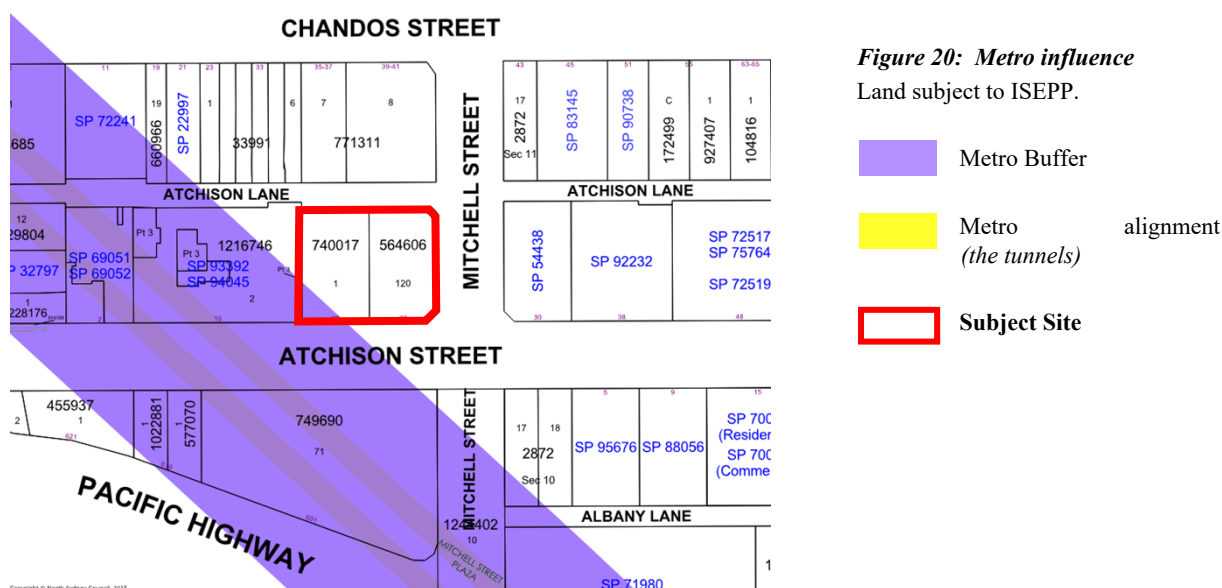
### SEPP (Infrastructure) 2007

The subject site is directly affected by the alignment of the Sydney Metro rail corridor, with a small portion of the subject site being affected by the buffer zone to the tunnels (refer to Figure 20). Of particular concern is the proximity of the basement levels and any footings associated with the redevelopment of the site on the integrity of the Sydney Metro line.

Clause 86 of SEPP (Infrastructure) 2007 requires that developments located within or adjacent to rail corridors are required to obtain the concurrence of the relevant rail authority. The proponent has not provided any evidence of obtaining preliminary support from the Sydney Metro division of Transport for NSW in relation to the concept proposal. Should the Planning



Proposal proceed to Gateway Determination, it is recommended that the Planning Proposal be referred to the Sydney Metro division of Transport for NSW for comment.



### 6.6.3 Greater Sydney Regional Plan (A Metropolis of Three Cities)

In March 2018, the NSW Government released the Greater Sydney Regional Plan: *A Metropolis of Three Cities* (Regional Plan). The Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036.

St Leonards is identified a *Strategic Centre* and *Health and Education Precinct* with the Eastern Economic Corridor under the Regional Plan.

An assessment of the Planning Proposal's consistency with the relevant Directions and Objectives of the Regional Plan is outlined below in Table 5.

TABLE 5: Consistency with Regional Plan	
Relevant Direction and Objective	Comments
INFRASTRUCTURE & COLLABORATION	
<p><b>Direction 1</b> – A city supported by infrastructure</p> <p><b>Objective 2</b> – Infrastructure aligns with forecast growth</p> <p><b>Objective 4</b> – Infrastructure use is maximised</p>	<p>☒ A Special Infrastructure Contribution (SIC) will be paid at the DA stage to fund infrastructure upgrades within the precinct, in accordance with the redevelopment requirements of the <i>St Leonards Crows Nest SIC Plan</i>. However, the SIC Plan responds to an assumed level of growth/capacity within the precinct. The proposed increase in density on the site, over and above the capacity identified in the 2036 Plan, will place additional demand on existing and future infrastructure assets and services. Unanticipated levels of population growth could potentially undermine</p>

TABLE 5: Consistency with Regional Plan	
Relevant Direction and Objective	Comments
	the ability for established infrastructure delivery plans to adequately meet the needs of the community.
<i>Direction 2 – A collaborative city</i> <i>Objective 5 – Benefits of growth realised by collaboration of governments, community and business</i>	☒ The proposal is seeking a height and FSR control that is inconsistent with that strategic planning framework provided under the 2036 Plan.
<b>LIVEABILITY</b>	
<i>Direction 3 – A city for people</i> <i>Objective 6 – Services and infrastructure meet communities' changing needs</i>	☒ If implemented, the Planning Proposal could potentially undermine the ability to deliver infrastructure and assets that meet the needs of the community.
<i>Direction 4 – Housing the city</i> <i>Objective 10 – Greater housing supply</i> <i>Objective 11 – Housing is more diverse and affordable</i>	☑ The proposal will increase housing supply within an identified Strategic Centre and provide a range of 1, 2 and 3 bedroom apartments. However, some studio apartments should be incorporated into the mix to meet the provisions of NSDCP 2013 and provide a greater mix of more affordable housing options in the area.
<i>Direction 5 – A city of great places</i> <i>Objective 12 – Great places that bring people together</i>	☒ A 3m reverse setback to Atchison Street and 5m setback to Mitchell Street is proposed to allow for an improved public domain and pedestrian movement. However, the proposed built form provides inadequate upper-level (above podium) setbacks and results in an excessively bulky and visually dominant built form in its context, with adverse (wind, overshadowing, visual) impacts on the public domain.
<b>PRODUCTIVITY</b>	
<i>Direction 6 – A well connected city</i> <i>Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	☑ The proposal provides housing within close proximity to high frequency public transport, jobs, services and facilities.
<i>Direction 7 – Jobs and skills for the city</i> <i>Objective 22: Investment and business activity in centres</i>	☑ The proposal will provide approximately 4,258sqm GFA of flexible, upgraded commercial floorspace, which is estimated to support jobs in the identified Strategic Centre of St Leonards.
<b>SUSTAINABILITY</b>	
<i>Direction 8 – A city in its landscape</i> <i>Objective 30 – Urban tree canopy cover is increased</i> <i>Objective 31 – Public open space is accessible, protected and enhanced.</i>	☒ The proposed location of the basement below the 5m setback will not allow for deep soil planting and street trees/canopy cover within the proposed landscape setback. ☒ The proposal will result in unacceptable overshadowing impacts to Mitchell Streetscape and Hume Street Park during key hours, contrary to the solar access controls of the 2036 Plan.
<i>Direction 9 – An efficient city</i> <i>Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	☒ The proposal will result in a net increase in traffic movements. The proposed increase in traffic generation is greater than that of compliant scheme. Potential energy, water and waste minimisation can be addressed at the DA stage.
<i>Direction 10 – A resilient city</i> <i>Objective 36 – People and places adapt to climate change and future shocks and stresses</i> <i>Objective 37 – Exposure to natural and urban hazards is reduced</i> <i>Objective 38 – Heatwaves and extreme heat are managed</i>	☒ The proposed location of the basement below the 5m setback will not allow for deep soil planting and street trees/canopy cover within the proposed landscape setback to reduce ambient temperatures and mitigate the heat island effect.

TABLE 5: Consistency with Regional Plan	
Relevant Direction and Objective	Comments
	<input checked="" type="checkbox"/> The subject site is not subject to flood or bushfire risk. Potential contamination risk can be addressed at any DA stage.

Overall, the inconsistencies between the Planning Proposal and the Directions and Objectives of the Regional Plan are not of minor significance and have the potential to undermine the goals of the Regional Plan.

## 7.5.6 North District Plan

In March 2018, the NSW Government released the North District Plan. The Plan provides the direction for implementing the Greater Sydney Regional Plan: *A Metropolis of Three Cities* at a district level and sets out strategic planning priorities and actions for the North District. The North District Plan has also established the following housing and jobs targets:

Housing Target	North Sydney LGA	North District
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Local Housing Strategy (LHS)	+92,000 new dwellings

Jobs Target	St Leonards
20-year (2016-2036)	+6,900-16,400 new jobs

Following the directions from the GSC, North Sydney Council has put in place its Local Housing Strategy (LHS) and the North Sydney Local Strategic Planning Statement (LSPS) which form part of the hierarchy of plans and provide alignment with the District Plan.

The North Sydney Local Housing Strategy (LHS) has been developed and endorsed by Council and is proceeding to be endorsed by DPIE. The LHS identifies that Council is on track to meet the housing targets set out in the North District Plan and does not rely on the redevelopment of this site to meet the targets, beyond the parameters and built form controls of the 2036 Plan. This is discussed further at section 6.6.6 of this report.

An assessment of the Planning Proposal's consistency with the relevant Directions and Objectives of the North District Plan is outlined below in Table 6.

TABLE 6: Consistency with North District Plan	
Relevant Direction and Objective	Comments
<b>INFRASTRUCTURE &amp; COLLABORATION</b>	
<i>Direction 1 – Infrastructure supporting new developments</i> <i>Planning Priority N1 – Planning for a city supported by infrastructure</i>	<input checked="" type="checkbox"/> A Special Infrastructure Contribution (SIC) will be paid at the DA stage to fund infrastructure upgrades within the precinct, in accordance with the redevelopment requirements of the <i>St Leonards Crows Nest SIC Plan</i> . However, the SIC Plan responds to an assumed level of growth/capacity within the precinct. The proposed increase in density on the site, over and above the capacity identified in the 2036 Plan, will place additional demand on existing and future infrastructure assets and services. Unanticipated levels of population growth could potentially undermine

TABLE 6: Consistency with North District Plan	
Relevant Direction and Objective	Comments
	the ability for established infrastructure delivery plans to adequately meet the needs of the community.
<i>Direction 2 – Working together to grow a Greater Sydney</i> <i>Planning Priority N2 – Working through collaboration</i>	☒ The proposal is seeking a height and FSR control that is inconsistent with that strategic planning framework provided under the 2036 Plan.
<b>LIVEABILITY</b>	
<i>Direction 3 – Celebrating diversity and putting people at the heart of planning</i> <i>Planning Priority N3: Providing services and social infrastructure to meet people's changing needs</i>	☒ Refer to comments relating to Planning Priority N1
<i>Direction 4 – Giving people housing choices</i> <i>Planning Priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.</i>	☑ The proposal will increase housing supply within an identified Strategic Centre and provide a range of 1, 2 and 3 bedroom apartments. However, some studio apartments should be incorporated into the mix to meet the provisions of NSDCP 2013 and provide a greater mix of more affordable housing options in the area.
<i>Direction 5 – Designing places for people</i> <i>Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage.</i>	☒ A 3m reverse setback to Atchison Street and 5m setback to Mitchell Street is proposed to allow for an improved public domain and pedestrian movement. However, the proposed built form provides excessive street-wall (podium) heights and inadequate upper-level (above podium) setbacks, resulting in an excessively bulky and visually dominant built form in its context, with adverse (wind, overshadowing, visual) impacts on the public domain.
<b>PRODUCTIVITY</b>	
<i>Direction 6 – Developing a more accessible and walkable city</i> <i>Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city</i>	☑ The proposal provides housing within close proximity to high frequency public transport, jobs, services and facilities.
<i>Direction 7 – Creating the conditions for a stronger economy</i> <i>Planning Priority N8 – Eastern Economic Corridor is better connected and more competitive.</i> <i>Planning Priority N9 – Growing and investing in health and education precincts</i> <i>Planning Priority N10 – Growing investment, business opportunities and jobs in strategic centres.</i> <i>Planning Priority N13 – Supporting growth of targeted industry sectors.</i>	☑ The proposal will provide approximately 4,258sqm GFA of flexible, upgraded commercial floorspace, which is estimated to support jobs in the identified <i>Strategic Centre</i> of St Leonards.
<b>SUSTAINABILITY</b>	
<i>Direction 8 – Valuing green spaces and landscape</i> <i>Planning Priority N1 –: Increasing urban tree canopy cover and delivering Green Grid connections</i> <i>Planning Priority N20 – Delivering high quality green spaces.</i>	<p>☒ The proposed location of the basement below the 5m setback will not allow for deep soil planting and street trees/canopy cover within the proposed landscape setback.</p> <p>☒ The proposal will result in unacceptable overshadowing impacts to Mitchell Streetscape and Hume Street Park during key hours, contrary to the solar access controls of the 2036 Plan.</p>
<i>Direction 9 – Using resources wisely</i>	☒ The proposal will result in a net increase in traffic movements. The proposed increase in traffic generation is

TABLE 6: Consistency with North District Plan	
Relevant Direction and Objective	Comments
<i>Planning Priority N21 – Reducing carbon emissions and managing energy, water and waste efficiently.</i>	greater than that of compliant scheme. Potential energy, water and waste minimisation can be addressed at the DA stage.
<i>Direction 10 – Adapting to a changing world</i> <i>Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change.</i>	<p>☒ The proposed location of the basement below the 5m setback will not allow for deep soil planting and street trees/canopy cover within the proposed landscape setback to reduce ambient temperatures and mitigate the heat island effect.</p> <p>☒ The subject site is not subject to flood or bushfire risk. Potential contamination risk can be addressed at any DA stage.</p>

Overall, the inconsistencies between the Planning Proposal and the Directions and Planning Priorities of the North District Plan are not of minor significance and have the potential to undermine the goals of the Regional Plan.

#### 6.6.4 St Leonards and Crows Nest 2036 Plan

The 2036 Plan is implemented under section 9.1 of the EP&A Act, requiring any planning proposals to be consistent with the Plan. The supporting section 9.1 Direction states that proposals may be inconsistent if those inconsistencies are of minor significance and the proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.

The Plan states that changes to a site's existing statutory planning controls will be required to allow development to occur in accordance with the Plan. It explains that it will be the responsibility of each relevant council to progress planning proposals and give effect to the provisions of the Plan.

As the proposal deviates from the built form provisions of the Plan, namely the overall Height and FSR, Council must consider whether this discrepancy is of minor significance and whether the proposal satisfactorily addresses the vision, objectives, actions and overall intent of the Plan.

The proposal's performance against these criteria is discussed below.

#### *Vision*

The Planning Proposal is considered to be generally consistent with the vision of the St Leonards and Crows Nest 2036 Plan insofar it will provide:

- approximately 4,258sqm GFA of flexible upgraded commercial floorspace, which is estimated to support jobs in St Leonards;
- approximately 193 new private dwellings, within close proximity to jobs, services and high frequency public transport; and

- provide increased setbacks at the ground level with active retail uses to provide increase public domain, pedestrian movement and activation.

The Planning Proposal is seeking a height above 35 storeys (127m) and an FSR of 16.2:1 (including winter gardens), which represents a variation of 40% or 6,401 sqm of GFA above the maximum FSR control identified for the site under 2036 Plan. The proposed variation is not considered to be of minor significance and by virtue of the degree of non-compliance and impacts arising, it is questioned whether the proposal embraces the precinct's unique local character, will cater for the needs of people of all ages and ensure the precinct is supported by high quality open space and community services as outlined in the 2036 Plan's vision statement.

## Objectives

An assessment of the Planning Proposal's consistency with the relevant Objectives of the 2036 Plan is outlined below in Table 7.

TABLE 7: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Objective	Comments
<b>INFRASTRUCTURE &amp; COLLABORATION</b>	
<i>Deliver key State and regional infrastructure to support long-term growth.</i>	<input checked="" type="checkbox"/> A Special Infrastructure Contribution (SIC) will be paid at the DA stage to fund infrastructure upgrades within the precinct, in accordance with the redevelopment requirements of the <i>St Leonards Crows Nest SIC Plan</i> . However, the SIC Plan responds to an assumed level of growth/capacity within the precinct. The proposed increase in density on the site, over and above the capacity identified in the 2036 Plan, will place additional demand on existing and future infrastructure assets and services. Unanticipated levels of population growth could potentially undermine the ability for established infrastructure delivery plans to adequately meet the needs of the community.
<i>Enhance quality of life by providing infrastructure to support place outcomes.</i>	<input checked="" type="checkbox"/> Refer to comments above.
<i>Coordinate the delivery of infrastructure with growth to ensure infrastructure is available at the right time.</i>	<input checked="" type="checkbox"/> Refer to comments above.
<b>LIVEABILITY</b>	
<i>Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.</i>	<input checked="" type="checkbox"/> The proposal provides for active retail uses at the ground level to promote casual surveillance.
<i>New development should have consideration to wind impacts demonstrated through a wind assessment.</i>	<input checked="" type="checkbox"/> The proposal is accompanied by a wind impact assessment and recommends a number of mitigation measures including windbreaks, additional landscaping and wintergardens, however it is questioned whether these mitigation measures will provide a sufficient level of amenity and protection from wind.
<i>Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.</i>	<input checked="" type="checkbox"/> The proposed built form has non-compliant street wall (podium) height and inadequate upper-level (above podium) setbacks, resulting in an excessively bulky and visually dominant built form in its context, with unacceptable impacts to the public and private domain including:

TABLE 7: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Objective	Comments
	<ul style="list-style-type: none"> <li>• Overshadowing impacts to Mitchell Streetscape and Hume Street Park, contrary to the solar access controls of the 2036 Plan;</li> <li>• view loss impacts to the adjacent development to the west; and</li> <li>• adverse impacts to existing wind conditions along Atchison Lane and Mitchell Street, with wind speeds exceeding acceptable levels under NSDCP 2013 for footpaths and public outdoor spaces.</li> </ul>
<i>Contain taller buildings between St Leonards Station and Crows Nest Metro Station</i>	<input checked="" type="checkbox"/> The proposal is generally consistent with the 'Centre and Height Transition' principles of the 2036 Plan.
<i>New building design should provide high on-site amenity and consider street width and character by providing ground and upper-level setbacks and awnings to achieve a human scale at street level.</i>	<input checked="" type="checkbox"/> The proposed built form has non-compliant street wall (podium) height and inadequate upper-level (above podium) setbacks, resulting in an excessively bulky and visually dominant built form in its context, with unacceptable impacts to the public and private domain. The proposal does not achieve a satisfactory level of residential amenity on the basis of non-compliances with ADG building separation and privacy considerations, as well as solar access and communal open space non-compliances.
<i>Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.</i>	<input checked="" type="checkbox"/> The proposal appears to provide a range of 1,2 and 3 bedroom apartments. However, some studio apartments should be incorporated into the mix to meet the provisions of NSDCP 2013 and provide a mix of housing options in the area.
<b>PRODUCTIVITY</b>	
<i>Ensure new employment sites in the area cater to a range of business types and sizes.</i>	<input checked="" type="checkbox"/> The proposal will provide 4, 258 sqm of flexible upgraded commercial floorspace to cater for a range of business types and sizes.
<i>New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.</i>	<input checked="" type="checkbox"/> The proposal will provide active retail uses at the ground level along the through-site link and a small portion of Mitchell Street. Consideration should be given to increasing active frontages on Atchison Street and Mitchell Street.
<b>SUSTAINABILITY</b>	
<i>Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan.</i>	<input checked="" type="checkbox"/> The proposal will overshadow Mitchell Streetscape and Hume Street Park during key hours, contrary to the solar access requirements of the 2036 Plan.
<i>New development along Chandos, Oxley and Mitchell Streets should provide wider setbacks to enable the creation of greener streets.</i>	<input checked="" type="checkbox"/> The proposal includes a 5m setback to Mitchell Street to enable the provision of Mitchell Street Linear Park.
<i>New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks and forecourts.</i>	<input checked="" type="checkbox"/> The provision of the basement below the 5m setback to Mitchell Street would not allow for deep soil planting and canopy trees.
<i>Incorporate new street trees to realise the tree canopy targets identified on Page 3 and increase the overall tree coverage in the area.</i>	<input checked="" type="checkbox"/> Refer to comments above.

TABLE 7: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Objective	Comments

### Actions

An assessment of the Planning Proposal's consistency with the relevant Actions of the 2036 Plan is outlined below in Table 8.

TABLE 8: Compliance with St Leonards Crows Nest 2036 Plan	
Relevant Action	Comments
<b>PLACE</b>	
<i>Transition heights from new development to surrounding Heritage Conservation Areas.</i>	<input checked="" type="checkbox"/> The proposal is generally consistent with the 'Centre and Height Transition' principles of the 2036 Plan.
<i>Improve the public domain by introducing 'green streets' along Oxley, Mitchell, and Chandos Streets to allow for setbacks with grass and canopy trees</i>	<input checked="" type="checkbox"/> The proposal includes a 5m setback to enable the provision of Mitchell Street Linear Park. However, the provision of the basement below the 5m setback would not allow for deep soil planting and canopy trees within the setback.
<i>Widen key streets (including Atchison Street) to support more active uses and allow for green elements e.g. planter boxes</i>	<input checked="" type="checkbox"/> The proposal includes a 3m reverse setback to Atchison Street, however limited active uses are proposed along the Atchison Street frontage.
<b>LANDSCAPE</b>	
<i>Protect and enhance natural links through the area (refer to DPIE Green Plan).</i>	<input checked="" type="checkbox"/> The proposal includes increased ground level setbacks to Atchison and Mitchell Streets, however no deep soil planting for street trees is provided within the proposed setbacks.
<i>Introduce landscaped street setbacks along Oxley, Mitchell and Chandos Streets to allow for additional street trees.</i>	<input checked="" type="checkbox"/> The proposal includes a 5m landscaped setback to Mitchell Street, however the provision of the basement below the 5m setback would not allow for deep soil planting and the provision of street trees within the setback.
<b>BUILT FORM</b>	
<i>New development should be sympathetic to existing buildings with appropriate setbacks and street wall heights.</i>	<input checked="" type="checkbox"/> The proposed built form provides inadequate upper-level (above podium) setbacks and results in an excessively bulky and visually dominant built form in its context, with adverse (wind, overshadowing, visual) impacts on the public domain.
<i>Adopt reverse setbacks and active street frontages to improve the interface between new buildings and the public domain along Atchison Street and Clarke Lane.</i>	<input checked="" type="checkbox"/> The proposal includes a 3m reverse setback to Atchison Street, however limited active uses are proposed along the Atchison Street frontage.
<i>Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (p. 38 of 2036 Plan).</i>	<input checked="" type="checkbox"/> The proposal will overshadow Mitchell Streetscape and Hume Street Park during key hours, contrary to the solar access requirements of the 2036 Plan.
<i>Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest to tall buildings in the St Leonards Core.</i>	<input checked="" type="checkbox"/> The proposal is generally consistent with the 'Centre and Height Transition' principles of the 2036 Plan.
<b>LAND USE</b>	
<i>Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.</i>	<input checked="" type="checkbox"/> The proposal appears to provide a range of 1,2 and 3 bedroom apartments. However, some studio apartments should be incorporated into the mix to meet the provisions



TABLE 8: Compliance with St Leonards Crows Nest 2036 Plan	
Relevant Action	Comments
	of NSDCP 2013 and provide a mix of housing options in the area.
<i>Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.</i>	<input checked="" type="checkbox"/> The proposal will provide 4, 258 sqm of flexible, upgraded commercial floorspace to cater for a range of business types and sizes. This is consistent with the non-residential FSR of 3:1 identified in the 2036 Plan for the site.
<i>Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space.</i>	<input checked="" type="checkbox"/> Refer to comments above.
<i>Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.</i>	<input checked="" type="checkbox"/> The proposal provides for retail uses at the ground level.
MOVEMENT	
<i>Provide shade and shelter for pedestrians with reverse setbacks along Atchison Street and tree lined green streets along Chandos, Oxley and Mitchell Streets.</i>	<input checked="" type="checkbox"/> The proposal includes a 3m reverse setback to Atchison Street and a 5m setback to Mitchell Street to enable the provision of Mitchell Street Linear Park.
<i>Limit the amount of car parking provided for new developments.</i>	<input checked="" type="checkbox"/> The indicative concept design provides 97 parking spaces over 8 basement levels. This is the maximum amount of parking permitted for the proposed scheme.
<i>Promote the provision of end of trip facilities to support cycling.</i>	<input checked="" type="checkbox"/> The proposal does not include the provision of end of trip facilities (lockers, showers and change rooms). It is, however, addressed as an objective of the draft Travel Plan.
<i>Encourage the use and implementation of car share facilities.</i>	<input checked="" type="checkbox"/> The proposal does not include car share facilities on site.

### 6.6.5 North Sydney Local Strategic Planning Statement (LSPS)

Following receipt of a Letter of Support from the Greater Sydney Commission (GSC), Council adopted the North Sydney LSPS on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

An assessment of the Planning Proposal against relevant North Sydney LSPS local planning priorities is undertaken in Table 9 below.

TABLE 9: Compliance with North Sydney LSPS	
Relevant Local Planning Priority	Comments
I1 – Provide infrastructure and assets that support growth and change	<input checked="" type="checkbox"/> A Special Infrastructure Contribution (SIC) will be paid at the DA stage to fund infrastructure upgrades within the precinct, in accordance with the redevelopment requirements of the <i>St Leonards Crows Nest SIC Plan</i> . However, the SIC Plan responds to an assumed level of

**TABLE 9: Compliance with North Sydney LSPS**

Relevant Local Planning Priority	Comments
	growth/capacity within the precinct. The proposed increase in density on the site, over and above the capacity identified in the 2036 Plan, will place additional demand on existing and future infrastructure assets and services. Unanticipated levels of population growth could potentially undermine the ability for established infrastructure delivery plans to adequately meet the needs of the community.
I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	☒ The proposal is seeking a height and FSR control that is inconsistent with that envisaged under the 2036 Plan.
L1 – Diverse housing options that meet the needs of the North Sydney community	☑ The proposal will provide a range of 1,2 and 3 bedroom apartments. However, consideration should be given to the inclusion of some studio apartments to provide greater housing diversity and meet the provisions of NSDCP 2013.
L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	☒ Refer to comments under (I1).
L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage.	☒ The proposed built form has non-compliant street wall (podium) heights and upper-level (above podium) setbacks, resulting in an excessively bulky and visually dominant built form in its context, with adverse (wind, overshadowing, visual) impacts on the public domain.
P2 – Develop innovative and diverse business clusters in St Leonards/Crows Nest	☑ The proposal will provide approx. 4,258 sqm of flexible, upgraded commercial floorspace to cater for a range of business types and sizes. This is consistent with the non-residential FSR of 3:1 identified under the 2036 Plan for the site.
P4 – Develop a smart, innovative and prosperous North Sydney economy.	☑ Refer to comments under (P2).
P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney.	☒ The proposal provides increased setbacks at the ground level to Atchison Street and Mitchell Street to provide increased public domain and pedestrian movement. However, the proposed built form results in an excessively bulky and visually dominant built form in its context, with adverse (wind, overshadowing, visual) impacts on the public domain.
S2 – Provide a high quality, well-connected and integrated urban greenspace system.	☒ The proposal will result in overshadowing impacts to Mitchell Street Plaza and Hume Street Park during key hours, contrary to the solar access controls of the 2036 Plan.
S3 – Reduce greenhouse gas emissions, energy, water and waste	☒ The proposal will result in a net increase in traffic movements. The proposed increase in traffic generation is greater than that of compliant scheme. Potential energy, water and waste minimisation can be addressed at the DA stage.
S4 – Increase North Sydney’s resilience against natural and urban hazards	☒ The proposed location of the basement below the 5m setback will not allow for deep soil planting and street trees/canopy cover within the proposed landscape setback to reduce ambient temperatures and mitigate the heat island effect. The subject site is not subject to flood or bushfire

TABLE 9: Compliance with North Sydney LSPS	
Relevant Local Planning Priority	Comments
	risk. Potential contamination risk can be addressed at any DA stage.

## 6.6.6 North Sydney Local Housing Strategy (LHS)

The North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's *North District Plan*. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

Following public exhibition, on 25 November 2019, Council resolved to adopt the North Sydney LHS with an action to forward to the DPIE for their approval. Council is still awaiting final endorsement of the LHS by the DPIE.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013 and proposed changes envisaged by the DPIE under the draft *St Leonards and Crows Nest 2036 Plan*. The draft 2036 Plan identified planning controls to support the delivery of an additional 3,515 dwellings within the parts of the St Leonards and Crows Nest Planned Precinct located within the North Sydney LGA.

The concept proposal indicates an additional 193 residential apartments are to be accommodated on the site which contributes to the number of anticipated dwellings to be accommodated within the B4-Mixed Use zone in St Leonards on a single site. However, the North Sydney LHS does not identify a housing supply gap, and the supply of housing in the North Sydney LGA does not rely on the redevelopment of the subject site over and above the built form controls contained in the 2036 Plan, to meet its targets.

## 8 Submissions

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to Planning Proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a Planning Proposal, to illustrate the level of public interest in the matter before Council makes its determination.

No submissions have been received at the time of reporting.

## 9 Local Planning Panel

By Ministerial direction, all Planning Proposals are required to be referred to the Local Planning Panel for their advice. Furthermore, a council may not make a determination to progress or not progress a Planning Proposal to Gateway Determination, unless it has considered the Local Planning Panel's advice.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal at its meeting on 3 March 2021, wherein it recommended that the Planning Proposal should not be supported to proceed to Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in the Assessment Report. Minutes of the meeting and the Panel's advice is provided at Attachment 3 to this report.

## CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum Floor Space Ratio (FSR) control 14.9:1; and
- include an additional Local Provision under Part 6 of NSLEP 2013 to permit an additional 1,887sqm of residential gross floor area (GFA) on the site for the purposes of winter gardens.

Having completed an assessment of the amended Planning Proposal against the DPIE's 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- It is inconsistent with the Built Form controls (Height and FSR) identified in the *St Leonards and Crows Nest 2036 Plan* and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- The Planning Proposal if implemented, could have the potential to create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - Greater Sydney Regional Plan and North District Plan;
  - St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - North Sydney Local Strategic Planning Statement (LSPS).
- It is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The Planning Proposal is seeking a maximum height above 35 storeys and a significant variation to the FSR control of 11.5:1 identified in the 2036 Plan. The indicative scheme accompanying the Planning Proposal fails to demonstrate how the site could be acceptably developed to the requested height and FSR controls insofar that it will result in unacceptable

public and private amenity impacts. It is considered that a scheme compliant with the 2036 Plan's Height and FSR controls would be able to largely address the impacts identified, and that an FSR of 11.5:1 assumes greater setbacks and building articulation than currently proposed.

Council has received numerous enquiries for sites within the St Leonards and Crows Nest Precinct seeking to challenge the Height and FSR controls of the 2036 Plan. If the Planning Proposal were to be implemented, it would likely establish a pathway for significant non-compliances and facilitate an unanticipated level of growth that cannot be supported by the established infrastructure program.

The NSLPP agreed with the reasons for not supporting the Planning Proposal.

It is recommended that Council resolve not to support the forwarding of the Planning Proposal to the DPIE, for the purposes of seeking a Gateway Determination under section 3.34 of the EP&A Act 1979.

# PLANNING PROPOSAL

## 20-22 ATCHISON STREET, ST. LEONARDS

10 DECEMBER 2020  
P%4762  
PREPARED FOR CVWL ATCHISON PTY LTD & RADACA INVESTMENTS PTY LTD

**URBIS**

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## TABLE OF CONTENTS

<b>Executive Summary</b> .....	<b>i</b>
<b>1. Introduction</b> .....	<b>1</b>
1.1. Overview .....	1
1.2. Report Structure.....	1
<b>2. Site &amp; Surrounding Context</b> .....	<b>3</b>
2.1. The Site.....	3
2.2. Surrounding Context.....	3
2.3. Surrounding Road, Rail And Bus Network .....	6
<b>3. Existing Planning Controls</b> .....	<b>7</b>
3.1. North Sydney Local Environmental Plan 2013 .....	11
<b>4. Indicative Development Outcome</b> .....	<b>14</b>
4.1. Indicative Concept Scheme .....	14
4.2. Design Considerations.....	16
4.3. Building Massing And Key Design Elements.....	16
<b>5. Planning Proposal Assessment</b> .....	<b>25</b>
<b>6. Part 1 - Objectives &amp; Intended Outcomes</b> .....	<b>26</b>
6.1. Objectives .....	26
6.2. Intended Outcomes.....	26
<b>7. Part 2 - Explanation Of Provisions</b> .....	<b>27</b>
7.1. Land To Which The Plan Will Apply .....	27
7.2. Proposed Lep Amendments .....	27
7.3. Building Height.....	27
7.4. Floor Space Ratio .....	27
7.5. Non-Residential Floor Space .....	28
<b>8. Part 3 - Justification</b> .....	<b>29</b>
8.1. Need For The Planning Proposal .....	29
8.2. Relationship To Strategic Planning Framework .....	30
8.3. Environmental, Social And Economic Impact.....	53
8.4. State And Commonwealth Interests .....	70
<b>9. Part 4 - Mapping</b> .....	<b>72</b>
<b>10. Part 5 - Community Consultation</b> .....	<b>74</b>
<b>11. Part 6- Project Timeline</b> .....	<b>75</b>
<b>12. Conclusion</b> .....	<b>76</b>
<b>Disclaimer</b> .....	<b>78</b>

## FIGURES:

Figure 1 – Site Location.....	3
Figure 2 – Site Context.....	4
Figure 3 – Existing, approved and proposed building comparison .....	9
Figure 4 – NSLEP 2013 Zoning Map.....	11
Figure 5 - NSLEP 2013 Height of Buildings Map .....	12
Figure 6 - Minimum non-residential floor space ratio .....	13

Figure 7 – Artist Impression.....	15
Figure 8 - Indicative Lower Ground Floor Plan – basement level 1 .....	17
Figure 9 – Indicative Ground Floor Plan.....	18
Figure 10 – Indicative podium level floor plan – levels 1 to 3.....	19
Figure 11 – Indicative level 4 communal open space plan.....	20
Figure 12 - Indicative tower floor plan .....	21
Figure 13 - Landscape Concept .....	23
Figure 14 – Proposed Development in the existing and emerging context.....	54
Figure 15 – Podium Alignment – Sections .....	55
Figure 16 –Street Elevations .....	56
Figure 17 - Building setback massing comparison.....	57
Figure 18 – Mitchell Street Public Domain Extension .....	58
Figure 19 - Photomontage: west view along Atchison Street.....	59
Figure 20 – Photomontage: Distant Views .....	60
Figure 21 – Building Separation Diagram .....	63
Figure 22 - AIR Apartments (6-16 Atchison St) Privacy metal mesh screen on Quest Hotel Apartment/Air Apartments .....	63
Figure 23 – Overall Overshadow Analysis .....	66
Figure 24 – Shadow Diagram to Newlands Park .....	66
Figure 25 - Shadow Diagram to Hume Street Park.....	67
Figure 26 - Shadow Diagram to Mitchell Street Plaza.....	68
Figure 27 - Shadow Diagram to Willoughby Road & Ernest Place .....	68
Figure 28 - Height of Buildings Map - Sheet HOB_001.....	73
Figure 29 - Floor Space Ratio Map – Sheet FSR_001.....	73

#### **TABLES:**

Table 1 – Local Development Trends.....	5
Table 2 – B4 Zone objectives and permissibility .....	11
Table 3 – Key Numeric details.....	15
Table 4 – Guide for Preparing Planning Proposals Assessment Criteria.....	30
Table 5 – Planning Proposal Response to the Greater Sydney Region Plan .....	32
Table 6 – Planning Proposals alignment with the North District Plan .....	35
Table 7 – Achieving the outcomes of St Leonards Crows Nest 2036 Plan.....	36
Table 8 – Achieving the outcomes of the St Leonards/Crows Nest 2015 Plan.....	42
Table 9 – Consistency with North Sydney LSPS .....	46
Table 10 – Consistency with State Environmental Planning Policies .....	47
Table 11 – Section 9.1 Compliance Table.....	48
Table 12 – Solar Impact Assessment.....	64
Table 13 – Indicative Project Timeline.....	75

# EXECUTIVE SUMMARY

## Overview

This revised Planning Proposal report has been prepared on behalf CVWL Atchison Pty Ltd & Radaca Investments Pty Ltd to initiate the preparation of an amendment to *North Sydney Local Environmental Plan 2013* (NSLEP 2013), in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The amendment relates to 20-22 Atchison Street, St Leonards (Lot 1 DP740017 and Lot 120 DP564606) and proposes the following:

- Establish a site-specific maximum height control
- Establish a maximum Floor Space Ratio (FSR) control

A site specific special provision is also proposed, in recognition of the likely requirement to enclose balconies into winter gardens when detailed wind modelling is carried out at the development application stage. The provision establishes a maximum residential gross floor area (GFA) in recognition of the additional calculable GFA that would arise in that event.

The proposal retains the current B4 Mixed Use zone and the minimum non-residential FSR of 3:1 under the NSLEP 2013.

This revised Planning Proposal has been prepared in response to the St Leonards and Crows Nest 2036 Plan (2036 Plan) endorsed in August 2020 by the NSW Department of Planning, Industry and Environment (DPIE), and supersedes the previous Planning Proposal submitted in March 2020.

This revised Planning Proposal is largely consistent with the recommended planning controls in the 2036 Plan, including building height in storey, non-residential FSR, street wall height, ground floor setback, and solar protection. The departure from the overall 2036 Plan FSR is the result of FSR discrepancy based on DPIE's assumptions applied in the 2036 Plan, and to achieve viable site amalgamation.

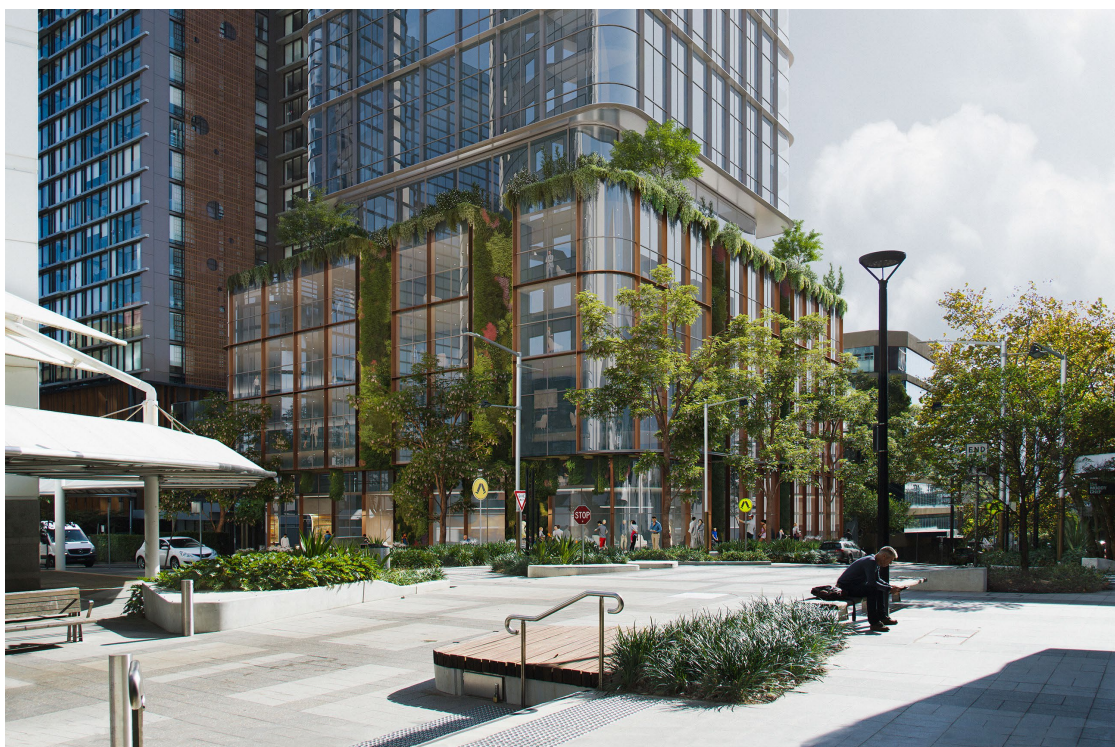
Numerical comparison of the original Planning Proposal and the revised Planning Proposal is set out below:

	Original Planning Proposal	Revised Planning Proposal
<b>Height</b>	169m / 48 storey	127m / 35 storey
<b>FSR</b>	24.5:1	14.9:1
<b>Residential tower gross buildable area (GBA)</b>	860sqm	692sqm

The revised Planning Proposal has a reduced FSR, height and gross buildable area per floor plate, which achieves a slender tower above a well-proportioned, articulated podium. As shown in the urban design report, the reduced tower height and form will sit comfortably within the tower cluster precinct, well below some future envisaged buildings.

Both landowners have been working co-operatively to unlock the potential of the site. As far back as 2012 the landowners engaged with Council and provided input into the Precinct work that had been undertaken by Council and identified that if the two sites could be amalgamated, there would be the possibility to create a new public domain plaza (Mitchell Street Linear Park) in the setback to Mitchell street. This public domain plaza would benefit from the solar access given its north to south orientation and mark the highest point of St Leonards.

Implementing the works in the past eight years, the Planning Proposal creates the opportunity for a new public plaza along Mitchell Street, which offers public benefits and achieve Council's public domain vision anchored around this amalgamated site. This public domain outcome can only be achieved with an amalgamated site and the proposed density uplift.



Source: COX Architecture

## Background

In May 2015, North Sydney Council endorsed a strategic review of its planning framework for the St Leonards and Crows Nest area - the *St Leonards/Crows Nest Planning Study – Precincts 2 and 3* (the 2015 Plan). The intention of the 2015 Plan was to explore opportunities for further intensification of development across the area. The 2015 Plan acknowledges that existing capacity is available to support more intensive development within St Leonards.

20-22 Atchison Street, St Leonards is included within Precinct 2 of the study area. The site is identified by the 2015 Plan as a 'tall building' site.

In November 2015, the state government committed to a new metro railway station at Crows Nest which has triggered a state-led investigation into the land use opportunities in the St Leonards and Crows Nest area. These two transport infrastructure upgrades have triggered the need to further investigate the future development potential of this site.

On 7 July 2016, DPIE formally commenced a "strategic planning investigation" into Crows Nest, St Leonards and Artarmon industrial area, and on 1 June 2017, Crows Nest and St Leonards was declared a "planned precinct". On 4 August 2017, the DPIE released an Interim Statement which contains directions for a future structure plan for St Leonards/Crows Nest as part of a Planned Precinct process.

On 15 October 2018, the Department placed the 2036 Plan and the supporting *Draft Special Infrastructure Contribution*, *Draft Local Character Statement* and *Draft Green Plan* on public exhibition until 8 February 2019. The site is identified as one of the 'Significant Sites', which may be appropriate for additional height and floor space.

In March 2019, a Planning Proposal was submitted to Council ahead of proposed changes to the planning proposal process which was subsequently withdrawn in consultation with North Sydney Council. Since then, the proponent has undertaken extensive consultation with Council, with the aim to reach agreement on the proposed scale of development. Council's strategy identifies the site as a tall tower site.

Based in the extensive consultation and prior to the endorsement of the 2036 Plan, a new Planning Proposal was lodged with Council in May 2020 to seek maximum height of 169m and FSR of 24.5:1.

In August 2020, the 2036 Plan was endorsed by DPIE. This revised Planning Proposal responds to the 2036 Plan and is a revised scheme with reduced FSR and building height.

The revised Planning Proposal is consistent with the recommended planning controls in the 2036 Plan, including building storey, street wall height, non-residential FSR, ground floor setback and solar protection. The departure from the 2036 Plan FSR has been the result of FSR discrepancy based on DPIE's assumptions applied in the 2036 Plan, and to achieve viable site amalgamation.

As per the DPIE implementation plan, Special Infrastructure Contribution will be paid at DA stage to fund infrastructure upgrades to support new growth. This will be paid in accordance with the St Leonards and Crows Nest Special Infrastructure Contribution (SIC) Plan.

## Intended Development Outcome

This revised Planning Proposal has been prepared to establish planning controls that would enable future redevelopment on this significant site through the preparation of a site-specific amendment to NSLEP 2013. To inform this revised Planning Proposal, a revised Indicative Concept Design has been prepared that sets out the proposed envelope and indicative building footprint and is attached at Appendix A.

The key features of the Indicative Concept Design include:

- Seven levels of basement car parking below ground level
- Ground floor retail, residential and commercial lobby
- Commercial tenancies at the mezzanine level
- A four storey podium comprised of:
  - Commercial tenancies at level 1 to level 3
- A tower form comprised of:
  - Level 4 commercial and above podium level communal open space
  - Upper level residential tower with plant located on roof

The Indicative Concept Design can be achieved by the following amendments to NSLEP 2013 as it relates to the site:

- Amending the NSLEP 2013 *Height of Buildings Map* to provide for a maximum building height of 127m (as shown in Figure 28)
- Amending the NSLEP 2013 *Maximum Floor Space Ratio Map* to provide a maximum Floor Space Ratio control of 14.9:1 (as shown in Figure 29).
- Include a site specific special provision to accommodate for future winter gardens (if required):

### **Clause 6.19C Development at 20-22 Atchison Street, St Leonards**

(1) This clause applies to land that is identified as "Area 1" on the FSR Map and comprises the land in:

20-22 Atchison Street, St Leonards (Lot 1 DP740017 and Lot 120 DP564606)

(2) Despite Clause 4.4, if detailed wind tunnel modelling requires enclosing balconies for the upper level residential units to create winter gardens to achieve necessary environmental amenity outcomes, the total gross floor area for the residential use component of the development must not exceed 18,060sqm inclusive of winter gardens.

(3) This clause is only applicable if winter gardens are required for a future development.

## Planning Outcomes

Establishing new planning controls that enable mixed use redevelopment of the site has considerable planning merit, aligns with State and Local Government policy and the 2036 Plan, which would generate significant public benefit and fits in with the evolving character of St Leonards town centre.

The revised Planning Proposal would achieve the following key planning outcomes and community benefits:

- **Enhanced public domain outcomes consistent with 2036 Plan and North Sydney Council's vision:** The new site through link to the west will provide opportunities for retail uses, activated by outdoor seating, dining area and landscape embellishments. Primary public benefit in the creation of a new Public Open Space. The Planning Proposal also extend and expand the Mitchel Street Plaza and will incorporate a more vibrant public domain space, including complementary landscaping features to enhance public domain space.
- **Amalgamation of two sites to fully achieve the 'Tower Site' potential:** CVWL Atchison P/L & Radaca Investments P/L have been working co-operatively to unlock the potential of the site and establish planning controls as envisaged by the 2036 Plan. The delivery of the 'Tower site' and Council desired public domain improvements along Mitchell Street can only be achieved with the amalgamation of these two sites.
- **Consistent with State Government policy which supports growth in existing centres:** The proposal responds to State Government's strategic plan for the St. Leonards area, including the newly adopted 2036 Plan. It maximises the site opportunity for a range of uses, including retail, commercial and residential, in a major centre that is well serviced by public transport. It would generate new employment and housing opportunities within walking distance of major employment, retail, health and education facilities, and excellent public transport connectivity.
- **Street activation day and night:** The proposal enables the creation of new local retail facilities, public spaces and a site through link to the west of the site, which will activate Mitchell Street and Atchison Street. The continuation of the retail activation complements the proposed land uses, to encourage pedestrian activity and vibrancy day and night.
- **Contributing to a mix of commercial office space:** The proposal supports a mix of businesses in more contemporary and flexible tenancies targeted to support the nearby Education and Health precinct; and retail offerings for local convenience.
- **Increased and more diversified employment:** Growth in employment will arise during the construction stage and ongoing operations of the proposal, to support a range of industrial, professional, creative, retail, health and education sectors.
- **Job creation:** Based on the estimated construction cost of \$120 million, 250 full time construction jobs and a further 500 indirect (supply chain) jobs will be created, totalling over 750 jobs

Following our analysis of the site and its surrounding context and the applicable State and local planning policies, including the 2036 Plan. It is demonstrated that there is clear planning merit to the revised Planning Proposal. It is therefore recommended that this revised Planning Proposal be considered by North Sydney Council and that Council resolve to forward it to DPIE for Gateway Determination in accordance with the EP&A Act, to prepare the necessary LEP amendment.

# 1. INTRODUCTION

## 1.1. OVERVIEW

This revised Planning Proposal report has been prepared on behalf CVWL Atchison Pty Ltd & Radaca Investments Pty Ltd to initiate the preparation of an amendment to *North Sydney Local Environmental Plan 2013* (NSLEP 2013), in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This revised Planning Proposal relates to land at 20-22 Atchison Street, St Leonards (the site). The site is currently zoned B4 Mixed Use under the NSLEP 2013.

The proposal seeks to amend the built form planning controls that would enable a high density mixed-use development generally consistent with the endorsed St Leonards and Crows Nest 2036 Plan (2036 Plan), through the following:

- Amending the current maximum building height control to be consistent with the 2036 Plan building height in storeys.
- Establishing a new maximum Floor Space Ratio (FSR) control which accounts for the FSR discrepancy based on DPIE's assumptions applied in the 2036 Plan and to achieve viable site amalgamation.

The proposal retains the B4 Mixed Use zone and the minimum non-residential FSR under the NSLEP 2013.

## 1.2. REPORT STRUCTURE

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

This report includes the following:

- Description of the site and its context;
- Project background overview;
- 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 revised Planning Proposal is accompanied by updated plans and reports, including:

- **Appendix A** – Revised Concept Design Report prepared by COX Architecture.
- **Appendix B** – Revised Landscape Plans prepared by Oculus.
- **Appendix C** - Aviation Advice prepared by AvLaw (as previously submitted)
- **Appendix D** – Revised Traffic and Parking Study prepared by JMT Traffic
- **Appendix E** – Revised Preliminary Wind Assessment prepared by SLR
- **Appendix F** – Revised LEP Mapping



- **Appendix G** – Revised Visual Impact Assessment prepared by Urbis

## 2. SITE & SURROUNDING CONTEXT

### 2.1. THE SITE

The site is located at 20-22 Atchison Street, St Leonards and is within the North Sydney Local Government Area (LGA). The site is located approximately 4.5km north of the Sydney CBD and is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park.

The site is located on the northern side of the Pacific Highway and has frontages to Atchison Street to the south, Mitchell Street to the east and Atchison Lane to the north (see Figure 1). The site consists of two allotments, Lot 1 DP740017 and Lot 120 DP564606 with a total site area of approximately 1,374m<sup>2</sup>.

The site is located near the crest of a high ridgeline point, with Mitchell Street falls in elevation north of the site and Atchison Street falls towards the east.

22-24 Atchison Street is currently occupied by six storey commercial office building and 18-20 Atchison Street comprise a three-storey commercial building, which is currently vacant.

Figure 1 – Site Location



Source: Urbis

### 2.2. SURROUNDING CONTEXT

#### 2.2.1. Immediate Context

The site is located at the heart of St Leonards within convenient walking distance of the facilities and services available within the St Leonards rail precinct (see Figure 2).

The area is well advanced in its transition from an older style commercial precinct to a thriving mixed-use area incorporating a variety of commercial and residential land uses, in tall tower building forms. This transition is being supported by current development activity, recent approvals and further planning proposals.

The immediate surrounds include a range of building forms which are predominantly medium and high rise commercial and multi-storey mixed-use residential buildings. The surrounding area is described as follows:

- **North:** the site is bound by Atchison Lane to the north with a road width of approximately 9m. On the opposite side of Atchison Lane is a seven storeys commercial building located at 39-41 Chandos Street.
- **South:** the site is bounded by Atchison Street to the south, a one way street (east bound) within a road reserve of approximately 20 metres, which has recently been upgraded of road and public domain improvement undertaken by North Sydney Council. On the opposite side of Atchison Street is 601 Pacific Highway, which currently comprises a 14 storey commercial office building, with future uplift to a 42 storeys tower envisioned by the 2036 Plan.
- **West:** Adjoining the site to the west is 6-16 Atchison Street, a 30 storey mixed-use Quest Hotel Apartment/Air Apartments.
- **East:** The site is bounded to the east by Mitchell Street. Mitchell Street is a two-way street with a road reserve varying from 11-13 metres. Mitchell Street public domain improvement works have been completed by North Sydney Council, with Green Wall, synthetic turf, Pacific Highway footpath and shared zone space. Mitchell Street Plaza is valued as one of the most important public domain spaces in the town centre. On the opposite side of Mitchell Street, is 30 Atchison Street, a five storey commercial building with café on the ground floor.

Figure 2 – Site Context



Source: Urbis

## 2.2.2. Wider Context

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 on the North Sydney LGA side of the Pacific Highway), 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. Key land uses in the vicinity of the site include:

- **The Forum:** Built over the St Leonards railway station, the Forum comprises 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 railway station, are within convenient walking distance of the site (approximately 100 metres). St Leonards railway station provides direct rail services to four primary employment areas: Macquarie Park, Chatswood, North Sydney and Sydney CBD.
- **Royal North Shore Medical Precinct:** Royal North Shore Hospital (RNSH) occupies an area of approximately 13 hectares on Reserve Road, St Leonards. The NSW Government has announced the redevelopment of the Herbert Street Precinct of the RNSH in May 2020, to ensure a world class health, education and wellness facility is available to serve the community well into the future. The indicative concept plan comprises a 60 storeys residential tower with a RL 274.5, a primary school, a short stay accommodation and commercial office.
- **Commercial offices:** A fringe of low grade office buildings (one block deep) front the Pacific Highway and west of the railway line. A more focused 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 residential apartments. There have been no new multi-level commercial-only buildings constructed in the centre for over a decade.
- **Emerging mixed use development:** While recognised as an important employment precinct, the land use character of St Leonards is evolving to support a greater diversity of uses including residential apartments above commercial uses which are predominantly located within podiums.

Recent development has redefined the character of St Leonards town centre and this will continue to evolve over the coming years in line with State Government policies, including the 2036 Plan. New high density development has been approved as illustrated in Table 1. Higher density development is also envisioned for the Pacific Highway corridor, between St Leonards railway station and new Crows Nest Metro station. Combined, these factors demonstrate a significant change in the existing character of the Centre, particularly with respect to its density and scale.

Table 1 – Local Development Trends

Site Address	Development	Building Height
2-4 Atchison Street	Approved mixed use building.	17 storeys
6-16 Atchison Street	Constructed mixed use building.	31 storeys
23-35 Atchison Street	LEP amendment gazetted.	56m 16 storeys
472-494, Pacific Highway	2 x mixed use buildings now completed.	36 and 28 storeys (2 towers)
500, 504-520 Pacific Highway	Under construction, mixed use building.	44 storeys
575-583 Pacific Highway	LEP amendment gazetted.	56m
617-621 Pacific Highway	LEP amendment gazetted.	175m, 50 storeys
1-13A Marshall Street	Constructed residential flat building.	29 storeys

7-11 Albany Street	Approved mixed use building.	13 storeys
16 - 100 Christie Street	Planning Proposal. Gazetted.	132m 36 storeys
82-90 Christie Street, 546-564 Pacific Highway + 71-70 Lithgow Street	Under Construction - Approved 2 x residential towers and a 16 storey commercial office building	Tower 1 – 47 storeys Tower 2 – 26 storeys Tower 3 – 14 storeys
Crows Nest OSD	Concept Development Application - post exhibition phase.	1 x 21 storey tower (RL 180 including lift overruns) 1 x 17 storey tower (RL 158 including lift overruns) 1 x 9 storey tower (RL 132 including lift overruns)
46 Nicholson Street, St Leonards	Planning Proposal for a commercial building lodged with Lane Cove Council in July 2020.	32 storeys Increase current floor space ratio to 16.45:1
601 Pacific Highway, St Leonards	2036 nominated height and density uplift	42 Storeys

## 2.3. SURROUNDING ROAD, RAIL & BUS NETWORK

### 2.3.1. Rail

The site is located 250m east of St. Leonards Station. Trains connecting St. Leonards Station and the Sydney CBD provide a frequent and quick service. The train line also connects residents and workers to Berowra in the north and Parramatta in the west.

### 2.3.2. Sydney Metro

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north west and Bankstown in the south west. The site is located approximately 400m from the Crows Nest Metro Station to the southeast. Early works for Crows Nest Metro Station began in March 2017, with service operation set to commence in 2024. Trains will depart every 4 minutes, connecting St. Leonards and Crows Nest to the Sydney CBD in 7 minutes.

The station will create a new transport focus within the St. Leonards commercial core and Crows Nest neighbourhood. The metro will provide much needed infrastructure to revitalise the area and to generate a night-time economy, including increased connectivity to other nearby strategic centres, within the global economic arc.

### 2.3.3. Road

The site is located close to Pacific Highway. The Pacific Highway connects Sydney's north western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

### 2.3.4. Bus

Several bus routes provide frequent services along the Pacific Highway. North and south bound bus stops are located opposite the site. Buses connect the site with the North Sydney CBD, Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

### 3. BACKGROUND & PRE-LODGMET CONSULTATION

In March 2019, ahead of the NSW state election, when it was mooted there may be a potential freeze on future planning proposals, a Planning Proposal was submitted to Council for the site. That Planning Proposal sought to facilitate a 51 storey tower (177m) and a maximum site FSR of 24.5:1. The Planning Proposal was withdrawn, in order to work proactively with Council whilst having regard to the work being undertaken by DPIE on the draft 2036 Plan.

The proponent has engaged with North Sydney Council extensively, with the aim to reach agreement on the proposed scale of a revised development scheme, given Council's strategy identifies the site as a tall tower site, however with no guidance as to Council's preferred building height.

Council engagement timeline is summarised below:

- **4 July 2019** – Pre-lodgement package submitted to Council and meeting with Council strategic planning officers.
- **29 August 2019** – Detailed response from proponent to pre-lodgement meeting minutes addressing the built form/overshadowing matter to Ernest Place, including overshadowing analysis methodology from COX Architecture. The response also requested dialogue with Council to understand their public open space needs to understand what the proposal can offer or contribute towards.
- **27 September 2019** – Architect meeting with strategic Council planner and urban designer, at COX Architecture's office, which confirmed that the baseline topographic information and methodology employed by COX Architecture for solar modelling is accurate to inform the solar impact assessment. The meeting confirmed acceptance that recent LEP built form changes on nearby site (617-621 Pacific Highway) will cast shadow onto Ernest Place after 3pm
- **15 October 2019** – Letter to Council requesting another-pre-application meeting.
- **23 October 2019** – The proponent and Urbis met with Senior Council officers to discuss the proposal, its impacts on Ernest Place solar and explore how the proponent and Council could work collaboratively to advance a proposal.
- **4 December 2019** – Proponent emails Council officer the Holtermann Place redevelopment vision, prepared by COX Architecture, as part of a proposed public benefit offer for the planning proposal.
- **11 December 2019** – Proponent meets with Council to discuss the Holtermann St car park vision and VPA offer. Council officers suggest the proponent requests a briefing presentation to Councillors on the Planning Proposal and in particular, the concept to expand Ernest Place with the creation of Holtermann St car park public space.
- **19 December 2019** – Letter issued to the General Manager of Council requesting a briefing with Councillors on the Planning Proposal and public benefit offer.
- **23 January 2020** – Letter received from Acting Manager of Strategic Planning, on behalf of General Manager, denying our opportunity to brief Councillors.

Following the series of engagement outlined above, a Planning Proposal was lodged with Council on **29 May 2020**. The intended outcome of the planning proposal was to allow the following changes to planning controls:

- Establish a maximum height of 169m (48 storeys); and
- Establish a maximum FSR of 24.5:1, with a minimum non-residential FSR of 3:1.

Prior to lodging the Planning Proposal, COX Architecture undertook detailed overshadowing modelling of future potential tower forms of the site. The terrain levels and modelling were verified by North Sydney Council. The modelling confirmed that the proposed slender 48 storey tower could satisfy the Draft 2036 Plan solar protection provisions of: *"no additional overshadowing in winter between 10am to 3pm at Ernest Place."*

The 48 storey tower form would however create a minor shadow impact on part of Ernest Place starting from 3.30pm to 4pm from approximately May to July. This impact was not consistent with Council's; Crows Nest Placemaking & Principles Study, which seeks to restrict overshadowing of Ernest Place up until 4pm at any time of the year.



The effect of complying with Council's; Crows Nest Placemaking & Principles Study provision would mean the tower could only reach a maximum of 28 storeys. This is inconsistent with the recommended building height in the 2036 Plan and would result in an underutilisation of one of only 4 identified Tall Tower sites. It would also not sufficiently incentivise the amalgamation project to proceed.

In **August 2020**, the draft 2036 Plan was finalised by DPIE. The final plan removed the Significant Site designation on site and replaced it with specific built form controls in the form of maximum building height, maximum FSR and minimum non-residential FSR.

The built form controls in the 2036 Plan are:

- A maximum height of 35 storeys; and
- A maximum FSR of 11.5:1, with a minimum non-residential FSR of 3:1.
- A range of assumed building setback controls from the street and above podium.

The project team, led by Cox Architecture, examined the built form controls applying to the site together with the underlying set of assumptions applied in the 2036 Plan (given by the senior DPIE officers).

The work from Cox Architecture revealed that the FSR applied to the site is significantly below what is achievable for a 35 storey tower, and the correct FSR for the 35 storeys tower should be 13.6:1.

If applying alternate assumptions such as, converting balconies to wintergardens (as per the current lodged planning proposal) to optimise apartment amenity in response to local wind and noise conditions, the FSR would increase further.

#### **Current Approved DA**

It should be noted that the site already has an approved FSR of 11.09:1 (under DA187/13), which was approved prior to the strategic planning of the Metro. The minor FSR uplift of 0.41 as detailed in the 2036 Plan will undermine the strategic objectives of the site and will not achieve a transit oriented development (refer to Figure 3).

#### **Request for Ministerial Direction**

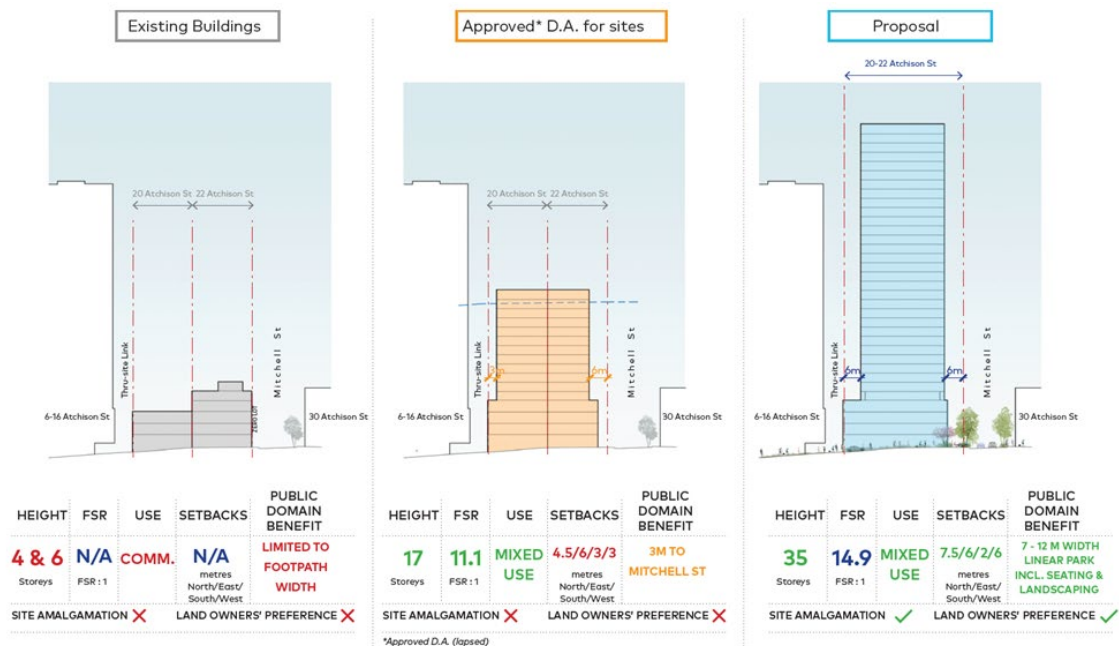
Following a meeting with Council and DPIE, a letter on behalf of the two landowners was sent to the Minister of Planning and Public Spaces on the 30 October 2020, expressing concerns with respect to the FSR control which do not work in unison with the 35 storey height control. No correspondence has been received in reply as yet.

Notwithstanding the above, the endorsement of the 2036 Plan triggers the need to amend the current planning proposal with Council to achieve a greater level of consistency with the 2036 Plan before Council re-commences its assessment.

Accordingly, this revised Planning Proposal has been prepared in response to the 2036 Plan and proposes a reduced height (35 storeys) and FSR (14.9:1), which is largely consistent with the recommended planning controls in the 2036 Plan, including building height in storey, street wall height, non-residential FSR, ground floor setback and solar protection. The departure from the overall FSR is the result of FSR discrepancy based on DPIE's assumptions applied in the 2036 Plan, and to achieve viable site amalgamation.



Figure 3 – Existing, approved and proposed building comparison



Source: COX Architecture

### 3.1. PREVIOUS DEVELOPMENT APPROVALS

A local Development Application (DA187/13) was approved by Joint Regional Planning Panel (JRPP) on the 17 December 2013 for:

*Stage 1 for construction of a 16 storey mixed use building with basement parking at 22-24 Atchison Street (Site A) and Stage 1 envelope concept approval for a 15 storey mixed use building with basement parking at 18-20 Atchison Street (Site B)*

This DA approved for a combined FSR of 11.09:1 for both lots and a maximum height of 59.13m to the top of plan. it should be noted that this application was approved prior to the strategic planning for Crows Nest Metro.

The approved setback along Mitchell Street was 4.5m and no public domain benefit was provided.

A subsequent Stage 2 local Development Application (DA93/14) was approved by JRPP on the 9 July 2014 for a 15 and part 16 storey mixed use building with basement car parking at 20 Atchison Street, St Leonards.

The building was approved for a height of 58.73m and a FSR of 8.97:1. The approved setback is described below:

- Setback to Atchison Lane:
  - Podium: 1.5m
  - Tower: 3m
- Setback to Atchison Street:
  - Ground: 3m
  - Podium: 0m
  - Tower: 3m
- Side Setback to 6-16 Atchison Street:
  - Ground: Articulated, part 2.35m, part 4.2m and part 6.95m
  - Podium: 0m
  - Tower: 3m (level 4-7) 3-6m (level 8- 14)

## 4. EXISTING PLANNING CONTROLS

### 4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The North Sydney Local Environmental Plan 2013 (NSLEP 2013) is the principal Environmental Planning Instrument governing and guiding development within North Sydney LGA. The NSLEP gazetted on 13 September 2013.

#### 4.1.1. Zoning

Under the NSLEP 2013 the site is zoned B4 Mixed Use as illustrated in Figure 4. Table 2 details the zone objectives and land use permissibility.

Figure 4 – NSLEP 2013 Zoning Map

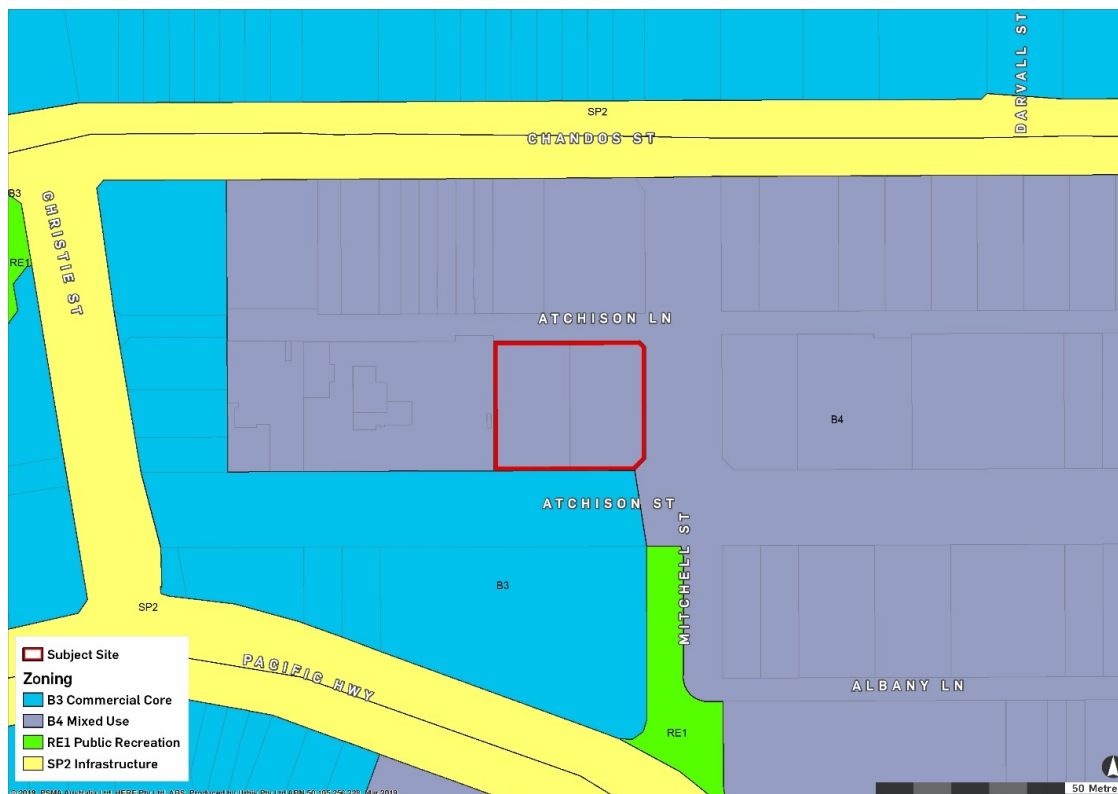


Table 2 – B4 Zone objectives and permissibility

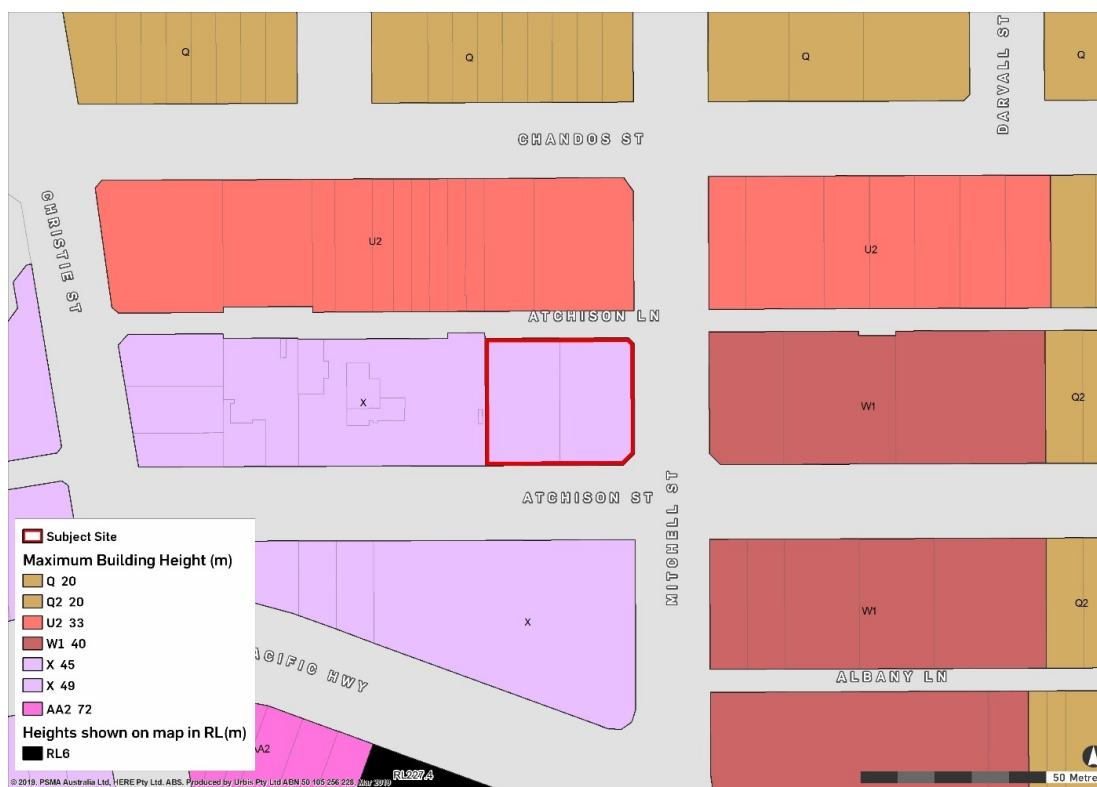
Zone objectives	<p><i>To provide a mixture of compatible land uses.</i></p> <p><i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i></p> <p><i>To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.</i></p> <p><i>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.</i></p>
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<b>Permitted without consent</b>	<i>Nil</i>
<b>Permitted with consent</b>	<i>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</i>
<b>Prohibited</b>	<i>Any development not specified in item 2 or 3</i>

#### 4.1.2. Maximum Height of Buildings

The site is subject to maximum building height control of 49m under the SNLEP 2013 as illustrated in Figure 5.

Figure 5 - NSLEP 2013 Height of Buildings Map



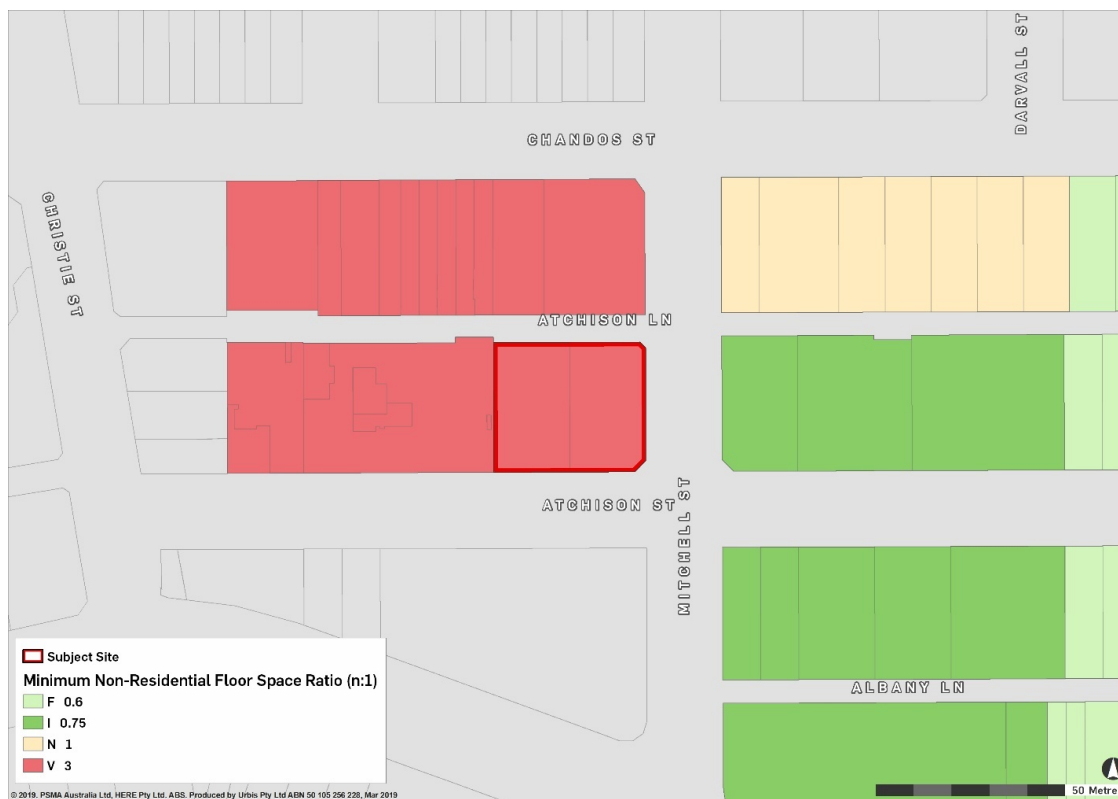
#### 4.1.3. Floor Space Ratio

The site is not encumbered by a maximum floor space ratio under the SNLEP 2013.

#### 4.1.4. Non-residential Floor Space Ratio

The site is subject to minimum non-residential floor space ratio of 3:1 under the NSLEP 2013 as illustrated in Figure 6. Under clause 4.4A, the consent authority must be satisfied that the development will deliver an active street frontage.

Figure 6 - Minimum non-residential floor space ratio



## 5. INDICATIVE DEVELOPMENT OUTCOME

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development in a location envisioned for density uplift by Council and DPIE. The future redevelopment will create a mix of residential dwellings and an enhanced commercial floor space offering in a strategically valuable location within the centre.

The proposal does not seek to amend the current B4 Mixed Use zone and is retaining the minimum non-residential FSR of 3:1 under the NSLEP 2013. The proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to allow uplift on the site as follows:

- Establish a site-specific height control, with maximum height of 127m; and
- Establish a site-specific FSR control, with a maximum FSR of 14.9:1 (as shown in Figure 29).
- Include a site specific special provision to accommodate additional residential gross floor area for future winter gardens (if required).

### 5.1. INDICATIVE CONCEPT SCHEME

An Urban Design Report, incorporating an indicative development concept scheme by COX Architecture supporting the Planning Proposal is attached in Appendix A.

The indicative concept scheme demonstrates how the site could be redeveloped in a manner that is largely consistent with the controls sought under the 2036 Plan, including building height in storey, non-residential FSR, street wall height, ground floor setback and solar protection. The proposal envisions a mixed-use development with basement car parking, retail tenancies at the ground level and commercial office within the podium levels. Residential apartments are contained within the slender tower above the podium form.

The Indicative Concept Design has the potential to create a truly active public domain through the provision of a site through link to the west, expanding and extending the Mitchell Street plaza public domain, and continuing street activation along Atchison Street. It also provides an opportunity to deliver flexible commercial tenancies and residential apartments in a core transport node close to jobs, services and amenities.



Figure 7 – Artist Impression



Source: COX ARCHITECTURE

Key numerical details of the Indicative Reference Scheme are provided in Table 3.

Table 3 – Key Numeric details

Element	Depicted in the Indicative Concept Design
Land uses	<p>Ground floor retail tenancies</p> <p>Commercial office space and co-working space on mezzanine level and podium levels</p> <p>Residential apartments</p> <p>Residential communal facilities</p>
Indicative yield <i>(these yields are based on the indicative test fit design presented in the Urban Design Report)</i>	<p>4,258m<sup>2</sup> non-residential GFA</p> <p>16,193m<sup>2</sup> residential GFA excluding wintergarden</p> <p>Indicative: 193 residential apartments</p> <p>97 car parking spaces</p>
Gross Floor Area (GFA) Total	20,451m <sup>2</sup> residential GFA
Floor Space Ratio (FSR)	<p>14.9:1</p> <p>A site specific special provision is also proposed, in recognition of the likely requirement to require the enclosure of balconies into winter gardens when detailed wind modelling is carried out at the development application stage. The provision</p>

Element	Depicted in the Indicative Concept Design
	establishes a maximum residential GFA of 18,060sqm in recognition of the additional calculable GFA that would arise in that event.
Non-residential floor space (FSR)	3:1:1
Built form	Four storey podium Tower above podium
Building Height	127m (35 Storeys)

## 5.2. DESIGN CONSIDERATIONS

The conceptual building envelope and design strategy have been specifically tailored to respond to the site opportunities and the surrounding evolving urban character.

The key guiding principles that have informed the building profile are discussed below.

- **Amalgamation of two sites to achieve the 'Tower Site' potential:** Both landowners have been working co-operatively to unlock the potential of the site. The delivery of the 'Tower site' and public domain improvements along Mitchell Street can only be achieved with the amalgamation of these two sites
- **Street Activation and Mitchell Street Green Public Domain:** Provide continuous active and green edges to Mitchell Street and Atchison Street, including the extension and expansion to the Mitchell Street Plaza. The through-site link to the west is activated by retail and outdoor seating area, creating a vibrant laneway and encourage 'eyes on the street'.
- **Urban renewal:** Facilitate the mixed-use redevelopment of the site and upgrade the existing commercial and retail offering to contribute to employment generation on the site. Facilitate the creation of 193 residential apartments on the site, contributing towards North Sydney Council housing target.
- **Slender tower:** The Indicative Concept Design comprises a residential tower with a gross buildable area (GBA) of 692sqm, which achieve a slender tower above a well-proportioned, articulated podium.
- **Emerging skyline:** Respond and design to the changing context of the St. Leonards skyline around the site. Design a slender tower form and a lower scale podium extending underneath the tower consistent with the building storey height of the 2036 Plan. Modulate the built form to retain views and solar access to surrounding properties whilst creating a height, bulk and scale that is commensurate with the future desired character of St. Leonards.
- **Responding to key sites character:** The site has been identified as a "Significant Site" to accommodate a tall tower form in the centre. The proposal positively responds to the emerging urban character of the immediate locality, which will comprise a cluster of tall slender towers that contribute to the core of the centre.
- **Solar Access:** Develop a slender tower form to create a fast-moving shadow which ensures that reasonable solar access to adjoining properties is retained, including significant open space, such as Christie Park and Newlands Park, heritage items or conservation areas.
- **Transport orientated development:** Capitalise on the unrivalled accessibility to future metro and existing rail and bus services by facilitating a multi-use development creating an attractive place for people to live or work.

## 5.3. BUILDING MASSING & KEY DESIGN ELEMENTS

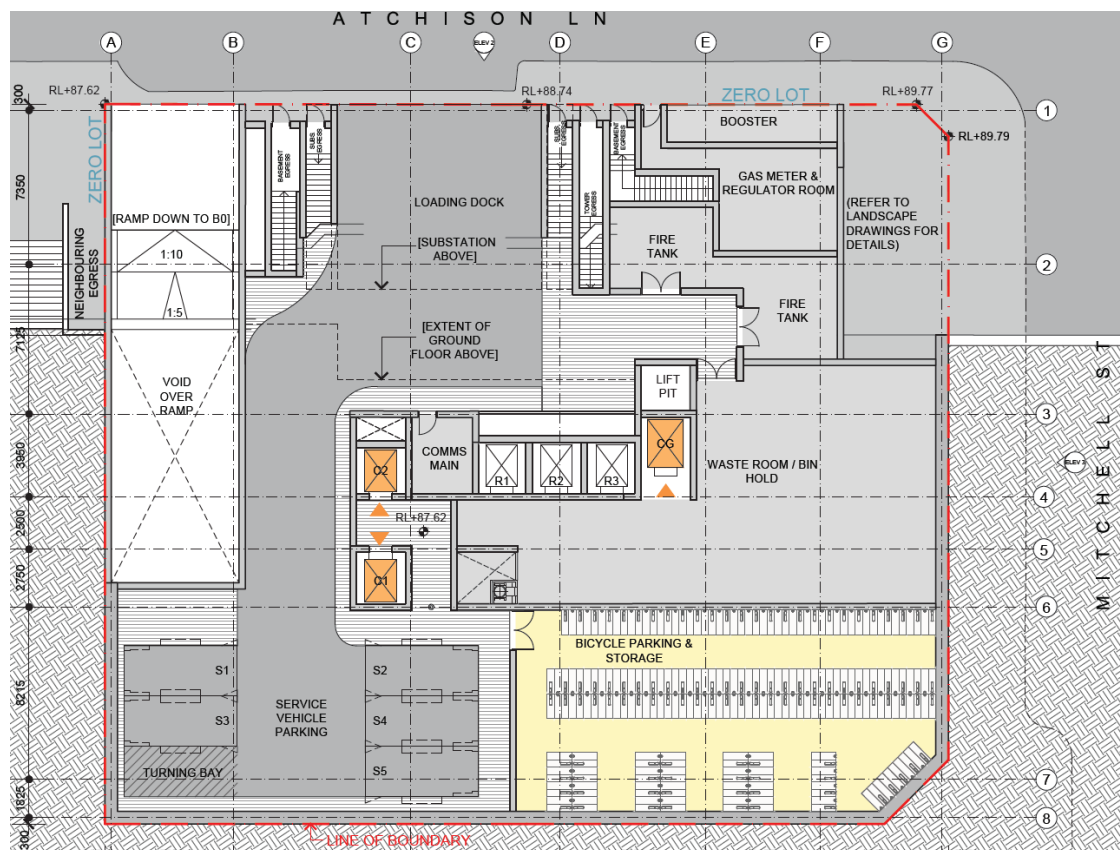
As detailed in the Urban Design Report (Appendix A), the future development of the site will be guided by the following key design elements.



## Basement

All back of house and ancillary spaces are located at basement level, well separated from the main pedestrian areas on the surrounding streets to minimise blank, un-activated frontages. The Indicative Reference Design includes the provision of approximately 97 parking spaces within the basement, which complies with the maximum allowable number of spaces permitted under the NSDCP 2013.

Figure 8 - Indicative Lower Ground Floor Plan – basement level 1



Source: COX ARCHITECTURE

## Ground and Mezzanine level

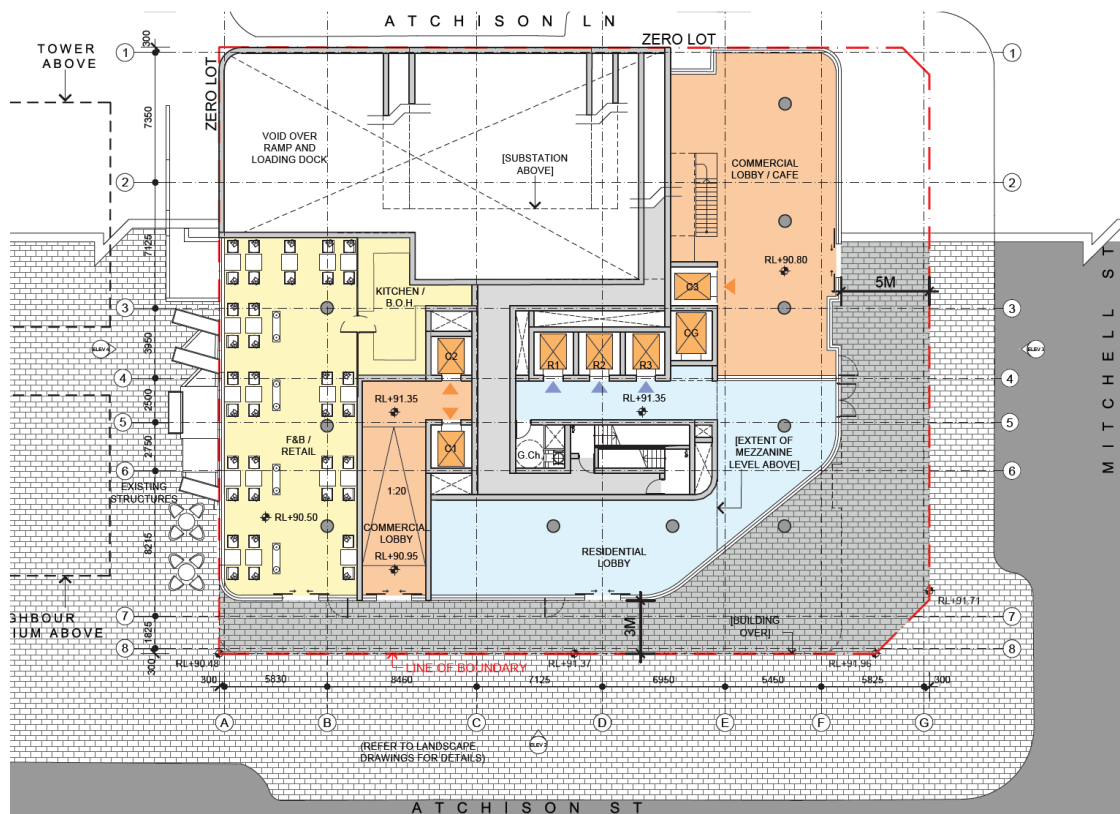
The ground and mezzanine level are setback 3m from Atchison Street and 5m from Mitchell Street, which is consistent with the ground floor setback in the 2036 Plan. The Mitchell Street setback is more than Council's requirement to create a higher quality public plaza space.

The curved corner at the intersection of Atchison Street and Mitchell Street also creates a sense of arrival and opens up the predominance of the site.

Retail uses with outdoor sitting area are located to the western portion of the site, which will activate the site-through link between the subject site and the neighbouring Quest Hotel Apartment/Air Apartments.

Separate lobbies for residential and commercial uses and associated lift are located on the ground floor. They are centrally located off the Atchison Street and Mitchell Street frontages.

Figure 9 – Indicative Ground Floor Plan



Source: COX ARCHITECTURE

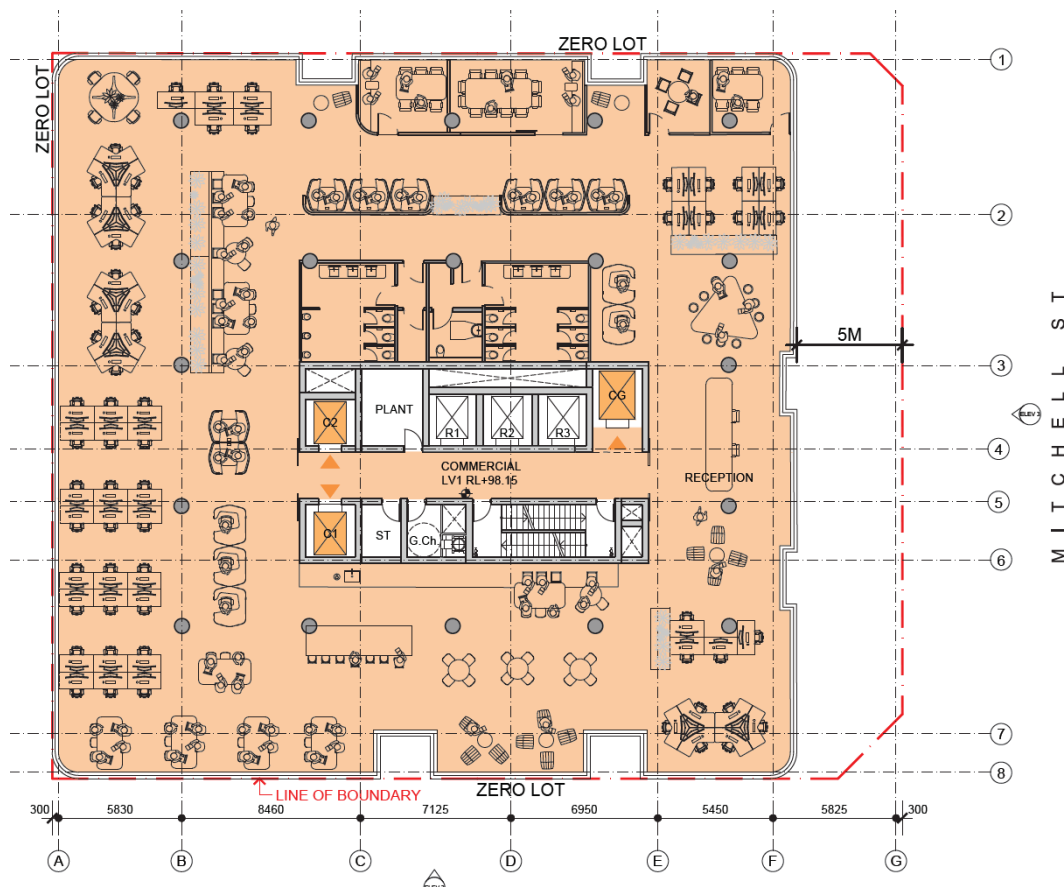
## Podium Form

Podium level 1 to level 3 have nil setback to Atchison Street and Atchison Lane and continues the 5m setback Mitchell Street.

The podium form has a four-storey street height to Atchison Street, drawing from the height datum of existing forms and celebrating its prominent corner location. While along Mitchell Street, the generous setback to improve pedestrian amenity and provide opportunity for public domain works on the street level.

The podium levels primarily accommodate non-residential uses, which may include commercial office space (see Figure 10).

Figure 10 – Indicative podium level floor plan – levels 1 to 3



Source: COX ARCHITECTURE

## Upper Tower Form

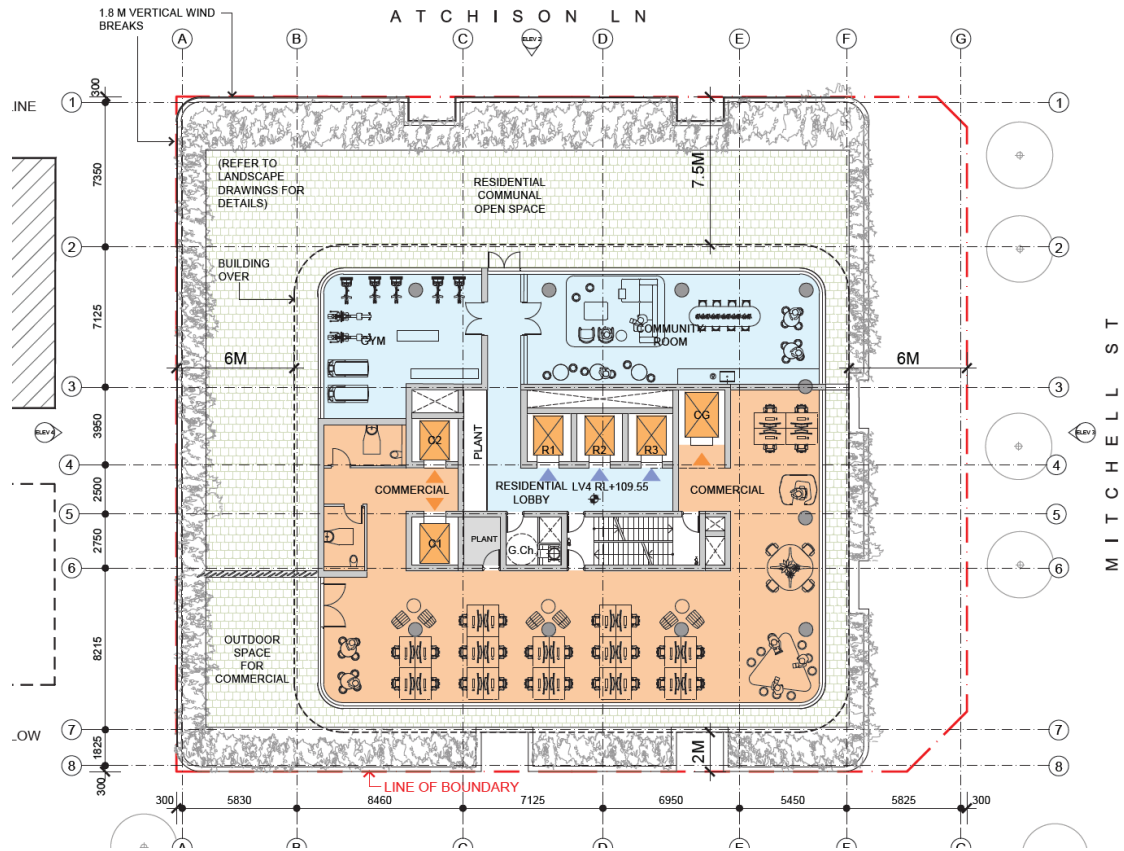
The tower form starts at level 4, which comprises commercial use along Atchison Street and residential communal open space located towards the rear of the site (see Figure 10).

The tower is setback 6m to the west and 7.5m to Atchison Lane, to provide sufficient separation distance from adjacent residential developments. The tower is also setback 6m from Mitchell Street and 2m from Atchison Street.

The residential tower reaches a maximum building height of RL 214.55 (to the top of the roof plant). Each unit is provided with winter gardens to maximise residential amenity and to mitigate high wind impact in accordance with the recommendations in the preliminary wind assessment. The requirement for winter gardens will be confirmed by detailed wind tunnel modelling undertaken at development application stage.

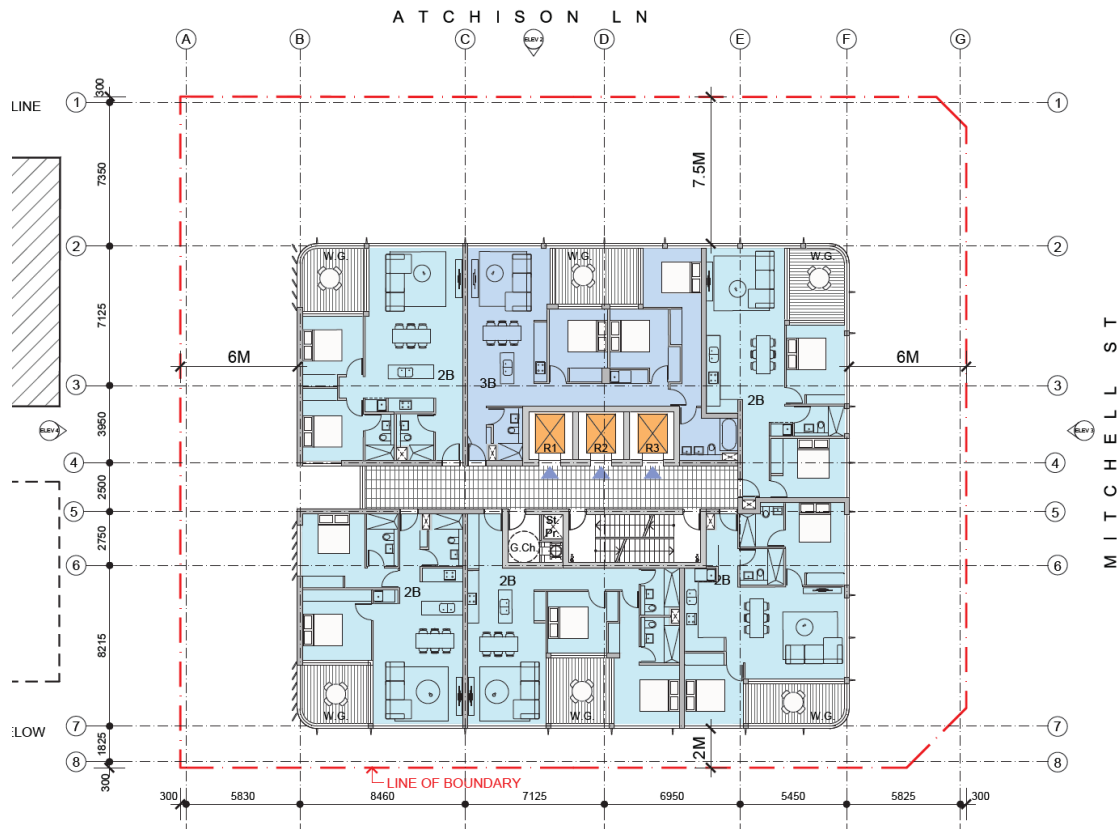
The indicative design for the tower floor plate is provided below at Figure 12.

Figure 11 – Indicative level 4 communal open space plan



Source COX ARCHITECTURE

Figure 12 - Indicative tower floor plan



Source: COX ARCHITECTURE

## Site Access

Vehicular access to the site will be provided via Atchison Lane as per the existing arrangements. This driveway will provide access to both the on-site basement car park and loading dock.

The proposal also includes five service vehicle bays, and a loading bay accessed via Atchison Lane, which can be used for Council waste collection vehicles. This loading dock area can be used for commercial/retail purposes and also be used for large removalist trucks servicing the residential component of the site.

Primary pedestrian access is from Atchison Street and Mitchell Street. Retail tenancies can also be accessed via the site through link between the site and 6-16 Atchison Street, enhancing the interface between two developments.

## Landscaping and Public Domain

A Landscape Design Report prepared by Oculus accompanies the Planning Proposal and is attached at Appendix B. The core design principles underpinning the landscape concept for the site are:

- Connection + Continuity
- Increase Passive Recreation
- Promote Social Interaction and Activate Street Edge
- Maximise Solar Access
- WSUD and Urban Greening

The proposed ground level landscape is anticipated to make a positive contribute on the way in which the community will use the public space around the site. Public domain landscaping is proposed to enhance the Council upgrade works along Mitchell Street and Atchison Street. These are described below.

### **Public Domain**

The public domain around the site will be enhanced through (see Figure 13):

- Improved sight-lines and simplified grade change to improve pedestrian orientation and way finding.
- Activation of building edges to Mitchell Street and extension to Mitchell Street Plaza. The Mitchell Street setback is more than Council's DCP requirement and will create a higher quality public plaza with a total width of 12m.
- Site through link to the west of the site that provides opportunity for retail alfresco dining and flexible outdoor spaces.
- A range of public seating is proposed including benches, seating edges and smaller gathering and building entry spaces, encouraging people to occupy and enjoy.
- Linear tree plantings are provided along the streetscape to create shade, wind protection and a strong visual link down Atchison Street and Mitchell Street Plaza. Creating a green street as envisioned by the 2036 Plan.
- Low level planting at street level is proposed to soften and define the outdoor space.
- Opportunities for public art and the integration of vegetation with the building to enhance idea of 'Linear Park'.
- Visual connections from the ground floor public domain to the gardens above and green wall on the building facade.

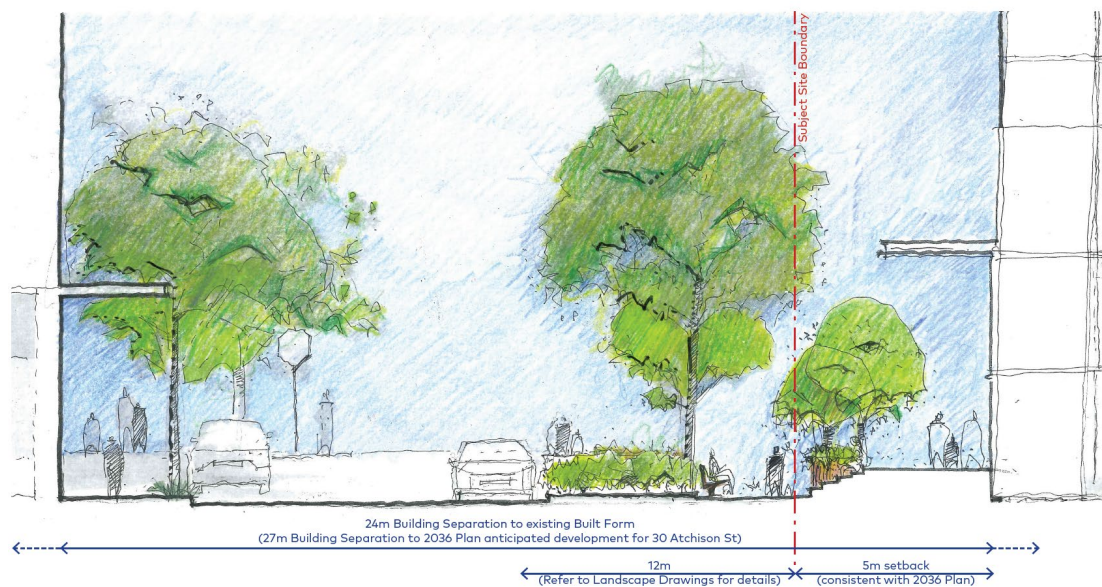
All of these aspects of the landscape concept design will contribute to the continued evolution of St Leonards' public spaces as an identifiable and iconic local space, with a nighttime economy and flexible public meeting spaces.

### **Communal Open Space**

Communal open space is provided at levels 4 (see Figure 13). The communal opens space incorporates peripheral landscaping, outdoor gathering space, communal outdoor kitchen and vertical climbing structures, to provide high quality communal open space for future residents.



Figure 13 - Landscape Concept



Section A through Mitchel Street looking north

Indicative Public Domain Plan



Indicative Communal Open Space Plan

Source: Oculus



## 6. PLANNING PROPOSAL ASSESSMENT

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A with consideration of DPIE's *A guide to preparing Planning Proposals* (December 2018).

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.

Discussion for each of the above parts is outlined in the following chapters.

## 7. PART 1 - OBJECTIVES & INTENDED OUTCOMES

### 7.1. OBJECTIVES

The primary objective of the Planning Proposal is to amend the NSLEP building height and FSR control to enable built form density uplift to facilitate the desired site amalgamation outcome on the site.

The proposed change to build form controls will deliver a contextually appropriate building form as envisaged by the 2036 Plan. No change to the current B4 Mixed Use zoning is proposed.

The proposed amendments to NSLEP 2013 have the following objectives of enabling future development:

- Facilitate the amalgamation of the two sites into a single development opportunity;
- Realise the development potential of this Significant Site envisaged by both the Council's 2015 Plan and the endorsed tower form control in the 2036 Plan;
- Encourage development activity in identified key locations in St Leonards, supporting the evolution of a diverse mixed-use precinct and contributing to a rejuvenation of St Leonards town centre;
- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial, retail to co-locate close to railway and metro stations; and
- Integrate the site with the broader area through improvements to public domain spaces and streetscape activation. Provide high quality publicly accessible spaces at the ground level, which activate Atchison Street and the Mitchell Street and the provision of a new site through link to the west.

### 7.2. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to establish planning controls that will incentivise the amalgamation and redevelopment of the site into a single mixed-use tower form.

This is proposed through the following changes to the NSLEP 2013:

- Amend the NSLEP 2013 Height of Buildings Map to provide an amended building height control of 127m across the site.
- Amend the NSLEP2013 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 14.9:1 across the site.
- Include a site specific special provision to accommodate additional residential gross floor area for future winter gardens (if required):

#### **Clause 6.19C Development at 20-22 Atchison Street, St Leonards**

*(1) This clause applies to land that is identified as "Area 1" on the FSR Map and comprises the land in:*

*20-22 Atchison Street, St Leonards (Lot 1 DP740017 and Lot 120 DP564606)*

*(2) Despite Clause 4.4, if detailed wind tunnel modelling requires enclosing balconies for the upper level residential units to create winter gardens to achieve necessary environmental amenity outcomes, the total gross floor area for the residential use component of the development must not exceed 18,060sqm inclusive of winter gardens.*

*(3) This clause is only applicable if winter gardens are required for a future development.*

The proposal retains the current B4 Mixed Use zone and the minimum non-residential FSR of 3:1 under the NSLEP 2013.

## 8. PART 2 - EXPLANATION OF PROVISIONS

### 8.1. LAND TO WHICH THE PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at 20-22 Atchison Street, St Leonards. The landholdings are legally described as Lot 1 DP740017 and Lot 120 DP564606.

### 8.2. PROPOSED LEP AMENDMENTS

This section is to be read in conjunction with Section 10 of this Planning Proposal, which contains the proposed amended LEP Maps for maximum building height and floor space ratio.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013. The proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone.

### 8.3. BUILDING HEIGHT

It is proposed that a 127 metre maximum height control be applied to the site, consistent with the building storey control in the 2036 Plan. This outcome can be achieved by amending the existing *Height of Buildings Map Sheet HOB\_001* of NSLEP to reflect this maximum height, as shown in Figure 28.

### 8.4. FLOOR SPACE RATIO

There is no existing FSR control applicable to the site.

It is proposed that a maximum FSR of 14.9:1 applied to the site. This outcome can be achieved by amending the existing *Floor Space Ratio Map FSR\_001* of NSLEP 2013 as shown in Figure 29.

Whilst the proposed FSR is inconsistent with the recommended FSR in the 2036 Plan, the variation is appropriate and justified on the following grounds:

- As outlined in this report and communicated to Council and DPIE, the FSR figure in the 2036 Plan is not correct when applied to a 35 storey tower.
- Applying the assumptions used by DPIE to develop building envelopes for sites in the plan, the corresponding FSR for the site at 35 storeys should equate to 13.6:1
- It should be noted that the site already has an approved FSR of 11.09:1 (approved under DA187/13), which was approved prior to the strategic planning of the Metro. The minor FSR uplift of 0.41 in the 2036 Plan will undermine the strategic objectives of the site and will not achieve a transit oriented development.

The proposed small increase of FSR from 13.6:1 to 14.9:1 is justified on the following grounds:

- With a maximum gross buildable area (GBA) of 692sqm, it is still a very slender tower, and less than the 750sqm GBA recommended for tower sites in Council's St Leonards/Crows Nest Planning Study – Precinct 2 & 3 (2015 Plan).
- The street and podium building form complies with the 2036 controls. The tower form complies with the setbacks to the north, east and west with residential interfaces. The southern setback is inconsistent with current North Sydney DCP control and has been reduced to 2m to the commercial office building (IBM tower). However, the tower can still achieve a 24m building separation to the south. Built form and setback is further discussed in section 9.3.1.
- There is no discernible additional environmental impact such as visual, view, shadow, traffic and privacy arising from the increased FSR. Environmental impact is discussed in section 9.3 of the report

#### 8.4.1. Site specific special provision

Furthermore, the proposal also proposes to include a site specific special provision to accommodate additional residential floor space for future winter gardens (if required). Based on the preliminary wind assessed undertaken by SLR of the concept design, winter gardens are recommended for residential units above level 5 to mitigate high wind impact and maximise residential amenity.

Once the LEP amendments are finalised, the site would be subject to detailed architectural design as part of the development application process. Subject to detailed wind tunnel modelling at development application stage, if winter gardens are required it will contribute towards additional GFA.

If the additional GFA was added to the calculable FSR at Development Application stage, we envisage concern from Council that the floorspace for enclosed balconies is added to the building envelope through reduced setbacks. Additionally, the proponent would prefer not to seek a clause 4.6 variation to a brand new FSR control, given it could erode confidence of some in the community about the planning process.

Therefore, the special provision clause is proposed to allow for the inclusion of winter gardens without the need for a clause 4.6 variation request.

The special provision clause will read as follows:

**Clause 6.19C Development at 20-22 Atchison Street, St Leonards**

*(1) This clause applies to land that is identified as "Area 1" on the FSR Map and comprises the land in:*

*20-22 Atchison Street, St Leonards (Lot 1 DP740017 and Lot 120 DP564606)*

*(2) Despite Clause 4.4, if detailed wind tunnel modelling requires enclosing balconies for the upper level residential units to create winter gardens to achieve necessary environmental amenity outcomes, the total gross floor area for the residential use component of the development must not exceed 18,060sqm inclusive of winter gardens.*

*(3) This clause is only applicable if winter gardens are required for a future development.*

## **8.5. NON-RESIDENTIAL FLOOR SPACE**

The site is currently subject to a minimum non-residential floor space of 3:1. The proposal does not seek to amend the current minimum non-residential floor space under the NSLEP 2013.

## 9. PART 3 - JUSTIFICATION

### 9.1. NEED FOR THE PLANNING PROPOSAL

#### ***Q1 - Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?***

**Yes.** The proposal is consistent with the 2036 Plan and adopted Local Council Strategic Plan for St Leonards as detailed below.

#### **St Leonards Crows Nest 2036 Plan (2036 Plan)**

The draft 2036 Plan was exhibited from 14 October 2018 until 8 February 2019. In August 2020, a final 2036 Plan was endorsed by DPIE.

The final 2036 Plan had significant changes for the site. It removed the Significant Site designation on site and replaced it with specific built form controls in the form of maximum building height in storeys, maximum FSR and minimum non-residential FSR.

Table 7 of this report details how the Planning Proposal largely aligns with the 2036 Plan, and how the proposal has adopted the built form parameters in the 2036 Plan.

#### **St Leonards/Crows Nest Planning Study – Precinct 2 & 3 (2015 Plan)**

North Sydney Council adopted 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 (2015 Plan) in May 2015. A key outcome of the 2015 Plan was to identify opportunities to harness public benefits that can be gained from increased development density within St Leonards, specifically, support for additional housing near St Leonards train station with tall towers considered in the centre precinct.

The site was nominated as a ‘tall building’ site within Precinct 2. Precinct 2 was identified in the 2015 Plan as *“the high density commercial and mixed use area immediately east of the St Leonards train station”*.

While the 2015 Plan detailed the site as a ‘tall building’ site, it did not set a height limit, instead inviting the landowners of such sites to submit site-specific Planning Proposals to Council for individual consideration, having regard to the design criteria for tall buildings outlined in the 2015 Plan.

It should be noted that the built form controls outlined in the 2036 Plan supersedes this plan. Unlike the 2015 Plan, the 2036 Plan is the State government endorsed strategic document providing specific planning controls to guide future planning of the precinct. We note much of the design criteria from the 2015 plan has been adopted in the 2036 Plan, for completeness, Table 8 includes an assessment of the additional controls that were not included in the 2036 Plan.

More detail about the Planning Proposal’s alignment with this local study and its design criteria is detailed in Table 8.

#### ***Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

**Yes.** Without an amendment to the statutory planning controls, the Indicative Concept Design for the site cannot be achieved and the associated public benefits would not be realised.

Given this, a range of statutory measures to give effect to achieving the objectives of the Planning Proposal the following alternative scenarios were considered however were not pursued as the best means to achieve the intended outcome.

- Lodging a Development Application under the current NSLEP controls
- ‘Do nothing’ – wait for future NSLEP 2013 update

#### **Development Application**

Lodging a Development Application was considered as the current B4 zone permits a mixed use development incorporating residential, retail and commercial uses. However, the current LEP maximum

building height control only permits a height of 49 metres (approximately 16 storeys) and a minimum non-residential FSR of 3:1. These controls are now considered obsolete and not reflective of the local and state strategic planning direction for the site and thus would constitute an under-development of a strategically valuable site.

The strategic direction of the site is to accommodate a 36 storey tower. A Development Application could be submitted with a Clause 4.6 variation to the building height control. There are however limitations to the practical application of this clause to vary the height development standard. As the current height control is highly restrictive, it would not be appropriate nor would we expect that legal powers exist within the intent of the clause to be used to support such a significant height increase. Consequently, this option was not pursued.

#### **Do nothing - NSLEP Update**

We understand North Sydney Council has been awarded the funding for LEP acceleration as one of the priority Councils to undertake LEP review within two years. Council was required to have a draft North Sydney LEP submitted to the GSC/Department of Planning by June 2020. A range of housing, employment and associated studies have commenced to inform the updated LEP.

A Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020. The LSPS guides the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and supports Council's consideration and determination of any proposed changes to the development standards under the LEP (via Planning Proposals). The Final Local Housing Strategy is currently being reviewed by the Department and pending approval. Council's Housing Strategy recognises that a significant proportion of its future housing growth will come from the St Leonards Centre.

More importantly, the objective of the 2036 Plan was to initiate Planning Proposals to amend the site's existing statutory planning controls to allow development to occur over the 15-year timeframe. It will be the responsibility of each relevant Council or proponents to progress planning proposals through amendments to their respective local environmental plans to give effect to the built form recommendations in the 2036 Plan.

However, the pending LEP amendments will not include any built form uplift for St Leonards given the delayed timing of the finalisation of the 2036 Plan. That being the case, there is no likelihood of Council LEP planning control changes for the site commencing for at least 4-5 years from now, at best. Accordingly, it was determined not necessary to wait for the preparation of the LEP amendments.

In summary, Council is preferring proponents to submit planning proposals to seek amendments to the LEP controls having regard to the 2036 Plan. The Planning Proposal is largely consistent with the built form controls of the final 2036 Plan and is consistent with the strategic direction of the 2036 Plan, so there is no reason to wait.

Therefore, a site specific Planning Proposal will not prejudice any strategic planning studies, and the Planning Proposal is consistent with the local vision outlined in the LSPS as discussed in Table 9 and the 2036 Plan discussed in Table 7.

## **9.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **9.2.1. Guide to Preparing Planning Proposals – Assessment Criteria**

The Planning Proposal demonstrates both strategic and site-specific planning merit in accordance with Part (a) of the Assessment Criteria in the *DPIE's Guide for Preparing Planning Proposals*.

Table 4 below contains an assessment of the Planning Proposal against the Guide.

Table 4 – Guide for Preparing Planning Proposals Assessment Criteria

<b>Assessment Criteria</b>	<b>Response</b>
<i>Does the proposal have strategic merit? Will it:</i>  <i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public</i>	Yes.  Refer to the section below addressing Question 3.

<i>comment; or site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	
<i>give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans</i>	Yes.  Refer to the Section below addressing Question 4.
<i>Does the proposal have site-specific merit, having regard to the following:  the natural environment (including known significant environmental values, resources or hazards), and</i>	Yes  Refer to Question 7 in Section 9.3
<i>the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal, and</i>	Yes.  Refer to Question 8 in Section 9.
<i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i>	Yes.  Refer to Question 10 Section 9.4

**Q3 - Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

**Does the proposal have strategic merit?**

**Yes.** The Planning Proposal is consistent with the objectives and actions of applicable strategies, demonstrating the strategic merit of the site. This is demonstrated through the Planning Proposal's alignment and consistency with the following:

- Greater Sydney Region Plan (see Table 5)
- North District Plan (see Table 6)
- St Leonards Crows Nest 2036 Plan (see Table 7)
- St Leonards/Crows Nest Planning Study – Precinct 2 & 3 (2015 Plan) (see Table 8)
- North Sydney Local Strategic Planning Statement (LSPS) (see Table 9)
- Future Transport Strategy

**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
<b>Direction 1: A City supported by Infrastructure</b>	
<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 proposed mix of commercial, retail and residential land uses provides a diverse land use, which will ensure the public transport infrastructure is further optimised.</p> <p>As per the Traffic Report in Appendix D, the potential increase in traffic is negligible and is not envisaged to affect the existing intersection performances adversely. Any future development in line with the Planning Proposal would be responsible for a small increase in peak hour traffic flows along surrounding key roads. Due to the small increase in development traffic, it is expected that surrounding key roads will continue to operate in the same way.</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>
<b>Direction 2: A Collaborative City</b>	
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	<p>St Leonards Strategic Centre is recognised 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"> <li>▪ Amalgamation of two sites to fully achieve the 'Tower Site' potential. Both landowners have been working co-operatively for a long period of time to unlock the potential of the site. The delivery of the 'Tower site' will facilitate the delivery of a 5 metre wide publicly accessible open space along Mitchell Street to create a continuous linear park. This public domain contribution can only be achieved with the amalgamation of these two sites</li> <li>▪ Renewal of this site for a mixed-use development 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.</li> <li>▪ The community will be enhanced through providing residential land uses in proximity to services, and as the population grows, government expenditure will increase.</li> <li>▪ The proposal is consistent with the Design Criteria and the area wide design principles outlined in the 2036 Plan. Detailed assessment is contained in Table 7.</li> </ul>
<b>Direction 4: Housing the City</b>	



Greater Sydney Region Plan	Planning Proposal Response
<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"> <li>0-5 year target (2016-2021): <b>25,950 additional homes</b>;</li> <li>20-year (2016-2036): <b>92,000 additional homes</b>.</li> </ul> <p>This zone already permits residential housing. This Planning Proposal seeks to facilitate a greater number of dwellings on this strategically located site in the St. Leonards centre.</p> <p>Approximately 193 new dwellings could be achieved on-site as illustrated in the Indicative Concept Design. This outcome would positively contribute towards achieving the housing targets for the North District.</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 heritage buildings. The concentration of density within walking distance of two public transport nodes is considered an appropriate location for additional housing.</p>
<b>Direction 5: A City of Great Places</b>	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>The Planning Proposal incorporates a Landscape Concept Design that offers public domain and landscaping details along Atchison Street, Mitchell Street and the site through link to the west. Together they create new useable open space for public benefit.</p> <p>The proposed linear tree plantings will create shade, wind protection and a strong visual link down Mitchell Street to the Plaza, extending the public domain upgrade works envisioned by Council. More importantly the landscaped street achieves the 'green street' vision envisioned in the 2036 Plan.</p> <p>Low level planting at street level is proposed to soften and define the outdoor space. Street furniture, outdoor seating and dining area is also proposed along Mitchell Street and within the site through link. These works enhance the public domain, creating places for people to gather and enjoy.</p> <p>The Indicative Concept Design also proposes high quality gathering spaces associated with residential communal open space on the podium levels.</p>
<b>Direction 6: A well connected City</b>	
<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 maintenance of</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>commercial floorspace on the site safeguards the commercial offerings into the future.</p> <p>The proximity of the site to existing and planned transport options will assist in promoting walkable cities as well as be attractive to commercial tenants. The provision of mixed-use development incorporating residential and office uses, is important in providing jobs close to home, and optimising the employment self-containment levels in the LGA.</p> <p>For these reasons, this proposal supports this objective.</p>
<b>Direction 7: Jobs and skills for the City</b>	
<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>The provision of flexible commercial space in this Planning Proposal could support growth in medical and allied health industry companies wishing to locate close to the Royal North Shore Hospital.</p> <p>The commercial floorplate is designed to accommodate flexible office arrangement and enterprise style working, such as <i>WeWork</i> type employment. This would promote diversity in industries and provide variety of job opportunities. Alternatively, the space would suit small to medium local enterprises and support employment containment in the LGA.</p> <p>Specifically, this Planning Proposal would result in a number of direct economic benefits, during the construction stage and the ongoing operations. Based on the estimated construction cost of \$120 million, 250 full time construction jobs and a further 500 indirect supply chain jobs will be created, totalling 750 jobs.</p> <p>Further detail about the economic impacts and benefits is provided in Section 9.4.</p>
<b>Direction 8: A city in its Landscape</b>	
<p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p>	<p>The Planning Proposal provides opportunity to further contribute to the public domain upgrade works including:</p> <ul style="list-style-type: none"> <li>Activation of building edges to Mitchell Street and extension to Mitchell Street Plaza. The 5 metre Mitchell Street setback is more than Council's current requirement to create a higher quality public plaza space.</li> <li>Linear tree plantings are provided along the streetscape to create shade, wind protection and a strong visual link down Atchison Street and Mitchell Street Plaza. The landscaped street achieves the 'green street' vision envisioned in the 2036 Plan.</li> <li>A range of public seating is proposed including benches, seating edges and smaller gathering spaces, linking and expanding Mitchell Street Plaza to the north of the site.</li> </ul>

Greater Sydney Region Plan	Planning Proposal Response
	<ul style="list-style-type: none"> <li>Site through link to the west of the site that provides opportunity for retail alfresco dining and flexible outdoor spaces.</li> </ul> <p>Further detail about the enhanced public open space and public domain outcomes is provided in Section 5 and 9.3.1 of this report.</p>
<b>Direction 9: An Efficient City</b>	
<i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	<p>The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options given its proximity to public transport and located within walking distance of the St Leonards train station and future Crows Nest Metro 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> <p>Further, sustainability measures would be explored in any future redevelopment of the site.</p>

### North District Plan (2018)

The site is located within North District of Greater Sydney. The North District Plan reflects the broader vision of 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 total job target of 54,000-63,500 by 2036, representing 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 – Planning Proposals alignment with the North District Plan

North District Plan	Planning Proposal Response
<p><b>N1. Planning for a city supported by infrastructure</b></p> <p><b>N12. Delivering integrated land use and transport planning and a 30-minute city</b></p>	<p>The Planning Proposal leverages the new Crows Nest metro to plan for the population growth of St Leonards. 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>The site is ideally located in just a short walking distance to the future station. The Planning Proposal provides additional employment and housing in close proximity to transport services and jobs. The proposed mix of land uses will support the growth of St Leonards and the new Metro services.</p>

North District Plan	Planning Proposal Response
<b>N5. Providing housing supply, choice and affordability, with access to jobs and services</b>	The Planning Proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets. The Proposal can assist in meeting the housing targets identified for North Sydney under the District Plan and will assist in achieving greater housing supply, a mix of housing types and affordability.
<b>N9. Growing and investing in health and education precincts</b>	The District Plan recognises that the main aim being to grow jobs in complementary health services and existing education facilities.
<b>N10. Growing investment, business opportunities and jobs in strategic centres</b>	By amalgamating the site, the commercial space offering is optimised in its size and utility.
<b>N13. Supporting growth of targeted industry sectors</b>	The provision of flexible commercial space in this Planning Proposal can therefore accommodate office space needs for a range of businesses including medical and health industries.  Contemporary and flexible employment space is a focus for the proposed commercial space, to promote diversity in industries and provide variety of job opportunities.  Further detail about the economic impacts and benefits is provided in section 9.4.

### St Leonards Crows Nest 2036 Plan (2036 Plan)


The following table details how the Planning Proposal aligns with this Plan, by responding to the area wide vision and adopting the built form parameters for the site.

Table 7 – Achieving the outcomes of St Leonards Crows Nest 2036 Plan

2036 Plan	Planning Proposal Response	Compliance
<b>Area wide design principles and design criteria</b>		
<b>Place:</b>  <i>Site specific vision: Tree lined green street along Mitchell Street</i>	<p>The site has been identified as a site for height and density uplifts, where emerging tall towers and confined within this central area and marks the centre of St Leonards. The Planning Proposal responds to this by proposing a height that is consistent with the recommended height for the site, and a scale that is generally consistent with the density control and is comparable to the emerging tall tower forms in St Leonards.</p> <p>By proposing a tall tower within the designated uplifts sites, existing low and medium density developments can be retained surrounding the Centre, to the north and southeast.</p> <p>The Proposal will activate the site through the creation of a site through link to the west, and the streetscape activation along Mitchell Street and Atchison Street, which will extend the Mitchell Street Plaza to the north and create a safe, inclusive public domain environment.</p> <p>The 5m setback to Mitchell Street also creates opportunities for landscaping and tree canopy planning, achieving the vision of a green street.</p>	Yes

2036 Plan	Planning Proposal Response	Compliance
	Refer to Section 9.3.1 for the built form and context assessment and Section 9.3.2 for visual impact assessment.	
<b>Landscape</b>  <i>Site specific vision: Tree lined green street along Mitchell Street</i>	<p>A wide 5m street setback is provided along Mitchell Street enabling additional street landscaping and street furniture to create an extended and connected public domain to Mitchell Street Plaza.</p> <p>Landscaping is provided through the ground floor of the site and on the podium communal open space areas. A green wall is also proposed on the building elevation to soften the façade and create a green outlook.</p> <p>The landscaping proposed around the site street boundary is able to achieve the green streets envisioned in the 2036 Plan.</p> <p>Landscape Concept Plan attached at Appendix B and section 5.3 discusses proposed landscaping treatments in detail.</p>	Yes
<b>Built Form</b>  <i>Site specific vision: high density between stations</i>	<p>The site is nominated as a site for high density uplift between St. Leonards and Crows Nest stations. The height of the proposed envelope is consistent with the 2036 Plan and the creation of 'twin peaks' of tower forms in the centre. The variation from the overall FSR is the result of the identified discrepancy largely based on DPIE's assumptions applied in the 2036 Plan, and to achieve viable site amalgamation.</p> <p>The proposed built form responds to the desired character and built form principles for high density sites. By proposing a tall transit-oriented development in between the cores of the town centres, whilst largely maintaining solar access to public open space areas.</p> <p>Building design provides high quality on-site amenity. The proposed built form envelope responds to the street width and desired character by providing ground and upper level setbacks and awnings to achieve a human scale at street level.</p>	Yes
<b>Land Use</b>  <i>Site specific vision: high density between stations</i>	<p>The proposal optimises the opportunity of a transit-oriented development located on a site between St. Leonards and Crows Nest Station.</p> <p>Retail use and lobby on the ground floor will activate the streetscape along Atchison Street and Mitchell Street frontages. The site through link along the western boundary will also enhance existing pedestrian link and improve its function and attractiveness.</p> <p>The residential component of the development will contribute a range of apartment types to facilitate household diversity and will reinforce the predominant land use character in the centre.</p> <p>The site amalgamation optimises the utility and flexibility of the commercial floorspace, and suitable to accommodate a range of business types and sizes, protecting employment uses on site.</p>	Yes
<b>Movement</b>	<p>The site's proximity to public transport will provide convenient opportunities for residents and employees to use public transport, thereby reducing private vehicle trip movements.</p>	Yes

2036 Plan	Planning Proposal Response	Compliance
	<p>The Proposal also provides public domain improvement works, which will provide safe and well-designed laneway and pedestrian pathway to encourage walkability.</p> <p>The activation and landscape design along Mitchell Street also connect the site to Mitchell Street Plaza and provides connection through public domain space.</p> <p>End of trip facilities are provided within the basement, to encourage more people to walk and cycle to work.</p>	
<b>Built Form Parameters of The Site</b>		
<b>Building storey height</b>		
35 storeys	The proposal proposes 35 storeys tower consistent with the building storey height in the 2036 Plan.	Yes
<b>FSR</b>		
Total site FSR: 11.5:1	<p>It is proposed that a maximum FSR of 14.9:1 applied to the site. This outcome can be achieved by amending the existing Floor Space Ratio Map FSR_001 of NSLEP 2013 as shown in Figure 29.</p> <p>The proposed FSR is inconsistent with the recommended FSR in the 2036 Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>As discussed earlier, a study of the 2036 built form controls revealed that the FSR applied to the site is significantly below what is achievable for a 35 storey tower, and the correct FSR for the 35 storeys tower should be 13.6:1.</li> <li>The 13.6:1 FSR achieves a maximum gross buildable area (GBA) of 625sqm, which is significantly smaller than the 750sqm GBA recommended for tower sites in Council's 2015 Plan.</li> <li>The site already has an approved FSR of 11.09:1 (approved under DA187/13), which was approved prior to the strategic planning of the Metro. The minor FSR uplift of 0.41 in the 2036 Plan will undermine the strategic objectives of the site and will not achieve a transit oriented development.</li> <li>The proposed FSR of 14.9:1 accounts for both the built form and GFA discrepancies.</li> <li>This FSR will achieve a commercially viable development for the amalgamated site. It also achieves a tower form that complies with the tower setbacks to the north, east and west. The 1m reduction in the setback to the site still however enables a 24m building separation to the IBM commercial office tower, and therefore is considered acceptable.</li> </ul>	Non-compliant

2036 Plan	Planning Proposal Response	Compliance																														
	<div><div><div>2036 Plan - Compliant FSR</div><div><table><thead><tr><th>HEIGHT</th><th>FSR</th><th>TOWER GBA</th><th>TOWER SETBACKS</th><th>PRIVATE OPEN SPACE</th></tr></thead><tbody><tr><td>29</td><td>11.5</td><td>625</td><td>7.5/8/3/6</td><td>OPEN BALCONIES</td></tr></tbody></table><div>Stores: FSR: 1</div><div>SITE AMALGAMATION VIABILITY: <span style="color: red;">✗</span></div><div>The DRIE's 2036 Plan nominated FSR (11.5: 1) and maximum height (29m) do not achieve the prescribed tower height. This does not offer the two separate land owners an incentive to amalgamate both sites and pursue a joint proposal. Individual DA's would achieve the same FSR. The GBA of the floorplate is significantly under (1.13%) N.S. Council's recommendation of 750m<sup>2</sup> for tall towers in the same precinct.</div><div>COMMERCIAL VIABILITY: <span style="color: red;">✗</span></div><div>LAND OWNERS' PREFERENCE: <span style="color: red;">✗</span></div></div></div><div><div>2036 Plan - Maximised Height</div><div><table><thead><tr><th>HEIGHT</th><th>FSR</th><th>TOWER GBA</th><th>TOWER SETBACKS</th><th>PRIVATE OPEN SPACE</th></tr></thead><tbody><tr><td>35</td><td>13.6</td><td>625</td><td>7.5/8/3/6</td><td>OPEN BALCONIES</td></tr></tbody></table><div>Stores: FSR: 1</div><div>SITE AMALGAMATION VIABILITY: <span style="color: red;">✗</span></div><div>The DRIE's nominated maximum height for the site (35m) breaches the DRIE's 2036 Plan FSR control (11.5: 1) with the same floorplate as the 29m compliant option. The GBA of the floorplate is significantly under (1.13%) the 750m<sup>2</sup> recommendation for tall towers in the same precinct.</div><div>COMMERCIAL VIABILITY: <span style="color: red;">✗</span></div><div>LAND OWNERS' PREFERENCE: <span style="color: red;">✗</span></div></div></div><div><div>Proposal</div><div><table><thead><tr><th>HEIGHT</th><th>FSR</th><th>TOWER GBA</th><th>TOWER SETBACKS</th><th>PRIVATE OPEN SPACE</th></tr></thead><tbody><tr><td>35</td><td>14.9</td><td>700</td><td>7.5/6/2/6</td><td>WINTER GARDENS*</td></tr></tbody></table><div>Stores: FSR: 1</div><div>SITE AMALGAMATION VIABILITY: <span style="color: green;">✓</span></div><div>The FSR departure from the DRIE's nominated 11.5: 1 would deliver the site amalgamation and a commercially viable proposal while complying with the remaining controls highlighted in the DRIE's 2036 Plan.</div><div>* Special L&amp;P provision to enable winter gardens if required.</div><div>COMMERCIAL VIABILITY: <span style="color: green;">✓</span></div><div>LAND OWNERS' PREFERENCE: <span style="color: green;">✓</span></div></div></div></div> <div><p>Furthermore, the proposal also incorporates a site specific special provision to enable additional residential floor space to accommodate future winter gardens (if required). Based on the preliminary wind assessed undertaken by SLR, winter gardens are recommended for residential units above level 5 to mitigate high wind impact and maximise residential amenity.</p><p>Subject to detailed wind tunnel modelling at development application stage, if winter gardens are required it will contribute towards additional GFA. Therefore, the special provision clause is proposed to allow for the inclusion of winter gardens avoiding the need for a clause 4.6 variation request to vary the FSR control.</p></div>	HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE	29	11.5	625	7.5/8/3/6	OPEN BALCONIES	HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE	35	13.6	625	7.5/8/3/6	OPEN BALCONIES	HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE	35	14.9	700	7.5/6/2/6	WINTER GARDENS*	
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Non-residential FSR: 3:1	<p>The proposal proposes 4,258sqm of non-residential GFA which equates to 3.1:1 FSR.</p> <p>The floor space is provided at the podium levels. This includes retail and commercial uses. The provision of a mix of non-residential uses support much needed contemporary employment space geared towards a range of industries, with greater diversity of uses and provide significant benefits to the public through greater services and activities.</p>	Yes																														
Setback																																
5m setback from Mitchell Street	<p>A 5m setback to Mitchell Street is provided at the ground floor to level 3.</p> <p>The additional setback is to provide wider public domain spaces and a future linear park while crafting a generous interface with the public domain.</p> <p>Level 4 and above are setback 6m from Mitchell Street to maintain residential privacy.</p>	Yes																														
3m reverse setback from	A 3m setback to Atchison Street is provided at the ground floor.	Yes																														



2036 Plan	Planning Proposal Response	Compliance
Atchison Street		
0 setback to Atchison Lane	<p>Nil setback is provided to Atchison Lane from ground floor to level 3.</p> <p>A 7.5m setback is provided for the communal roof garden on level 4 and the residential tower above to maintain compliant ADG separation distance to the residential building north of the site.</p>	Yes
<b>Street wall height</b>		
4 storey street wall height	<p>Ground level is setback 3m from Atchison Street and is setback 5m from Mitchell Street.</p> <p>Levels 1 to 3 is built to the Atchison Street boundary and setback 5m to Mitchell Street.</p> <p>The proposal comprises a four storey podium, with a four storey street wall (with ground floor setback) along Atchison Street and a four storey street wall (with consistent 5m setback) along Mitchell Street.</p> <p>The four storey street height to Atchison Street is consistent with the height datum of existing built forms and celebrating its corner location. While along Mitchell Street, the generous consistent setback creates opportunity for public domain works on the street level.</p> <p>The curved corner at the intersection of Atchison Street and Mitchell Street also creates a sense of arrival and opens up the predominance of the site.</p> <p>The surrounding built forms contributes to key datum lines along the street frontages, which has been considered when designing the podium of the building.</p> <p>On Mitchell Street, consistent 5m podium setback is provided, which assist in creating a large public domain space, highlighting the connection and hierarchy of the future Mitchell Street linear park and improves pedestrian amenity on the street level.</p> <p>The proposal establishes a consistent podium datum line that aligns to future developments on 601 Pacific Highway to the south and 39-41 Chandos St to the north. The proposed podium expression allows for a smooth transition up the slope towards Mitchell Street Plaza.</p> <p>The proposed podium design also establishes a connection between 6-16 Atchison Street and 30 Atchison Street along Atchison Street, by aligning the upper two levels of the podium with the neighbour datum lines. The tower portion of the building detaches itself and increases building separation to enhance its slenderness. In addition, the tower level sets back from the podium and provides an enhanced communal open space for residents oriented to the north for extensive sunlight access, while providing a visual break from the tower bulk to the podium expression.</p>	The proposed podium design is consistent with 2036 Plan and is aligned with podium datum lines of adjacent buildings.



2036 Plan	Planning Proposal Response	Compliance
	<p>The proposed podium design can demonstrate an appropriate relationship to adjacent building.</p> <p>Built form and podium design is further discussed in Section 9.3.1 of the report.</p>	
Meet solar height planes	<p>Solar access is assessed in accordance with the solar height plane map and is discussed in Section 9.3.5 of the report.</p> <p>In terms of Mitchell Street Plaza, any new compliant tower development on the site will have an impact. The proposal envelope has a minor impact on Mitchell Street Plaza however that is offset by providing large public domain space on the ground floor, enhancing solar access provision to new future public open space along the site's frontage.</p>	Refer to Section 9.3.5.

### Future Transport Strategy 2056

The *Future Transport 2056 Strategy (2018)* (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 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.

The site is well placed to gain from the future transport network, including the Crows Nest Metro and St. Leonards train station, through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

The Planning Proposal leverages from the future and existing St Leonards and Crows Nest Stations, which will see higher frequency metro transport offering to move more people more quickly.

Any future redevelopment of this key site has the potential to contribute to and enhance walking and cycle connections between the stations.

### **Q4 - Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

#### **St Leonards/Crows Nest Planning Study – Precinct 2 & 3 (2015 Plan)**

The subject site is situated within Precinct 2 which is identified in the 2015 Plan as a high density commercial and mixed-use area. The 2015 Plan envisages that the subject site will be redeveloped to accommodate a 'tall building' within St Leonards Centre, provided an amalgamated 2-site proposal is presented.

Landowners of tall building sites identified on Map 6C of the 2015 Plan were invited to submit schemes to Council's City Strategy Division with a proposed height and floor space ratio and is required to demonstrate consistency with the 'tall building' site principles.

It should be noted that the built form controls outlined in the 2036 Plan effectively supersede this plan. The 2036 Plan is the State government endorsed strategic document to guide the future planning for the precinct.

We note much of the design criteria from the 2015 plan has been adopted in the 2036 Plan, however for completeness, the following table includes an assessment of the additional controls that were not included in the 2036 Plan.

Table 8 – Achieving the outcomes of the St Leonards/Crows Nest 2015 Plan

Design Criteria	Planning Proposal Response	Compliance
Relate to a parcel of land with a minimum street frontage of 20 metres	This site is unique in that it has three street frontages, one to Atchison Street, Mitchell Street and the Atchison Lane, all in excess of 35 metres.	Yes
Relate to a parcel of land that does not isolate, sterilise or unreasonably restrict the development potential of adjacent parcels of land	<p>The Planning Proposal presents an amalgamated strategy to ensure there is no site isolation.</p> <p>The two adjoining landowners have been working co-operatively to unlock the potential of the site and to deliver a development with public domain improvements along Mitchell Street, which can only be achieved with the amalgamation of these two sites.</p> <p>The massing of existing development to the west and north and future built form to the south has been assessed, including privacy separation. The proposal also takes into consideration the emerging scale of the neighbouring sites.</p> <p>The site has also been identified as a tall building site, therefore the Proposal is comparatively consistent in height and scale with other tall towers in the precinct.</p> <p>The proposed built form also considers the amenity of surrounding developments in relation to solar access and privacy. This is discussed in detail in Section 9.3.5.</p> <p>Further, the proposal does not rely on access from adjoining lands.</p>	Yes
<p>Site specific Floor Space Ratio control having regard to the podium height and setback controls in Maps 6A and 6B:</p> <p>4-storey podiums</p> <p>3m ground level setback for 1 storey along Atchison Street</p> <p>3 metre whole of building setback to Mitchell Street</p> <p>3 metre setback above podium along Mitchell Street and Atchison Street.</p>	<p><u>Setback to Atchison Street:</u> The building is setback 3m to Atchison Street on the ground level which is compliant with the Atchison Street ground level/1 storey setback requirement.</p> <p>Nil setback is provided to Atchison Street on the podium levels and forms a four storey podium form, consistent with the design criteria.</p> <p><u>Building setback to Mitchell Street:</u> The building is setback 5m to Mitchell Street on ground level and podium levels. The additional setback aims to further enhance the public domain and ensure solar access is maintained at the extended Mitchell Street Linear Park.</p> <p><u>Tower setback:</u></p> <p>The tower is setback 6m to the east and west and 7.5m to the north consistent with the design criteria.</p> <p>The tower is setback 2m from the Atchison Street boundary, which is inconsistent with the design criteria. The 2m setback provides maximum ADG building separation of 24 metres to</p>	<p>Consistent with the intent of the setback requirement and the desired streetscape outlook, with improved pedestrian amenity along Mitchell Street.</p> <p>Built form and podium design is further discussed in Section 9.3.1 of the report.</p>

Design Criteria	Planning Proposal Response	Compliance
(street wall and ground setback controls are consistent in 2036 Plan)	<p>the anticipated 42 storey commercial development at 601 Pacific Highway (current IBM building).</p> <p>Overall, the residential tower provides ADG compliant separation distance to the north, east and south.</p> <p>The residential tower is setback 6m from the west, which provides maximum separation distance to the Quest Hotel Apartment/Air Apartments. This is considered to be acceptable, given Quest Hotel Apartment has not provided its share of building separation and has incorporated an external visual screen to its southern façade to manage privacy. This is consistent with DPIEs tower envelope assumption for the site and additionally, Council has also acknowledged in the Pre-DA that the site is a constrained site and therefore acceptable given measures to achieve privacy objectives for both properties.</p>	
If mixed use, the built form must result in a slender residential tower with a maximum gross buildable area (GBA) of 750m <sup>2</sup> , including balconies, above a well-proportioned, articulated podium.	The Indicative Concept Design comprises a residential tower with a GBA of 692sqm including balconies, which can achieve a slender tower above a well-proportioned, articulated podium	Complies
Maximum building width 40m with breaks and articulation encouraged on the elevations.	<p>At ground and podium level, the length of the building is approximately 23m along Atchison Street and approximately 33m along Atchison Lane.</p> <p>On the tower levels, the length of the building is 28m along Atchison Street and Atchison Lane.</p> <p>The various building setbacks at the ground floor, mezzanine level, podium level and the residential tower above creates an articulated built form.</p> <p>The Indicative Concept Design is considered acceptable given the size of the site, its prominence in terms of being a tall building site, and varied building width has been provided to provide articulation.</p>	Yes
Minimum separation distance 24m from other tall buildings (20m for minor portions of the building acceptable).	<p>The residential tower is setback 24m from the existing commercial office tower at 601 Pacific Highway, located to the south of Atchison Street.</p> <p>The residential tower is more than 27m from the future mixed use building at 617-619 Pacific Highway and 100 Christie Street to the west.</p> <p>To the north, the residential tower is setback 7.5m from the site boundary, which provides a total of 24m separation</p>	Building separation discussed in Section 9.3.1.

Design Criteria	Planning Proposal Response	Compliance
	<p>distance to the existing developments located to the north of Atchison Lane.</p> <p>Overall, the residential tower provides compliant separation distance to the north, east and south.</p> <p>The proposed residential tower is setback 6m to the west, which does not technically comply with the separation distance to Quest Hotel Apartment/Air Apartments adjoining the site to the west. This arises by the fact that the neighbouring building was approved and constructed with a greatly reduced setback from the common boundary. Council has also acknowledged in the Pre-DA that the site is a constrained site, given Quest Hotel Apartment/Air Apartments has not provided its share of building separation.</p> <p>In recognition of this constraint, the proposed design of primary living areas and private open space are oriented towards the north and south (away from Quest Hotel Apartment/Air Apartments) to mitigate privacy impact. The neighbouring building also has extensive external fixed privacy screens to limit direct overlooking across the subject site.</p> <p>Furthermore, the two sites are also physically separated by the proposed through site link, which is approximately 6m wide. The 6m setback and the laneway separation creates a total of 12m separation between Quest Hotel Apartment/Air Apartments and the proposed building, which provides sufficient separation distance given the existing constraint.</p> <p>The Indicative Concept Design is therefore considered acceptable given the above.</p>	
The cumulative impact of multiple towers on the public realm must be carefully considered through detailed overshadowing analysis.	<p>A shadow analysis has been prepared and is within the Concept Design Report and discussed in Section 9.3.5 of this report.</p> <p>Majority of the solar amenity controls in the 2015 Plan and the Crows Nest Placemaking &amp; Principles Study have been included in DPIE endorsed 2036 Plan. Where the solar amenity hours differs, e.g.. Ernest Place and Willoughby Road, the 2036 Plan takes precedence.</p>	Refer to Section 9.3.5 for detailed assessment.
Wind, sunlight and view impacts to be addressed.	<p>The Indicative Concept Design can mitigate wind impacts and protect sunlight and views of the sky through building separation, public domain interface and podium/ tower design.</p> <p>Refer to the following sections for detailed assessment:</p> <ul style="list-style-type: none"> <li>Section 9.3.6 for the Wind Assessment</li> </ul>	Yes

Design Criteria	Planning Proposal Response	Compliance
	<ul style="list-style-type: none"> <li>Section 9.3.2 for View Assessment</li> <li>Section 9.3.5 for solar access.</li> </ul>	
Provide high quality residential amenity outcomes.	<p>An assessment of the Indicative Concept Design shows that:</p> <p><u>Solar access</u>: 73% of apartments have access to a minimum 2 hours sunlight between 9am and 3pm in winter, complying with the ADG recommended level of compliance of 70%</p> <p><u>Natural ventilation</u>: 67% of units on levels 6 to 8 achieve natural cross ventilation complying with the ADG recommended level of compliance of 60%. As per the ADG, units above level 9 do not require natural cross ventilation.</p> <p>The achievement of key quantitative measures discussed in detail in Section 9.3.4 demonstrates that the proposed dwellings provide high quality residential outcomes.</p>	Yes
Include satisfactory arrangements to provide commensurate public benefits that support the proposed scheme	<p>A range of public benefits would be generated through the Planning Proposal, and further through the redevelopment of the site in accordance with the Indicative Concept Design, including:</p> <ul style="list-style-type: none"> <li>Significantly improved streetscape and public domain outcomes for the community – resulting in activated site through link to the west and improved public domain along Atchison Street and Mitchell Street for the enjoyment of the surrounding community.</li> <li>Renewal of a key site in the St Leonards town centre.</li> </ul>	Yes

### North Sydney Local Strategic Planning Statement (LSPS)

On 24 March 2020, Council adopted the North Sydney LSPS.

The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The LSPS guides the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and supports Council's consideration and determination of any proposed changes to the development standards under the LEP (via Planning Proposals).

The vision for St. Leonards states:

*"St Leonards will continue to play an important employment role befitting its "strategic centre".*

The Planning Proposal preserves employment land uses to guarantee St. Leonards as a strategic centre for the short, medium and long term. The Planning Proposal also supports Council's position to focus intensification of development in St Leonards Centre connecting the Crows Nest Metro Station and St Leonards Station.

The Planning Proposal can contribute to the visions and planning priorities outlined in the LSPS and this is demonstrated in Table 9 on the following page.

Table 9 – Consistency with North Sydney LSPS

Planning Priorities	Consistency
<b>Productivity</b>	
<i>P2: Develop innovative and diverse business clusters in St Leonards/Crows Nest</i>	<p>The future development of the site can provide for diversity in commercial floor plate, to appeal to a wide tenant market, which is significantly broader than what the current ageing buildings can provide. The consolidated commercial floorplates across the two sites will likely appeal to start-ups, creative industries, small local enterprises and the allied health industries.</p> <p>Furthermore, the future redevelopment of the site can contribute by providing new retail and entertainment opportunities on the ground floor, activating public domain and encourage vibrancy.</p> <p>Accordingly, this Planning Proposal can respond to Council's productivity objectives for St Leonards/Crows Nest precinct, by providing the opportunity to accommodate a growing and evolving economy, that supports skills growth, attracts investment and talent and fosters innovation and research.</p>
<i>P6: Support walkable centres and a connected, vibrant and sustainable North Sydney</i>	<p>The site is highly accessible to current and future public transport, which will optimise public transport usage and represent opportunities for land use density and diversity within a walkable distance to commercial, mixed-use and neighbourhood centres. Therefore, the location of the site and the proposed development would support Council's 30-minute city vision and is a logical location for increased density from a transit-oriented development perspective.</p> <p>By concentrating employment and housing growth in St Leonards centre, supports the desired integrated land use and transport model and also encourages walkable centres.</p>
<b>Liveability</b>	
<i>L1: Diverse housing options that meet the needs of the North Sydney community</i>	The Planning Proposal will broaden the range of housing choices provided in the LGA by accommodating residential apartments with a mix of apartment types to appeal to a wide range of household types from; single households, young professionals, small families, key education and health workers and downsizers.
<i>L2: Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community</i>	The public domain upgrades along Mitchell Street and to the west of the site supports this priority and contribute to a diverse and socially connected community.

#### **Q5 - Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

Yes.

The Planning Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as identified in Table 10.

Table 10 – Consistency with State Environmental Planning Policies

SEPP	Consistency
SEPP 55 Remediation of Land	<p>SEPP 55 provides the planning framework for the management of contaminated land in NSW.</p> <p>The site is currently zoned as B4 Mixed Use and is located in an urban environment. The site was granted with development consent for a mixed-use development (including residential use) onsite in 2013 (DA182/13). Site suitability and contamination was assessed as part of this development application and was deemed appropriate for the proposed mixed use development.</p> <p>Site condition has remained unchanged and the site is suitable for the proposal.</p> <p>If site investigation is required, it can be undertake at the DA stage.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The Indicative Concept Design has been designed and assessed against SEPP 65 and the accompanying Apartment Design Guide (ADG).</p> <p>Based on preliminary assessment, the following ADG requirements can be achieved:</p> <ul style="list-style-type: none"> <li>▪ The residential component consists of 193 apartments suited to a variety of lifestyles. An indicative dwelling mix is 1 bedroom (20%) 2 bedroom (71%) and 3 bedroom (9%) has been applied.</li> <li>▪ The residential floors have minimum ceiling heights to habitable rooms of 2.7 metres and 2.4 metres to non-habitable spaces. The floor to floor height is typically 3.1 metres.</li> <li>▪ Each apartment has access to a secure private open space such as a balcony or winter gardens with minimum areas of 8-12m<sup>2</sup> based on apartment size.</li> <li>▪ A minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter available to 73% of the apartments. Similarly, 67% of units on levels 5 to 8 are able to be naturally cross ventilated. These numbers exceed those prescribed by the ADG.</li> <li>▪ A communal open space that is 25% of the site area with a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</li> </ul> <p>Residential amenity is further discussed in Section 9.3.4. Ultimately, a further detailed assessment of SEPP 65 compliance would be undertaken at the DA stage.</p>

SEPP	Consistency
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The Indicative Concept Design has been designed with building massing and orientation that would facilitate future BASIX compliance, which will be documented in any future DA.</p>
SEPP (Infrastructure) 2007	<p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>While not specifically relevant to this Planning Proposal, future infrastructure works for the proposed development may require development consent in accordance with the SEPP.</p>

In addition, while not a SEPP, consideration have been given to Development Near Rail Corridors and Busy Roads – Interim Guideline.

The provisions of the interim guideline would need to be considered when assessing acoustic impacts associated with Pacific Highway. Suitable mitigation and management measures would need to be provided so that a satisfactory level of acoustic amenity can be achieved. This would be explored through the detailed design phase and assessed as part of a future DA.

#### **Q6 - Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?**

Yes.

The Planning Proposal has been assessed against the applicable Section 9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in Table 11.

Table 11 – Section 9.1 Compliance Table

Direction	Comment
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <p><i>encourage employment growth in suitable locations,</i></p> <p><i>protect employment land in business and industrial zones, and</i></p> <p><i>support the viability of identified strategic centres.</i></p>	<p>The Planning Proposal does not seek to change the B4 Mixed Use zone and retains the statutory minimum non-residential FSR requirement under NSLEP 2013. Therefore, the Planning Proposal seeks to retain employment generating land uses and upgrade to provide for more contemporary commercial space, thus is consistent with this Direction.</p> <p>The intention of the Planning Proposal is to optimise a development outcome onsite, by amending the built form controls to provide additional retail/commercial uses collocated with residential use.</p> <p>The economic benefits of the Planning Proposal include:</p> <ul style="list-style-type: none"> <li>▪ Providing for a broader variety of job types, including retail and commercial offices, which adds to the diversity of workers in the town centre</li> <li>▪ Inclusion of retail on the ground floor has the benefit of activating this important site in the town centre, adding to a</li> </ul>



Direction	Comment
	<p>sense of place and safety, activating the ground plane both day and night</p> <ul style="list-style-type: none"> <li>Ability to renew the commercial floor space for more flexible and modern office layout, including arrangements such as <u>WeWork</u> or similar, which creates a higher density of workers and differentiates St Leonards from nearby centres.</li> </ul>
1.2 Rural Zones	Not applicable
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
2.1 Environment 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 require to include provisions.
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
2.6 Remediation of Contaminated Land	<p>The site is currently zoned as B4 Mixed Use and is located in an urban environment. The site was granted with development consent for a mixed-use development (including residential use) onsite in 2013 (DA182/13). Site suitability and contamination was assessed as part of this development application and was deemed appropriate for the proposed mixed use development.</p> <p>Site condition has remained unchanged and the site is suitable for the proposal.</p> <p>If site investigation is required, it can be undertake at the DA stage.</p>
3.1 Residential Zones	The Planning Proposal is consistent with the Direction as follows:
(1) The objectives of this direction are:	
<i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i>	The Planning Proposal is seeking to broaden the range of housing choices provided in the LGA by establishing a mixed use development containing residential apartments with a mix of apartment types. The subject site is considered suitable to accommodate a high rise residential development, as it would

Direction	Comment
	meet residential amenity and locational criteria provided within the development and services provided around the site.
<i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i>	A mixed use development in this location would make efficient use of existing services and infrastructure. A B4 Mixed Use zone creates the potential to provide housing and to help meet infill housing targets, which reduce the need for land release on the metropolitan fringe. It also focuses new housing development in an identified urban renewal area, which benefits from excellent (existing and future) public transport service and improves accessibility.
<i>(c) to minimise the impact of residential development on the environment and resource lands.</i>	Optimising high density residential accommodation in a strategic centre will minimise impacts on the natural environment or resource lands as the precinct and sites are already developed.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	The Planning Proposal is consistent with the direction for the following reasons:
<p><i>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p>	<ul style="list-style-type: none"> <li>▪ The site exhibits excellent access to public transport, being within walking distance of the St Leonards train station and the future Crows Nest Metro Station, as well as existing bus services.</li> <li>▪ The increased density on the site also supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes.</li> <li>▪ The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency.</li> <li>▪ The provision of residential accommodation adjacent to key employment and transport nodes encourages a walkable neighbourhood.</li> <li>▪ The proposal would provide a new mix of employment opportunities (retail and commercial) within the North Sydney LGA, within close proximity to existing services and infrastructure.</li> </ul>

Direction	Comment
3.5 3.5 Development Near Regulated Airports and Defence Airfields	<p>The PANS-OPS surface is at 340m AHD and the RLSALT/RTCC horizontal surface at 214.55m AHD. The proposed maximum permanent structure height of 256.55m AHD, which is below the PANS-OPS and RTCC surfaces.</p> <p>The site is not in close proximity to Sydney Airport however it is affected by obstacle limitation surface of 156m AHD, and the proposal seeks to exceed the OLS. Accordingly, the provisions of clause (4) to this Direction apply.</p> <p>If the proposal penetrates the OLS, any future redevelopment would require referral as a 'controlled activity' to the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport seeking permission to amend the building height controls on the subject site. This will be required at the DA stage.</p> <p>AV Law has been engaged to provide aviation assessment, which was prepared for the previous Planning Proposal lodged in 2019. The assessment was based on a proposed building height of 263.45 AHD. This proposal has a height of 214.55AHD. Given this proposal has a lower height and there are no change to the aviation circumstance in the area, the 2019 conclusion remains valid and the proposal is capable of compliance. This is further discussed in Section 9.3.7.</p>
4.1 Acid Sulfate Soils	<p>There is no mapping of acid sulfate soils (ASS) by Council.</p> <p>Given the location of the site and ridge height, 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 as part of any future development application.</p>
4.2 Mine subsidence and unstable land	Not applicable
4.3 Flood prone land	Not applicable
4.4 Planning for bushfire protection	Not applicable
5.1 Implementation of Regional Strategies	Revoked
5.2 Sydney Drinking water catchment	Not applicable
5.3 Farmland of state and regional significance on NSW far north coast	Not applicable
5.4 Commercial and retail development along the Pacific Highway, North Coast	Not applicable

Direction	Comment
5.5 -5.7	Revoked
5.8 Second Sydney Airport: Badgery's Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within Question 3 discussed in Table 5 and Table 6.
5.11 Development of Aboriginal Land Council land	Not applicable
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 Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.
Direction 7.1 Implementation of A Plan for Growing Sydney  <i>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>A Plan for Growing Sydney</i> is now superseded.  The Planning Proposal gives effect to the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i> in accordance with Direction 7.1. The Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the <i>Greater Sydney Region Plan</i> . This is further discussed in Table 5 of this report.
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 Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Direction	Comment
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Table 7 details how the Planning Proposal aligns with this Plan, by responding to the area wide vision and adopting the built form parameters for the site.
7.12 Implementation of Greater Macarthur 2040	Not applicable

### 9.3. ENVIRONMENTAL, SOCIAL & 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 natural vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are 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.

#### 9.3.1. Built Form and Context

##### Surrounding Context

The skyline of St Leonards has begun its transformation with a number of tall buildings that was recently built, under construction or approved as shown in Figure 14 and outlined in Table 1. Surrounding sites will continue to undergo transformation over the coming years in accordance with the 2036 Plan vision, which the skyline will continue to evolve in St. Leonards Centre.

The proposed height is consistent with height in storey control set in the 2036 Plan, and the emerging context, including establishing a skyline relationship with 617-621 Pacific Highway (*labelled as site 3 below*) and developments located to the south of Pacific Highway (*labelled as sites 5, 6 and 7*). As shown on Figure 14, the proposal sits comfortably in the context of the cluster of towers in the St Leonards skyline.

The site would constitute the smallest tower among the nearby cluster of towers identified in the 2036 Plan, which range between 36 and 50 storeys.

The slender tower form (with a GBA of 692sqm) will reinforce the predominance of this corner site and the St. Leonards Centre, while mitigating the environmental impact on neighbouring buildings and the public domain.

In summary, the reduced 35 storey tower height and form will sit comfortably within the tower cluster precinct, well below some future building envisaged buildings. The proposed height is consistent with the future desired character of the St. Leonards Centre and contextually merges with the cluster of future tower skyline,

Figure 14 – Proposed Development in the existing and emerging context



Source: COX ARCHITECTURE

### Podium Design

The surrounding built forms (existing and future) contributes to key podium datum lines along the street frontages, which has been considered when designing the podium of the building. This is also consistent with Council's recommendation, where section and elevation analysis has been undertaken to demonstrate that the proposed podium is consistent with surrounding developments along all street frontages (see Figure 15 and Figure 16).

On Atchison Street, the proposal establishes a dialogue between 6-16 Atchison St and 30 Atchison St by aligning the last two levels of the podium with the neighbour datum lines.

The tower portion of the building detaches itself and increases building separation to enhance its slenderness. The first tower level sets back from the podium and provides an improved communal open space oriented to the north for extensive sunlight access, while providing a visual break from the tower bulk to the podium expression.

The size constraints of Atchison Lane make legibility of the context quite difficult, however the proposal is able to align with neighbouring podium heights providing a consolidated envelope around the public domain.

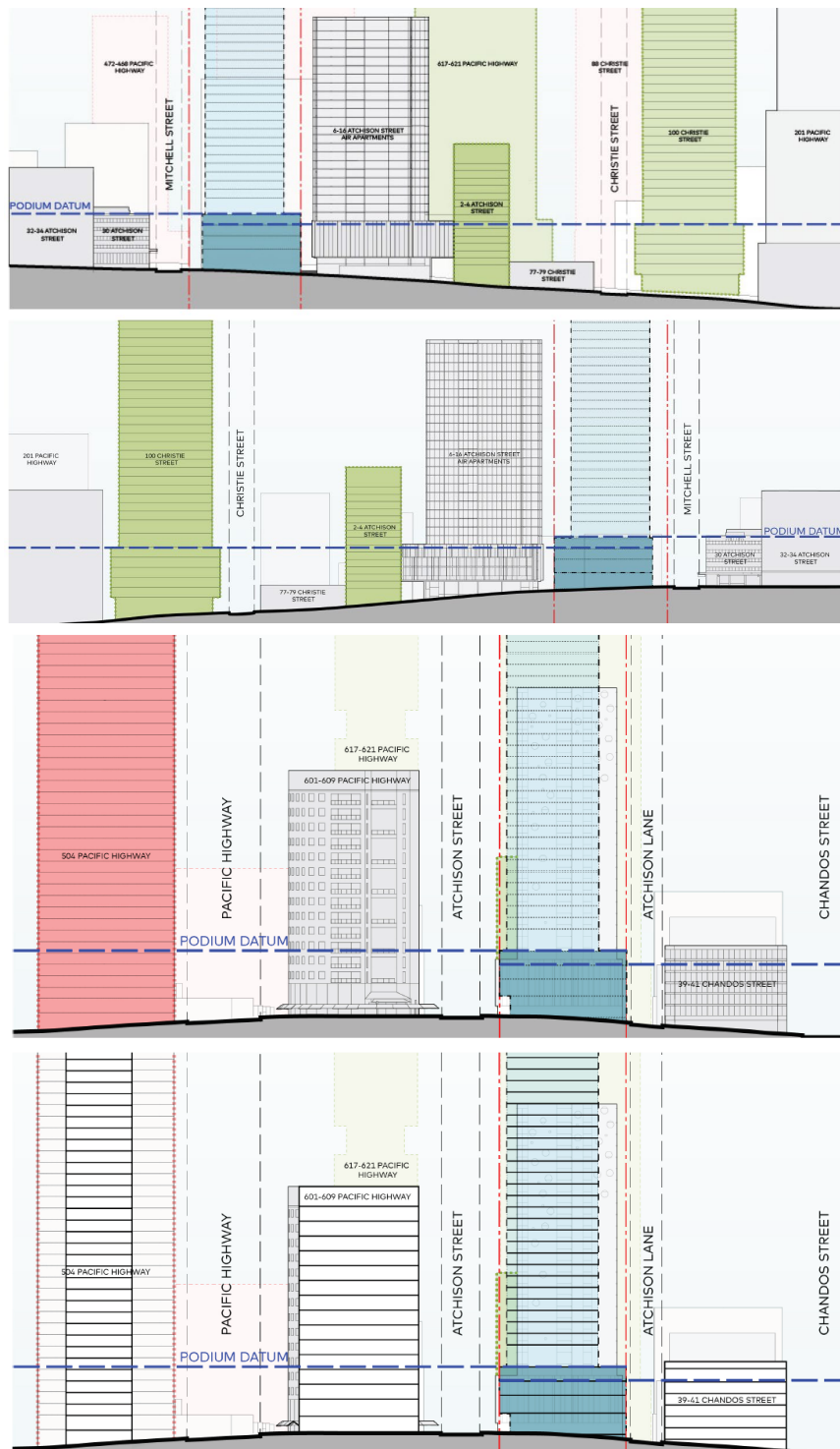
The proposal establishes a datum line that will serve as a transition built form to future developments from 601 Pacific Highway to 39-41 Chandos Street to the north.

On Mitchell Street, 5m building setback is introduced, consistent with the requirement in the 2036 Plan, to strengthen the connection and hierarchy of the future linear park. Mitchell Street is the key feature along the eastern façade of the proposal, with a ground floor liner public domain plaza. The podium expression allows for a smooth transition up the slope towards Mitchell St Plaza. The provision of an awning structure along Mitchell Street edge will offset for the lack of a reverse podium setback.



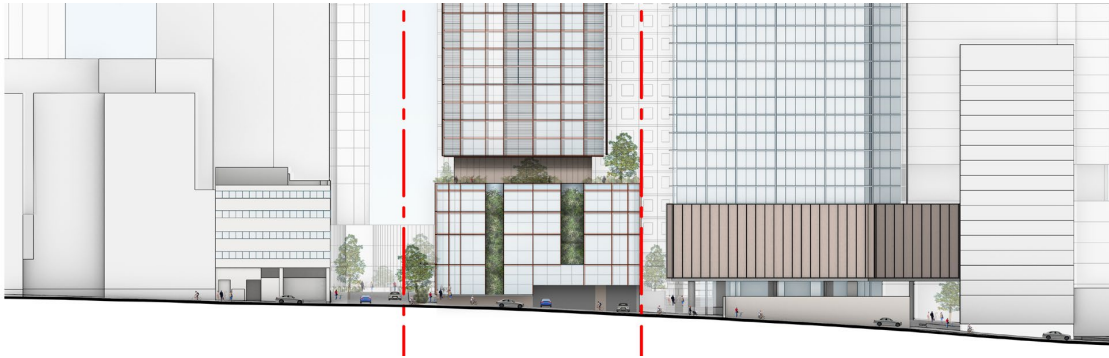
Furthermore, the articulation of the podium is strengthened by introducing vertical cut-outs with greenery and planting. These elements break up the mass of the podium while plugging into Mitchell St linear park along the eastern façade.

Figure 15 – Podium Alignment – Sections



Source: COX ARCHITECTURE

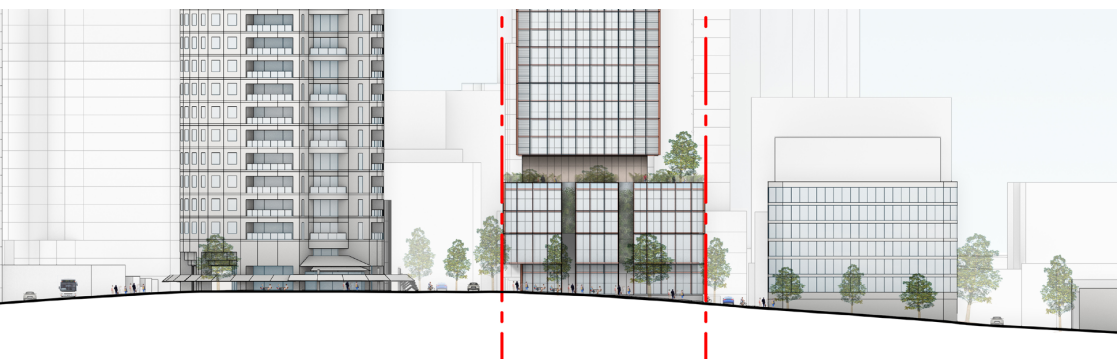
Figure 16 –Street Elevations



Looking from Atchison Lane



Looking from Atchison Street



Looking from Mitchell Street

Source: COX ARCHITECTURE

### **Tower design**

The tower above is then setback from the podium on all of its elevations and emerges elegantly above to create a slender built form.

The proposed tower is setback 6m to Mitchell Street and 7.5m to Atchison Lane. The tower is setback 2m above podium along Atchison Street. Although the Atchison Street tower setback does not comply with North Sydney DCP tower setback control (3m), the 2m setback is able to provide compliant ADG building separation of 24m to the anticipated 42 storey commercial office development at 601 Pacific Highway.

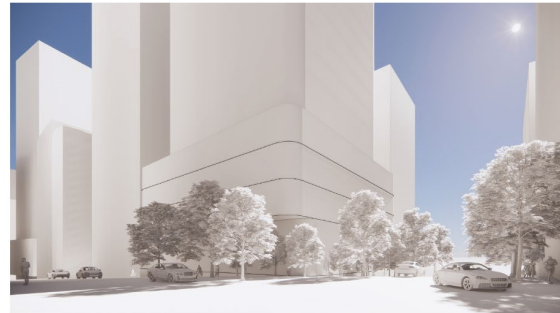
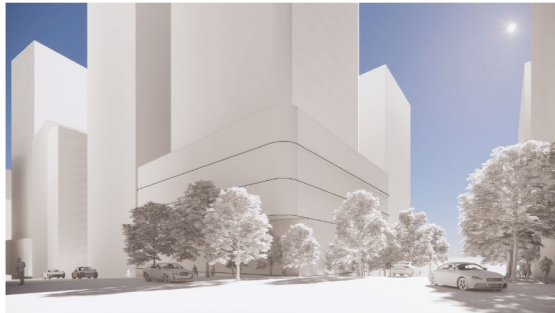
The reduced tower setback along Atchison Street has no material visual difference when viewed from the streetscape (refer to Figure 17), and is able to provide a workable floorplate for residential amenity planning. Therefore, given the immaterial visual difference, the reduced setback is considered acceptable.



Figure 17 - Building setback massing comparison

2013 DCP &amp; 2036 PLAN SETBACKS

PROPOSAL



Source: COX ARCHITECTURE

### Public Domain Built Form

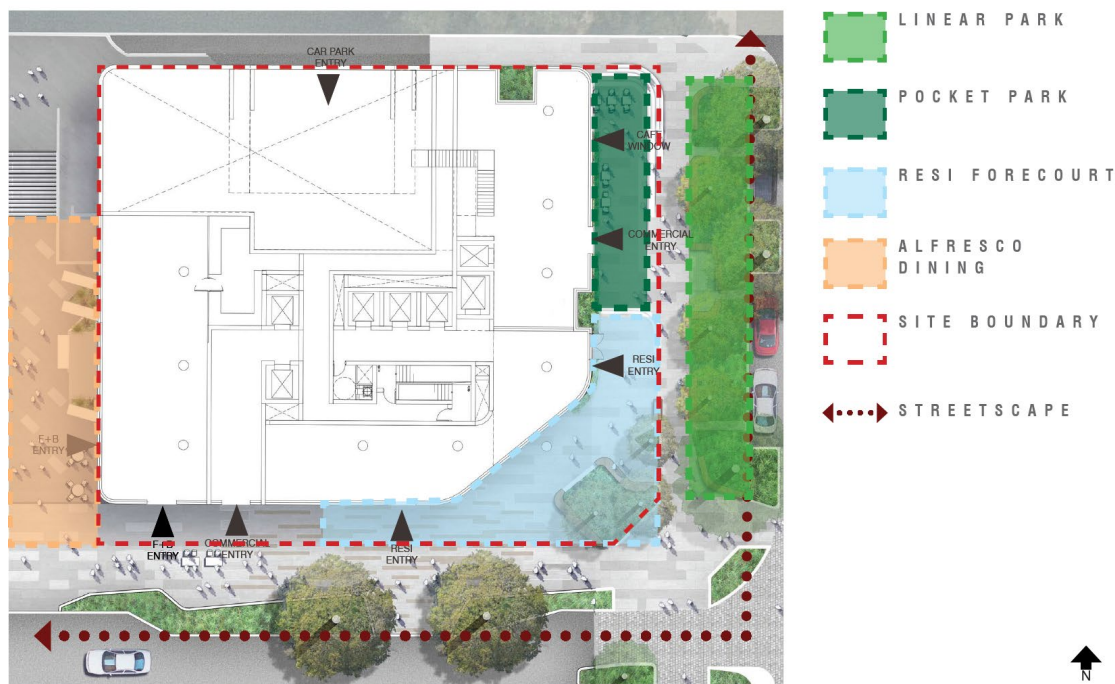
The consistent 5m ground floor and podium setback to Mitchell Street provides a great opportunity to create an extension of a linear park along Mitchell Street and enhance pedestrian experience. The setback is consistent with the 2036 Plan and is more than Council's 2015 Plan requirements.

The 5m site setback combined with Mitchell Street will create a new public plaza with a width of 12m. This plaza is able to introduce generous undercroft area for outdoor seating and vertical structures that accommodate planting and greenery.

The curved opening at the corner of Mitchell Street and Atchison Street marks this significant corner site, creates a sense of arrival and an enlarged public domain space to improve pedestrian amenity.

The proposed public domain improvements also connect the existing Mitchell Street plaza to the south of the site, extending the landscape streetscape and creating a green street, which is consistent with the vision of the 2036 Plan and Council's public domain vision (see Figure 18).

Figure 18 – Mitchell Street Public Domain Extension



Source: Oculus

In summary, the proposed built form in the Indicative Concept Design presents a well-considered form that responds to the key site characteristics and framework set by the 2036 Plan. The indicative built form demonstrates that the future built form will be appropriate for this location and compatible with the surrounding built form typologies and public domain interfaces.

### 9.3.2. Visual impact

Urbis has prepared a Visual Impact Assessment Report and is attached at Appendix G. A summary of visual impact assessment is provided below.

The character of the subject site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers in line with the strategic planning context (2036 Plan) and desired future character of St Leonards Centre. More importantly, the revised scheme has a reduced height and form compared to the original Planning Proposal, which will have less visual impact.

The site has a potentially large visual catchment, however visual effects of the proposed development will be predominantly restricted to the closest locations and adjacent roads including Atchison Street and Mitchell Street. The upper part of the tower form would be visible from distant locations predominantly to the north, west and east and will be visible in the context of the cluster of towers in the St Leonards skyline.

High-sensitivity viewing locations such as high-use reserves and parks are not located within the immediate context of the subject site. There are limited public domain views from a restricted and close potential visual catchment to the west and east along Atchison Street and north and south in Mitchell Street.

Urbis staff undertook fieldwork and documented views from within the potential visual catchment in April 2020. A number of close, medium-distant and distant views were selected for modelling and further analysis. Six views were used as a basis for the preparation of photomontages and the assessment is summarised below:

- Direct views to the proposed development are limited to the closest neighbouring locations and immediate streets, including Atchison Street and Mitchell Street. Where all or part of the built form may be visible above and in the context of existing and future tower cluster. In such views, the proposed massing will not obscure or block views to scenic features.

- If winter gardens are required in detailed design stage, vertical winter gardens will be visible from the streetscapes, however they will sit within the tower envelope and provide a subtle facade inset, which will provide visual interests and contribute to positive visual amenity to public domain view.
- In a close view from approximately 100m east of the subject site the podium form that projects to the south will block a minor vertical stack of built form to its west, whilst the tower component will block part of the east elevation of the Quest Hotel Apartment/Air Apartment and areas of open sky in upward views. The setback from the podium to the tower adds to the sense of space above the streetscape and helps to reduce the visual effects of the scale of the built form on Atchison.
- Public domain views from some local parks and reserves would include the upper part of the proposed development characterised by other existing and approved towers.
- In the majority of public domain views, the revised tower would be visible within a cluster of existing towers that are not dissimilar in character or form, which in many cases are taller than proposed.
- In medium-distance and distant-views, the upper part of the proposed tower will block views of other built forms, open areas of sky. However, will not block views to scenic features, areas of high scenic quality or character.
- Those most affected by potential private domain view loss include a limited number of upper level units in the Quest Hotel Apartment/Air Apartments. The view impacts in our opinion, is likely to be minor to moderate. View sharing impacts are likely to be minor to moderate. The composition of easterly views is unlikely to include iconic features or highly scenic views, are obtained across a side boundary and are filtered by an existing permanent mesh screen. In our opinion, the application of such screens indicates that views from east elevation windows at the Quest Hotel Apartment/Air Apartments are not intended to be primary views.

Based on an assessment of the potential building envelope shown in block-model photomontages, in our opinion the visual effects of the proposal will allow for an acceptable level of view sharing in relation to the closest private domain views. The proposed development is compatible with the skyline and the tower cluster of St Leonards, which is transitioning to a desired future character that includes greater height than currently exists.

With future refinement of the scheme, careful consideration of façade design will further mitigate the visual impact of the proposed built form. Materials and finishes will be further developed to respond to those in the surrounding environment and add diversity in architectural expression of towers.

In conclusion, the planning proposal is supportable on visual impacts grounds.

Figure 19 - Photomontage: west view along Atchison Street



Source: COX ARCHITECTURE



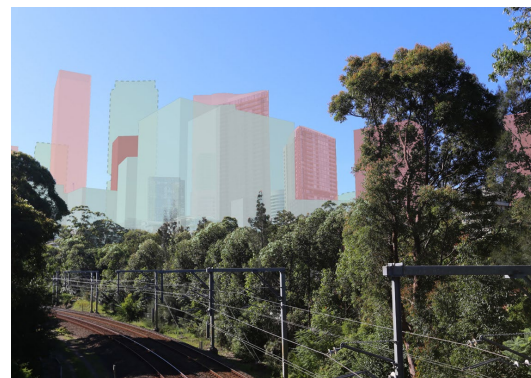
Figure 20 – Photomontage: Distant Views



Viewed from Talus Reserve



Viewed from River Road view



Viewed from Gore Hill Reserve





Viewed from intersection of Dalleys Road and Northcote Street

Source: COX ARCHITECTURE

### 9.3.3. Traffic

JMT Traffic have prepared a Traffic Impact Assessment which accompanies the Planning Proposal submission at Appendix D. The assessment describes the existing local traffic context, including access and the potential traffic implications of the Planning Proposal. The report addresses the following matters:

- An overview of the existing transport and planning context
- Trip generation of the site
- Traffic impacts of the development
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access
- Green travel initiatives

Based on the North Sydney DCP parking rates, a maximum of 97 car spaces can be provided on site. The indicative concept design provides 97 parking spaces in the basement, which is consistent with the North Sydney Council DCP requirements. The parking number and arrangement is subject to future detailed DA design.

The assessment estimates that the development will generate a net of 5 vehicle trips during the AM peak hour and net of 3 vehicle trips during the PM peak hour. The analysis indicates that the potential increase in traffic is negligible and is not envisaged to adversely impact the operation of the road network.

This increase in traffic generation has been compared with the 'compliant density scheme' in accordance with the 2036 Plan (equivalent FSR of 13.6:1). A compliant scheme would result in 159 residential apartments, 34 less than contemplated under this Planning Proposal, applying the same mix. The additional 34 apartments contemplated under the Planning Proposal may generate extra 2 to 3 traffic movements during peak hours, which has been deemed to have a negligible impact on the operation of the road network and thus could not reasonably be a reason not to support the minor FSR increase beyond that in the 2036 Plan.

The report recommended travel demand management measures, including the preparation of a Green Travel Plan (GTP), which will help to minimise the negative impact of private vehicle travel on the environment. GTP can be incorporated in the future detailed design of the site at the development application stage.

### 9.3.4. Residential Amenity

An Indicative Concept Design has been developed to test the performance of residential use on the subject site with regard to the requirements of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and the accompanying Apartment Design Guide (ADG).

An analysis of the Indicative Concept Design has been undertaken by COX Architecture (Appendix A). This analysis confirms that a residential 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 COX Architecture, the following is noted:

- The residential component consists of 193 apartments suited to a variety of lifestyles. An indicative dwelling mix is 1 bedroom (20%) 2 bedroom (71%) and 3 bedroom (9%).
- The residential floors have minimum ceiling heights to living/dining/bedrooms of 2.7 metres and 2.4 metres to non-habitable spaces. The floor to floor height is typically 3.1 metres.
- Each apartment would have access to a secure private open space such as a balcony or winter gardens with minimum areas of 8sqm-12sqm based on apartment size.
- Communal open space is provided at levels 4. The communal open space incorporates peripheral landscaping, outdoor gathering space, communal outdoor kitchen and vertical climbing structures, to provide high quality communal open space for future residents.
- A minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter would be enjoyed by 73% of the apartments. Similarly, 67% of units on levels 5 to 8 achieve natural cross ventilation as per the ADG. Units above level 9 do not require natural cross ventilation under the ADG.
- Each apartment would have access to a private storage space via a combination of space within the apartment or secure storage cage within the basement levels.

### Privacy

The site is separated by streets to the east and south, which provides sufficient separation distance to surrounding developments.

The proposed rooftop communal open space and residential tower is setback 7.5m to the northern boundary (Atchison Lane), which equates to a total of 24m setback to the development north of the site. The residential tower is setback a total of 27m to a future mixed use building to the east and 24m to the commercial building to the south. Therefore, the proposed residential tower is able to comply with ADD separation distance to the north, east and south (refer to Figure 21).

The residential tower is setback 6m from the western boundary, which is the maximum separation distance the site can accommodate because:

- The neighbouring building – Quest Hotel Apartment/Air Apartments was approved and constructed with a greatly reduced setback from the common boundary.
- Having regard to the adjacent building and to other setbacks provided onsite, the 6m setback is the maximum the site could accommodate to deliver a viable floorplate.

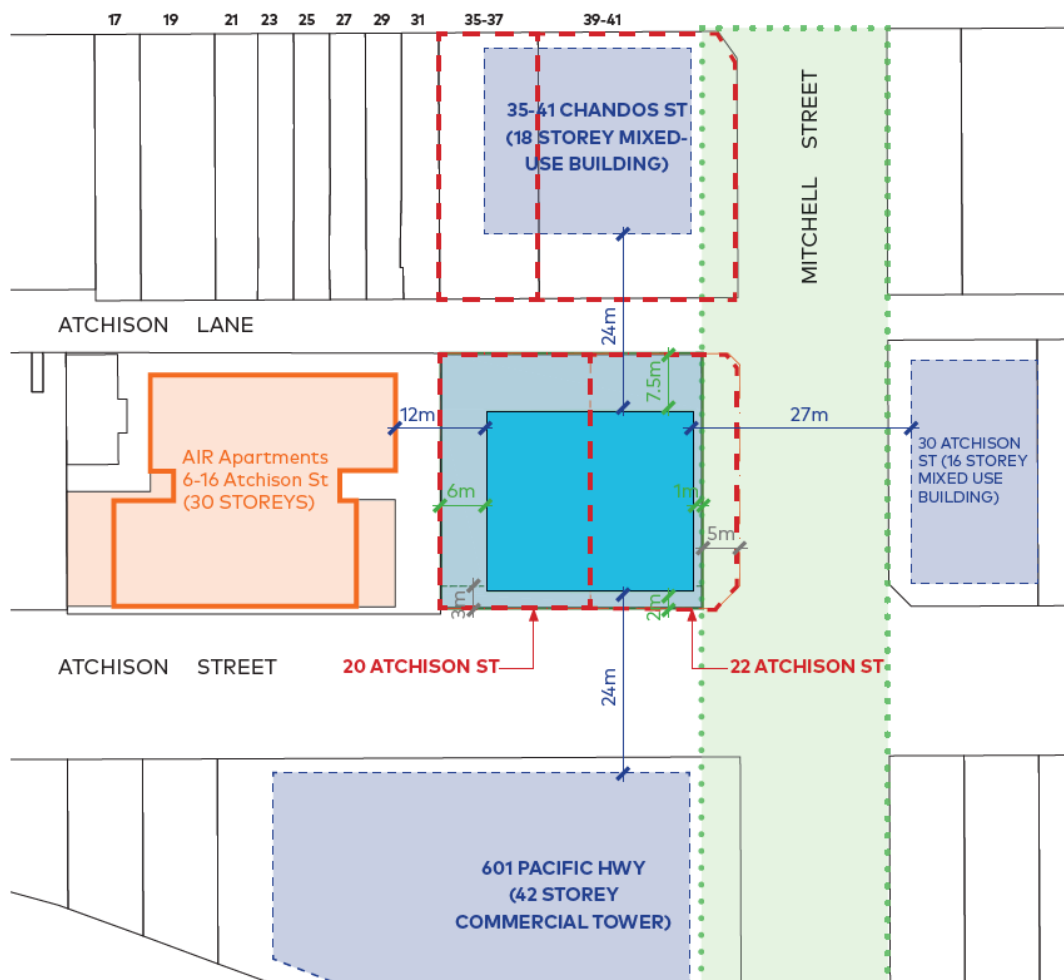
The 6m setback provides sufficient separation distance and can protect the privacy of the site because:

- The two sites are physically separated by the proposed through site link, which is approximately 6m wide. The 6m setback and the laneway separation distance creates a total of 12m separation distance, which is ADG compliant.
- The 6m setback is consistent with the previous DA approval setback on the site and is also consistent with DPIEs assumptions in respect of the building envelope.
- Council has also acknowledged in the Pre-DA that the site is a constrained site, given Quest Hotel Apartment/Air Apartments has not provided its share of building separation. In saying that, Quest Hotel Apartment/Air Apartments building has been designed such that its primary living area outlook is not directly across the subject site.
- In recognition of this constraint, the proposed primary living areas and private open space are oriented towards the north and south to mitigate privacy impact. Non-habitable spaces or solid walls have also been incorporated into the proposed design.

Furthermore, the neighbouring building also has extensive external fixed privacy screens on its eastern elevation to limit direct overlooking across the subject site (see Figure 22).

Given the physical constraints, mitigating measures outlined above and its centre context, is considered on balance an acceptable and reasonable outcome.

Figure 21 – Building Separation Diagram



Source: COX ARCHITECTURE

Figure 22 - AIR Apartments (6-16 Atchison St) Privacy metal mesh screen on Quest Hotel Apartment/Air Apartments



Source: COX ARCHITECTURE

### 9.3.5. Overshadowing

An assessment of the potential shadow impacts of the Planning Proposal has been undertaken within the Concept Design Report at Appendix A. The shadow impact study has been assessed in accordance with the Solar Amenity Map in the 2036 Plan.

Majority of the solar amenity controls in the 2015 Plan and the Crows Nest Placemaking & Principles Study have been included in DPIE endorsed 2036 Plan. Where the solar amenity hours differs, e.g. Ernest Place and Willoughby Road, the 2036 Plan takes precedence.

As shown in Figure 23, the proposal has been revised to a more slender tower form, which creates a fast moving shadow, traversing from the commercial uses on the southwestern side of the Mitchell Street, before moving across to the south east. The majority of the shadow falls within the shadow cast by existing or approved buildings surrounding the site.

A compliance table below demonstrates the shadow impact of the proposal against the solar access guidelines in 2036 Plan:

Table 12 – Solar Impact Assessment

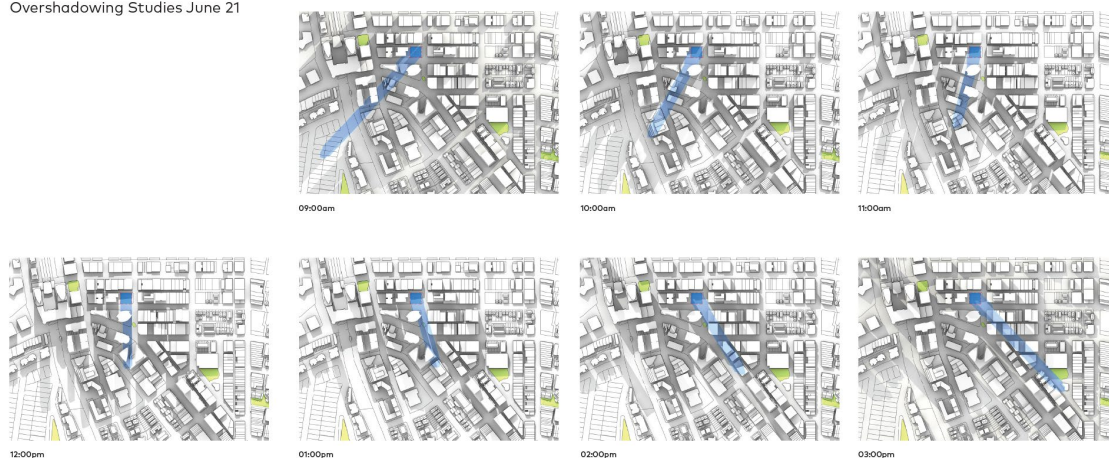
Solar access guideline	Impact	Compliance
<b>2036 Plan</b>		
<b>Public Open Space - no additional shadow between 10:00am-3:00pm:</b> <ul style="list-style-type: none"> <li>Christie Park</li> <li>Newlands Park</li> <li>St Leonards South</li> <li>Propsting Park</li> <li>Hume Street Park</li> <li>Ernest Place</li> <li>Gore Hill Oval</li> <li>Talus Reserve</li> </ul>	No additional overshadow to the following parks between 10am to 3pm: <ul style="list-style-type: none"> <li>Christie Park</li> <li>Newlands Park</li> <li>Ernest Place</li> <li>St Leonards South</li> <li>Propsting Park</li> <li>Gore Hill Oval</li> <li>Talus Reserve</li> </ul> A minor southern area (3.6%) of Hume Street Park is overshadowed at 2.50pm. The impact area is a portion of the hard surface driveway area. Accordingly, the area is not within	Justification for Hume Street Park is included in the section below.



Solar access guideline	Impact	Compliance
	<p>usable open space area and the impact will be negligible.</p> <p>To offset shadow impact, a new public domain space is proposed along Mitchell Street, which receives good solar during lunch time period.</p>	
<p><b>Streetscape - no additional shadow between 11:30am-2:30pm:</b></p> <ul style="list-style-type: none"> <li>▪ Mitchell Street and Oxley Streets</li> <li>▪ Willoughby Road</li> </ul>	<p>Overshadows Mitchell Street after 12pm.</p> <p>Due to the northern street alignment of the site and Mitchell Street, a compliant built form under the current LEP would also overshadow the streetscape.</p> <p>To offset shadow impact, a new public domain space is proposed along Mitchell Street, which receives good solar during lunch time period.</p> <p>No impact to Willoughby Road from 11:30am-2:30pm.</p>	Justification for Mitchell Street is included in the section below.
<p><b>Residential Areas – no additional shadow between 9:00am-3:00pm</b></p> <ul style="list-style-type: none"> <li>▪ Residential areas inside boundary (for at least 3 hours)</li> <li>▪ Residential outside boundary (for the whole time between 9am and 3pm)</li> </ul>	<p>The slender tower form creates a fast moving shadow, traversing from the commercial uses on the southwestern side of the Mitchell Street, before moving across to the south east.</p> <p>The tower form is consistent with the 2036 Plan and therefore any shadow impacts to residential areas in the boundary has been anticipated as part of the 2036 Plan and therefore acceptable.</p> <p>There will be no impact to residential area outside the boundary.</p>	Able to comply.

Figure 23 – Overall Overshadow Analysis

Overshadowing Studies June 21



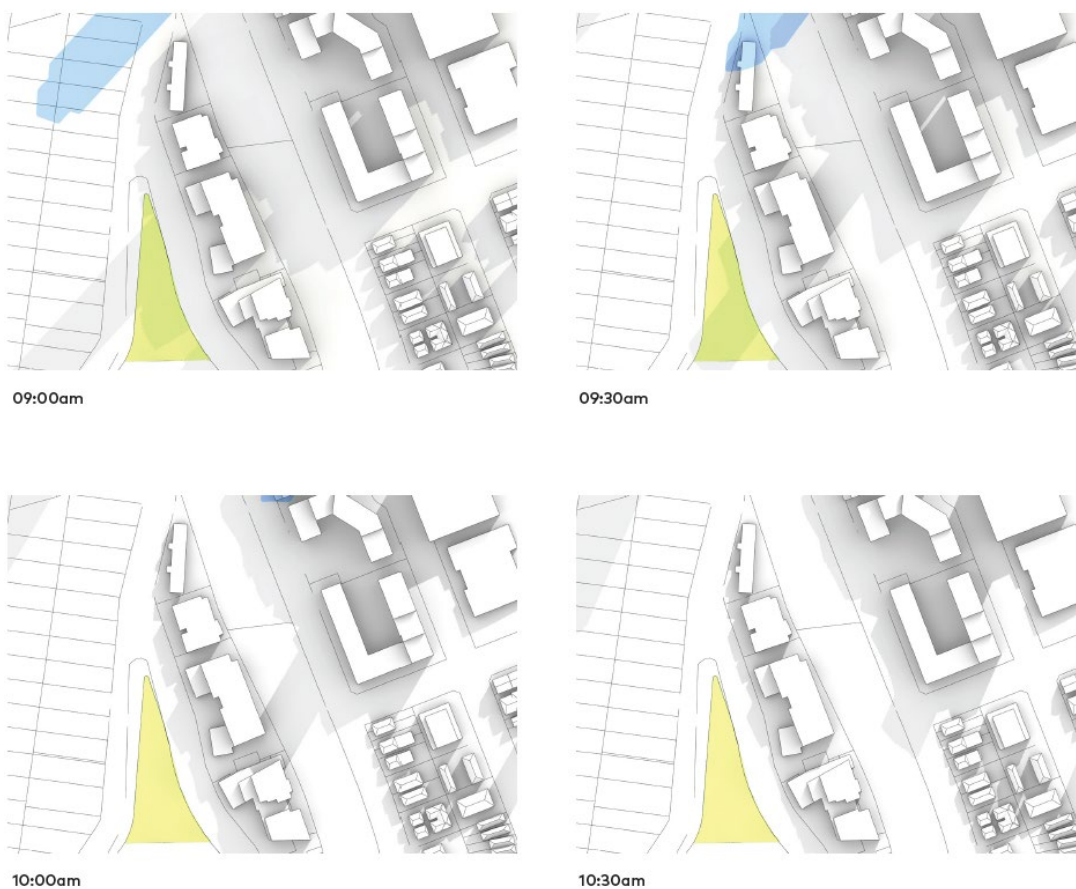
Source: COX ARCHITECTURE

Detailed shadow analysis and justification to key public domain spaces are detailed below:

**Newlands park**

The shadow generated by the Planning Proposal will not impact on Newlands Park (refer to Figure 24).

Figure 24 – Shadow Diagram to Newlands Park



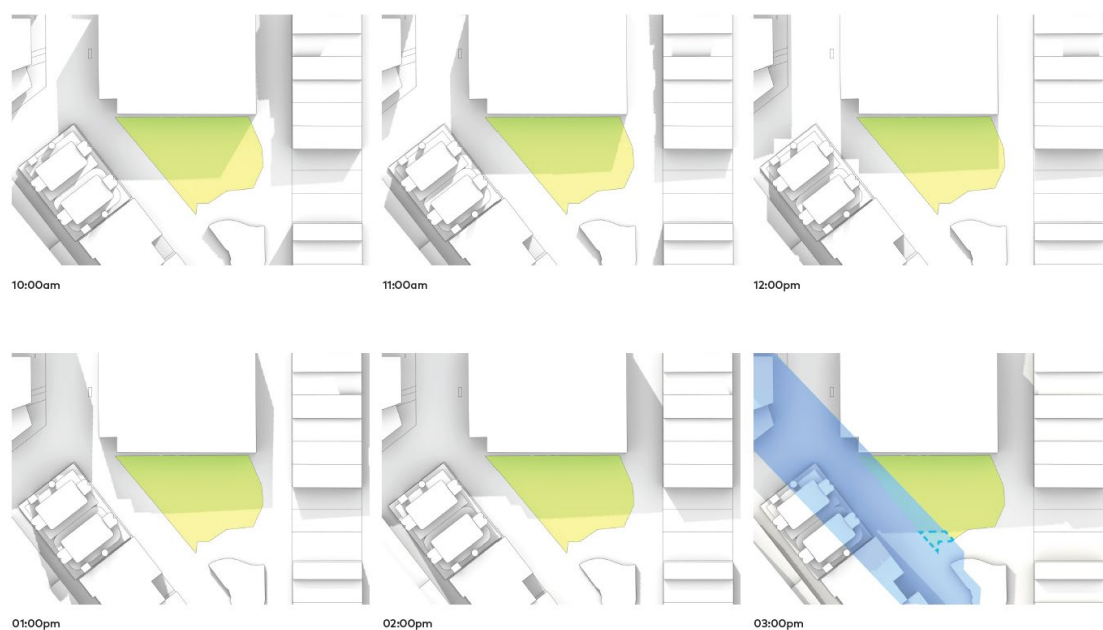
Source: COX ARCHITECTURE

### Hume Street Park

As indicated on shadow diagram in Figure 25, a minor area (3.6%) of Hume Street Park is overshadowed at 2.50pm, which does not strictly comply with the 2036 Plan.

The impacted area is located towards the southern part of the Hume Street Park and is not part of any active or passive used part of the park (refer to Figure 25). Given this, the proposal will result in a fast moving shadow and the minor impact to Hume Street Park, the overshadow is considered to be acceptable.

Figure 25 - Shadow Diagram to Hume Street Park



Source: COX ARCHITECTURE

### Mitchell Street Plaza

As indicated on shadow diagram in Figure 26, Mitchell Street is overshadowed after 12pm, and more than 50% of Mitchell Street Plaza is overshadowed between 12.30pm to 1.30pm, which does not comply with the 2036 Plan.



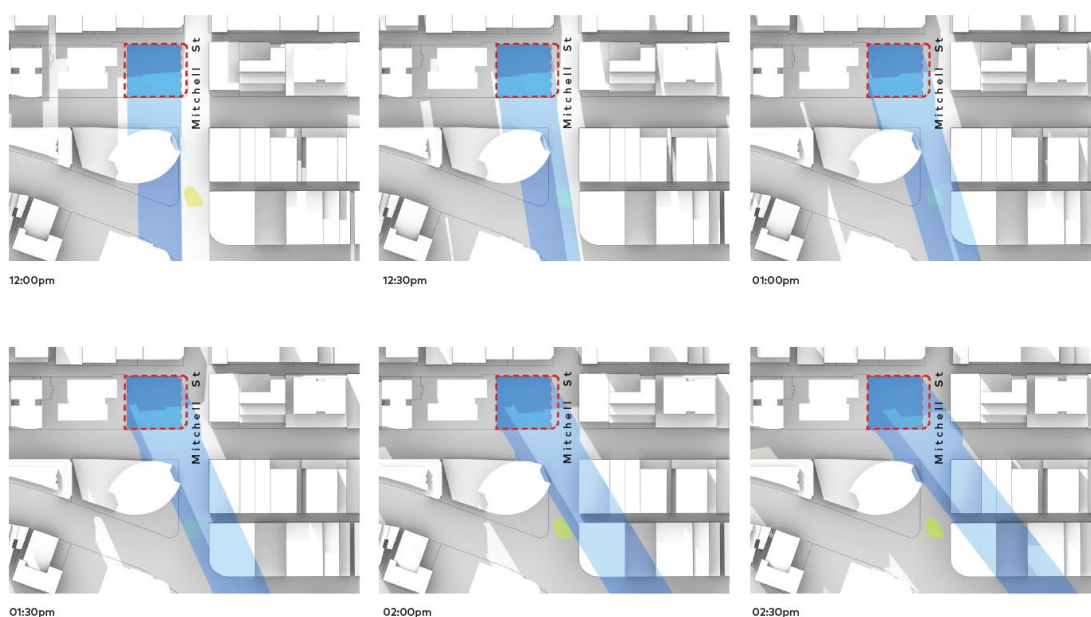
It is important to note that Mitchell Street is already being overshadowed by existing and approved developments throughout the day.

Given the topography, the location of the site and the northern alignment to Mitchell Street Plaza, a compliant development under the current LEP height limit would still overshadow the Plaza during lunch time period. Therefore, overshadow is inevitable and could be created by a compliant development. Strict compliance with this control would significantly undermine development potential for the site.

Furthermore, the site has been identified as a site for density uplift, and it is unavoidable that any tall towers proposed for the site, which sits directly north, will have shadow impact to Mitchell Street and the Plaza.

To mitigate and offset this shadow impact, the building has been setback 5m from Mitchell Street on the ground and podium levels, which is consistent with the 2026 Plan and is more than required by North Sydney DCP. The increased setback will enable the delivery a linear park on the ground level, consistent with Council's vision. The linear park will also be able to enjoy solar during lunch time hours, which will overall improve the amenity of the Mitchell Street public domain.

Figure 26 - Shadow Diagram to Mitchell Street Plaza

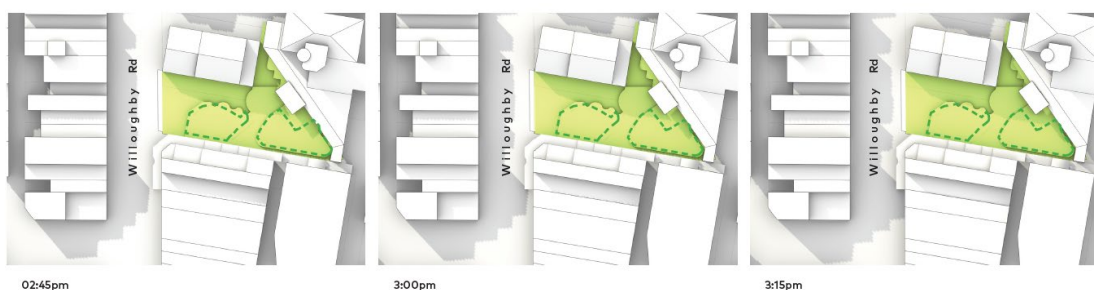


Source: COX ARCHITECTURE

### Willoughby Road & Ernest Place

As indicated on shadow diagram in Figure 27, there is no impact to Willoughby Road from 11:30am-3.15pm and no impact to Ernest Place from 10:00am -3:00pm, which complies with the 2036 Plan.

Figure 27 - Shadow Diagram to Willoughby Road & Ernest Place



Source: COX ARCHITECTURE

For these reasons, the shadow impact on Mitchell Street Plaza and Ernest Place is considered to be on balance acceptable.

### 9.3.6. Wind

A preliminary review of the Indicative Concept Design was undertaken by SLR Consultants to provide an opinion on the likely impact of the local wind environment to the critical outdoor areas within and around the subject site (Appendix E).

The effect of wind activity was examined for the three predominant wind directions for the Sydney region; from northeast, south, southeast and west quadrants. The analysis of the wind effects relating to the Indicative Concept Design were carried out in the context of the local wind climate, building morphology and land topography.

The assessment concluded the following:

*The winds along the surrounding footpaths should remain at similar levels providing appropriate landscaping is employed.*

*Horizontal wind breaks are recommended over building entries and pedestrian pathways, to protect against potential downwash from the high level development.*

*Vertical windbreaks are recommended to the upper level communal open spaces as a result of adverse upper level wind conditions.*

*Private Winter gardens are strongly recommended to be provided throughout the tower component of the proposal for protection to private open spaces. Residents' amenity would be compromised due to high windspeeds in the tower if open balconies are to be used for floors above level 5. Visual privacy is also enhanced through the use of private winter gardens, future-proofing the scheme towards potential neighbours to north, east and west anticipated in the DPIE's 2036 Plan.*

*Detailed wind flow modelling via either Wind Tunnel Testing or Computational Fluid Dynamics (CFD) Simulation will be used during the Stage 2 DA to confirm wind speed levels at specific locations and determine the extent of treatment required.*

Taking into account all of the above, the indicate concept design can comply with the adopted wind acceptability criteria at pedestrian and public access locations within and around the site.

The recommendations for winter gardens will be further tested at Development Applicant stage, subject to detailed wind flow modelling as recommended by SLR. In the event that winter gardens are required, the Planning Proposal proposes to include a site specific special provision to allow for a maximum residential GFA onsite which will account for the additional winter gardens GFA.

### 9.3.7. Aviation

The location of the Obstacle Limitation Surface (OLS) and Radar Terrain Clearance Chart (RTCC) that applies to St Leonards is shown in the St Leonards/Crows Nest 2015 Plan. The overall building height, including ancillary features and temporary structures, must be below these heights.

A specialist aviation consultant, AV Law has been engaged to provide aviation assessment, which was prepared for the previous Planning Proposal lodged in 2019. The assessment was based on a proposed building height of 263.45 AHD. This proposal has a height of 214.55AHD. Given this proposal has a lower height and there are no change to the aviation circumstance in the area, the 2019 conclusion remains valid and the proposal is capable of compliance.

This assessment concludes as follows:

*The proposed CABE development at the site will involve significant penetration of the OLS but has the potential to be shielded by the taller development to the south. PANS-OPS, RTCC and Omni Direction Departure surfaces will not be penetrated.*

*The preparation of a complete aeronautical impact assessment with further analysis is usually required to support an application for controlled activity approvals to be given in circumstances*

*where any surfaces defining the prescribed airspace are penetrated. Should the building to the south of the site as shown on COX Architecture 's schematics have controlled activity approval, then a detailed aeronautical impact assessment may not necessarily be required for the building i.e. for the cranes to be approved, additional documentation may still be required.*

*AvLaw notes that penetration of the OLS for Sydney Airport over the site at 156m AHD will trigger aviation safety assessment by CASA and Airservices Australia, however if the proposed development including crane activity remain below the RTCC and PANS-OPS, then the safety, efficiency and regularity of existing and future air transport operations will not be affected and aviation regulatory approval should be readily given.*

The 2019 Aviation Statement prepared by AV Law is included in Appendix C. Based on this assessment, the Indicative Concept Design is considered to be suitable.

#### **Q9 - Has the Planning Proposal adequately addressed any social and economic effects?**

As detailed in Table 11 above, the Planning Proposal is considered to have a number of economic benefits. Through realising economic benefits, a positive social on-flow effect can also occur, which the public can benefit from job creation and additional commercial and retail services.

The economic and social benefits are summarised as follows:

- **Facilitates renewal of a key site:** The Planning Proposal enables the renewal of an older, inefficient commercial building to a new building that contributes to the evolution of St. Leonards and the Pacific Highway corridor.
- **Create significant indirect and direct construction jobs:** based on the estimated construction cost of \$120 million, 250 full time construction jobs and 500 indirect jobs will be created (supply chain etc).
- **Ensures ongoing employment:** The Planning Proposal seeks to protect future employment generating opportunities in the centre, by retaining the B4 Mixed Use zone and the statutory minimum non-residential FSR requirement under NSLEP 2013.
- **New and greater variety of job types:** The redevelopment of the site will be for a mix in size and typology of retail and commercial floor space, allowing greater flexibility. Direct and indirect jobs will be created during the construction stages. Creation of additional full-time, part-time and casual retail jobs resulting from the development of new retail and commercial floor space.
- **Improving the quality of the commercial floorspace:** The development of new office space would create a more modern, flexible and contemporary working environment. Any new commercial floorspace would be designed to better suit tenant needs and demand, including co-working spaces better suited to creative and new age industries.
- **Economic benefits associated with any future residential:** Any future residential development would improve the supply of apartments within the St Leonards Strategic Centre. This can contribute to improve the turnover performance of existing retail precincts near the subject site.
- **Additional services:** The mixed use development creates the opportunity to deliver additional services within North Sydney, for example, business, retail and hospitality uses.
- **Improved public domain and ground floor activation, reinvigorating the precinct for workers and residents:** The inclusion of retail floor space at the ground floor plane would support cafes, restaurants and the like, which also have the benefit of activating the site and contributing to a sense of place.

## **9.4. STATE & COMMONWEALTH INTERESTS**

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

Yes.

Preliminary investigations indicate that:

- The Planning Proposal leverages from the existing St Leonards train station and the future Crows Nest Metro station, which provide higher frequency metro transport to move more people more quickly. As

envisioned by the 2036 Plan, the future redevelopment of this key site has the potential to contribute to a transit orientated development and enhance walking and cycle connections between the stations.

- Capacity exists within the road network to support the Planning Proposal. The traffic analysis indicates that the potential increase in traffic is negligible and is not envisaged to affect the existing intersection performances adversely. Due to the small increase in development traffic, it is expected that surrounding key roads will continue to operate in the same way. A Green Travel Plan can be incorporated in the future detailed design of the site and at the development application stage.
- The site is serviced by existing utility services and is located to allow incoming residents and workers to capitalise on the existing and planned infrastructure and services within the area.
- As per the DPIE implementation plan, Special Infrastructure Contribution will be paid at DA stage to fund infrastructure upgrades to support new growth. This will be paid in accordance with the St Leonards and Crows Nest Special Infrastructure Contribution (SIC) Plan.

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

DPIE and North Sydney Council has been consulted prior to the submission of this Planning Proposal, as discussed in Section 7.

It is acknowledged that North Sydney Council will consult with relevant public authorities following the Gateway determination.

## 10. PART 4 - MAPPING

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

- Height of Buildings Map Sheet HOB\_001
- Maximum Floor Space Ratio Map FSR\_001

The proposed amendments to the LEP maps are provided in the figures below and contained in Appendix E.



Figure 28 - Height of Buildings Map - Sheet HOB\_001

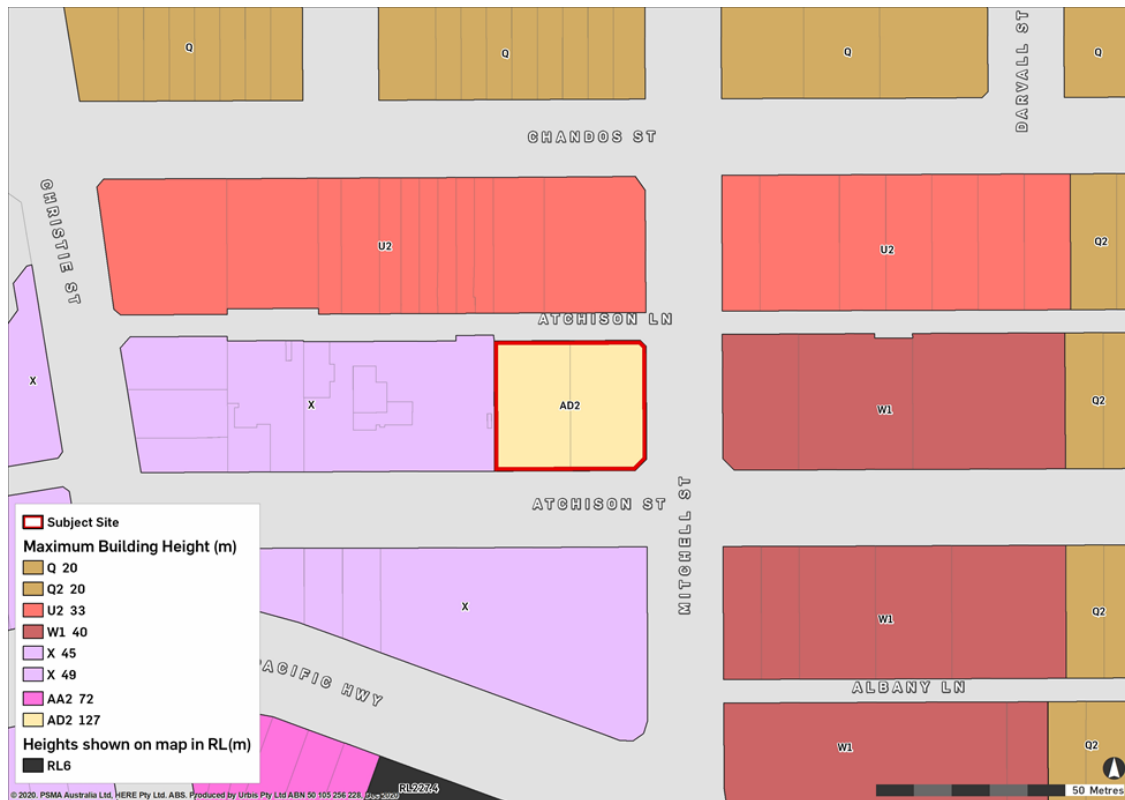
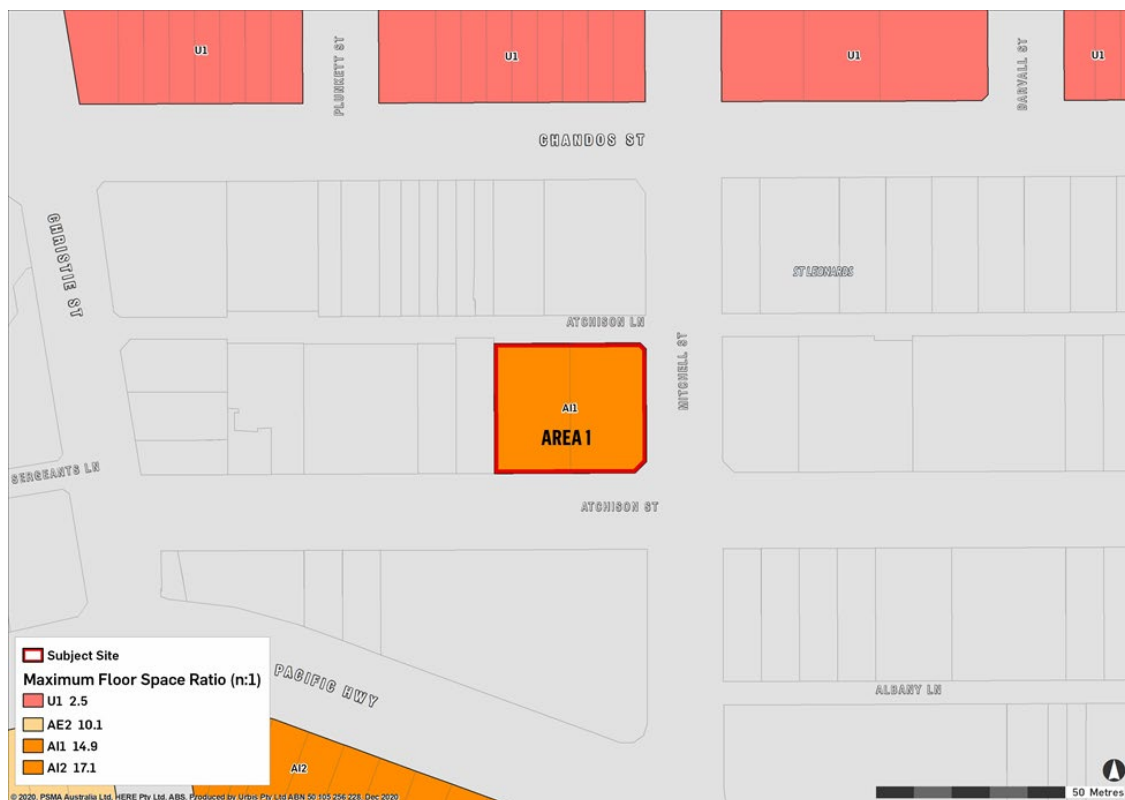


Figure 29 - Floor Space Ratio Map – Sheet FSR\_001



## 11. PART 5 - COMMUNITY CONSULTATION

Section 3.34 of the *Environmental Planning and Assessment Act 1979* 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 required to be publicly exhibited for 28 days in accordance with the requirements of "*A Guide to Preparing Local Environmental Plans*." It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.

As part of the public consultation process, the proponent will review all submissions, discuss with Council and DPIE as required, and provide written response to assist in the assessment of the Planning Proposal.

## 12. PART 6- PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12-18 months. An indicative project timeframe is provided below.

Table 13 – Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by North Sydney Council	December 2020 – February 2021
Planning Proposal referred to Department of Planning and Environment for Gateway Determination	February- June 2021
Gateway Determination by Department of Planning and Environment	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Commencement and completion of public exhibition	6 weeks
Consideration of submissions and consideration of the proposal post-exhibition	6 weeks
Proposal reported back to Council for endorsement	Early 2022
Date of submission to the Department of Planning and Environment to finalise the LEP	Mid 2022

## 13. CONCLUSION

This revised Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to establish planning controls that would enable high density mixed-use development at 20-22 Atchison Street, St Leonards.

This revised Planning Proposal has been prepared in response to the St Leonards and Crows Nest 2036 Plan (2036 Plan) endorsed in August 2020 by the NSW Department of Planning, Industry and Environment (DPIE), and supersedes the previous Planning Proposal submitted in March 2020.

The Planning Proposal is largely consistent with the recommended planning controls in the 2036 Plan, including building height in storey, street wall height, non-residential FSR, ground floor setback and solar protection. The departure from the overall FSR is the result of FSR discrepancy based on DPIE's assumptions applied in the 2036 Plan, and to achieve viable site amalgamation.

The amended Planning Proposal has a reduced FSR, height and gross buildable area per floor plate, which achieve a slender tower above a well-proportioned, articulated podium.

The Planning Proposal sets out the justification for the proposed LEP amendment. It is supported by a Concept Design Report that includes site and context analysis, which informed the Planning Proposal and to demonstrate the proposal is suitable in its locality.

It is considered that the proposed amendments to NSLEP 2013 would result in a superior development outcome and generate significant economic and community benefit for the following reasons:

- **From a local context perspective:** The Planning Proposal is considered to have site-specific merit, as it facilitates future development that would achieve an appropriate built form and scale outcome for this significant and amalgamated site. The Planning Proposal will contribute to the emerging cluster of towers within the St. Leonards Centre, and complement the existing development surrounding the site. The Planning Proposal takes into consideration state and local planning objectives and outcomes, including site specific opportunities and constraints, and its identification as a 'tall building/significant' site.
- **From a strategic planning policy perspective:** The Planning Proposal has strategic planning merit, as it would positively contribute to the achievement of State and Local Government strategic planning goals, including the 2036 Plan, zone 2 recommendations in the St Leonard's Placemaking & Design Study, the significant site objectives in Council's 2015 Plan. The development depicted in the Indicative Concept Design will facilitate the provision of complementary commercial office, retail and community space to support the broader St Leonards' Health and Education precinct.
- **From a site opportunity perspective:** CVWL Atchison P/L & Radaca Investments P/L have been working co-operatively to unlock the potential of the amalgamated site. The delivery of a 'Tower Site' and public domain improvements along Mitchell Street can only be achieved with the amalgamation of these two sites.
- **From a net community benefit perspective:** The Planning Proposal has the potential to create a range of benefits for the community, including:
  - Direct economic benefits and the creation of additional employment, during the construction stage and ongoing operations.
  - Enabling new housing to be accommodated within the site, which increases housing choice and diversity within a designated Strategic Centre in close proximity to public transport infrastructure.
  - A guaranteed amount of new, fit-for-purpose commercial office space as well as easily identifiable and permeable ground level retail. All of which would encourage the patronage of this area and create a more accessible site to strengthen the St Leonards character as a highly desirable place to live, work and play.
  - Public domain benefits, which integrate the built form and public realm to create an activated site through link to the west and street activation along Atchison Street. The proposal also extends the Mitchell Street Plaza, by providing landscaped public domain along Mitchell Street to achieve the 'green street' vision set in the 2036 Plan.

- **From a job creation perspective – short term:** based on the estimated construction cost of \$120 million, 250 full time construction jobs and 500 indirect supply chain jobs will be created, totalling some 750 jobs.
- **From an environmental perspective:** The Indicative Concept Design has been carefully designed to minimise adverse environmental impacts such as privacy, wind and traffic on the locality. More importantly, the Planning Proposal has carefully assessed shadow impact to nearby parks and public domain spaces and has demonstrated that the proposed density will not create an unreasonable amount of overshadow to the public domain.
- **From an urban renewal perspective:** The redevelopment of this key site assists in the renewal of the St Leonards town centre through built form improvements and public domain improvements, and more efficient use of land that is more aligned with market demand.

The Planning Proposal achieves the right balance of maintaining a strong employment focus while recognising the benefits of providing residential land use to take advantage of the central location and the public transport benefits.

### Amalgamation Benefits

Should the amended planning proposal not be supported, the two individual landowners are likely to go their own way by submitting two separate DA's or reactivating the previous Development Consents. This would be a genuine missed development and public benefit opportunity. It has taken considerable negotiation over the years to bring two landowners together to realise a tall slender tower and the significant public benefit of delivering Mitchell Street linear park, which are aligned with strategic direction of the 2036 Plan.

The primary public benefit of creating the Mitchell Linear park can only be achieved by land amalgamation. A DA was previously approved (in 2014, prior to the metro project announcement) for the individual sites with a combined FSR of 11:1 and height of 16 storeys, without the Mitchell Street Plaza area.

The proposed density increase is consistent with the government's direction to capitalise on the infrastructure investment. Accordingly, reverting back to a smaller DA scale development would not only constitute an under-utilisation of a valuable site, the site would also lose the opportunity to deliver public domain benefits.

### FSR matter

The landowner's previous aspirations of achieving an FSR of 24:1 and 48 storeys was, at the time, considered consistent with three of the four identified tall towers sites within the Precinct.

The endorsed 2036 Plan recommends 35 storeys for the site, however the associated FSR creates no material uplift compared to the previous Development Consent. Furthermore, COX Architecture review of the 2036 FSR identified an inconsistency in the volume massing and commensurate GFA calculation.

COX Architecture urban design report has demonstrated that by applying the setback controls consistent with the 2036 Plan, designing within the context of neighbouring buildings and providing opportunity to create a significant public space along Mitchell Street, the project can achieve a FSR of 14.9:1 and as such should be supported.

In addition, the landowners have gone one step further on the basis of a supported rezoning, to identify and enter into a Delivery Agreement with a Delivery Partner, who will be able to realise the development and associated public benefits. This shows the landowners are committed to deliver the proposed scheme and associated public open space.

### Conclusion

Overall, it is considered that the Planning Proposal would result in significant public benefits by proposing planning controls that are consistent with the state government 2036 Plan to facilitate the redevelopment of a key urban renewal site. Support of this Planning Proposal means certainty on delivery of the project and associated public benefits, including high quality urban design outcomes and State Infrastructure Contributions.

In considering the tangible community and economic benefits of the Planning Proposal, it is respectfully requested that the Council resolve to forward this Planning Proposal to DPIE for LEP Gateway determination.

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## **APPENDIX A      CONCEPT DESIGN REPORT**



## **APPENDIX B      LANDSCAPE PLANS**

## **APPENDIX C      AVIATION LETTER**

## **APPENDIX D      TRAFFIC AND PARKING STUDY**

## **APPENDIX E      PRELIMINARY WIND ASSESSMENT**

## **APPENDIX F      LEP MAPPING**

## **APPENDIX G      VISUAL IMPACT ASSESSMENT**







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Attachment 8.8.2



# 20-22 Atchison Street St Leonards, NSW

Planning Proposal Urban Design Report

Report by COX Architecture



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## Contents

### 01 Introduction

1.1 Purpose of this report	06
1.2 Executive Summary	07
1.3 Regional Context	08
1.4 Site Location	09

### 02 Planning Context

2.1 Strategic Planning Context	11
2.2 Site Constraints & Opportunities	13
2.3 Approvals & Significant Sites	15
2.4 Overshadowing Controls	16

### 03 Site Analysis

3.1 Site Character	18
3.2 Street Views Analysis	21

### 04 Design Principles

4.1 Design Principles	26
4.2 Public Domain Benefits	28

### 05 Proposal

5.1 Building Setbacks	30
5.2 Building Envelope	40
5.3 Building Separation	45
5.4 Future Context	46
5.5 Sun-Eye Views	48
5.6 Visual Impact Assessment	49
5.7 Overshadowing Analysis	52
5.8 Amenity Assessment	58
5.9 ADG Compliance	59
5.10 Podium Strategy	61

### 06 Reference Design

6.1 Site Survey	70
6.2 Plans	71
6.3 Area Schedule	82
6.4 Benefits to the Public	83

### Appendix A

Overshadowing Analysis Methodology
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### Appendix B

Visual Impact Assessment Methodology
--------------------------------------



## Artist Impression



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# 01 Introduction



## 1.1 Purpose of this Report

This concept urban design report has been prepared by Cox Architecture on behalf of Radaca Investments and CVWL for land at 20 - 22 Atchison Street, St Leonards, NSW (the subject site).

The two land owners listed below are coming together to create an opportunity for a Tall Tower development through the amalgamation of two smaller sites:

- Radaca Investments (20 Atchison St)
- CVWL (22 Atchison St)

The primary purpose of this report is to demonstrate that the Planning Proposal for the subject site is largely consistent with State and local government strategic policies. A detailed urban design analysis and indicative reference plans have been developed demonstrating the future potential distribution of land uses, massing, built form, and an overall building height and floor space ratio for the site.

This has been developed with consideration for adequate building separation to existing and future context, and preliminary assessment of solar impacts within the site and neighbouring properties informed this urban design report.

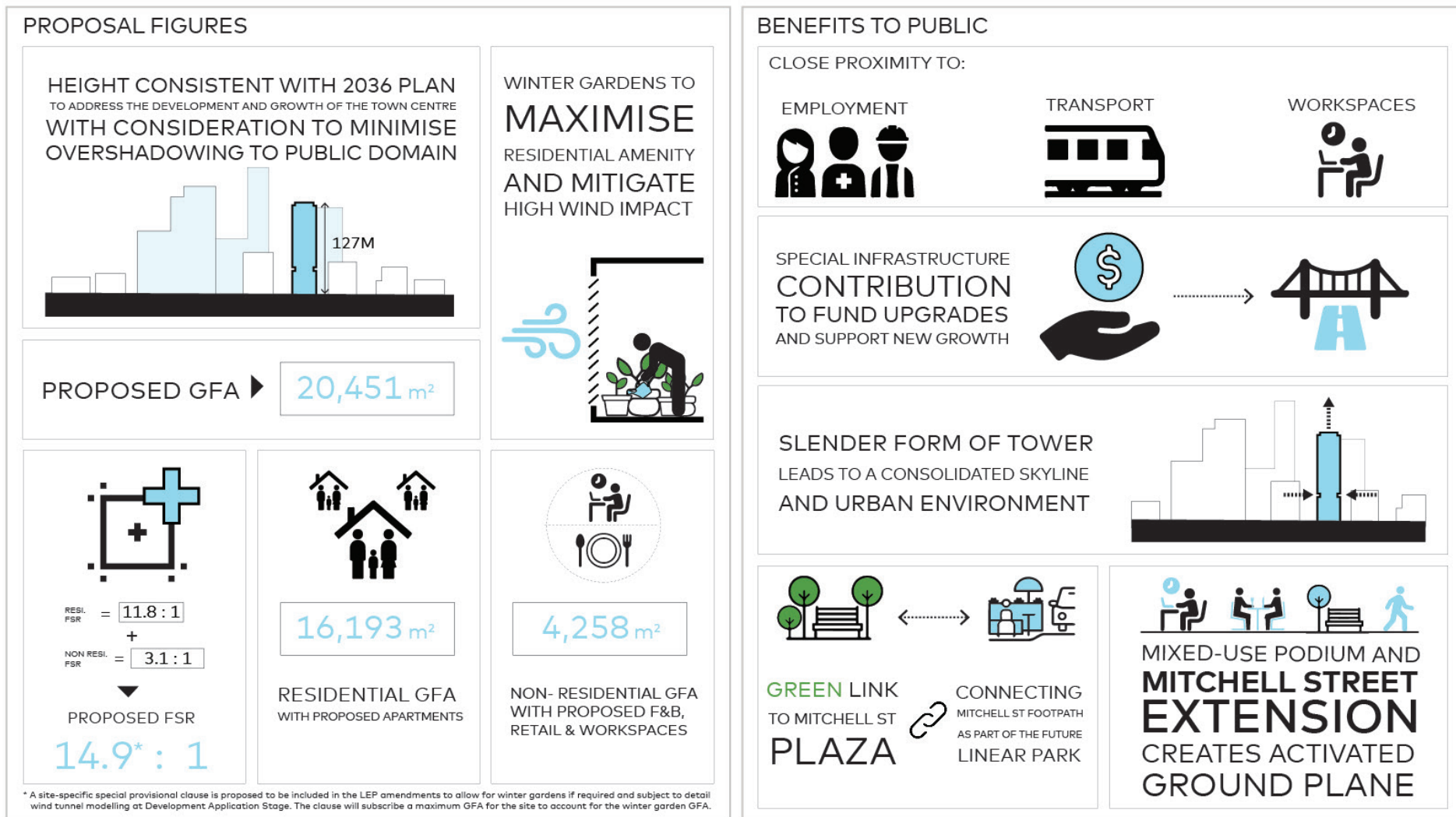
In order to demonstrate that development on the subject site is feasible, an indicative reference design scheme has been prepared showing indicative basement car parking arrangements, ground level street address, above ground podium including non-residential uses and community benefit, and residential uses above.

In addition to this, the NSW Department of Planning, Industry and Environment endorsed the St Leonards and Crows Nest 2036 Plan (final document) in August 2020 which has also informed this report.



[Aerial view of the site looking West]

## 1.2 Executive Summary





## 1.3 Regional Context

### Greater Sydney Regional Plan

The Greater Sydney Region Plan, finalised in March 2018, is the new metropolitan plan for Sydney. The plan provides a 40-year vision of Sydney for a city where people will live within 30 minutes of jobs, education and health facilities, services and great places.

The vision seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities - the Western Parkland City, the Central River City and the Eastern Harbour City. The site is located within the Harbour CBD in the Eastern Harbour City, which will build on its credentials and leverage its strong financial, professional, health and education sectors and extend its capabilities with an innovation precinct that will boost productivity and global connections.

The Plan provides ten key directions for a metropolis of three cities. Key directions and objectives relevant to 20-22 Atchison Street include:

- Jobs and skills for the city: creating the conditions for a stronger economy.
- Housing the city: giving people housing choices through greater housing supply that is more diverse and affordable.

This proposal will facilitate the renewal of the site, which will provide more jobs closer to homes, and businesses connected to a large skilled workforce, supported by an effective public transport network.

These benefits maximise opportunities to attract higher density and higher residential amenity, which will enhance the vibrancy of the strategic centre, and support walkable neighbourhoods.

### Our Greater Sydney 2056 North District Plan

The North District Plan, released by the Greater Sydney Commission in March 2018, sets out the 20 year vision, priorities and actions for the North District.

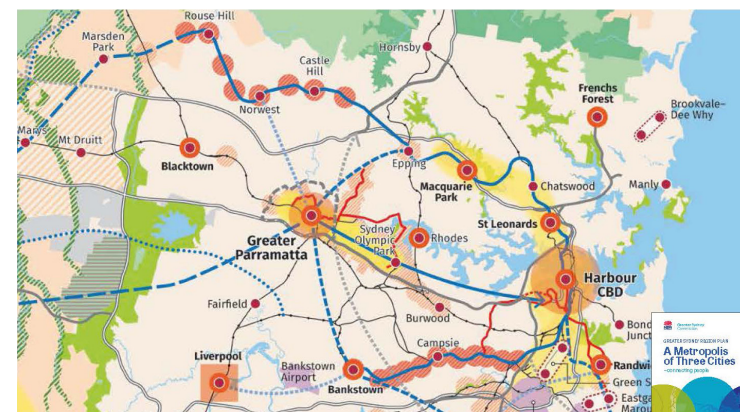
The population in the North District is projected to increase by an additional 196,350 people, over the next 20 years. The North District will experience the greatest growth in elderly persons, particularly those aged over 65. To support population growth in the North District, an additional 92,000 homes will be required by 2036. To accommodate this growth new homes must be located within proximity to local infrastructure, open space, shops services and public transport, in places such as St Leonards.

St Leonards is identified as an important strategic centre and health and education precinct, with over 47,000 jobs (2016). As a mixed-use centre, there is strong demand for residential land in the area, which is currently competing with commercial floor space.

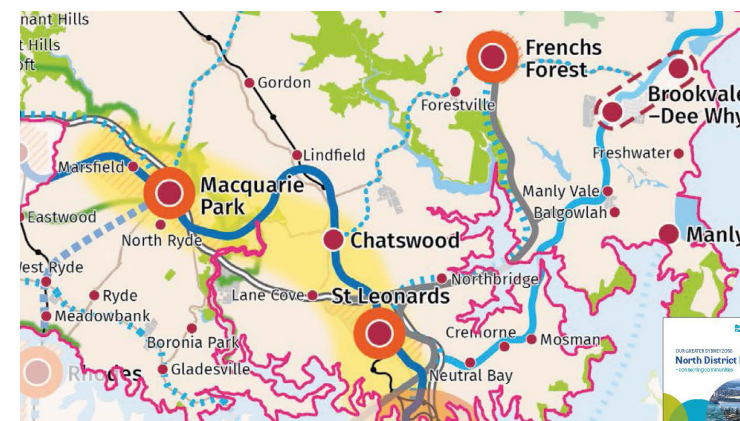
There is significant opportunity to define the centre's commercial identity through the integration of health and education uses to grow jobs in complementary health services and existing education facilities.

Key actions for St Leonards include:

- Leverage from the new Crows Nest Metro
- Grow jobs in the centre
- Reduce the impact of vehicle movements on pedestrian and cyclist accessibility
- Deliver new high quality open spaces, public areas and place-making initiatives
- Promote synergies between the Royal North Shore Hospital and other health and education institutions.



Source: Greater Sydney Region Plan: a Metropolis of Three Cities (Greater Sydney Commission, 2018)



Source: North District Plan (Greater Sydney Commission, 2018)

## 1.4 Site Location

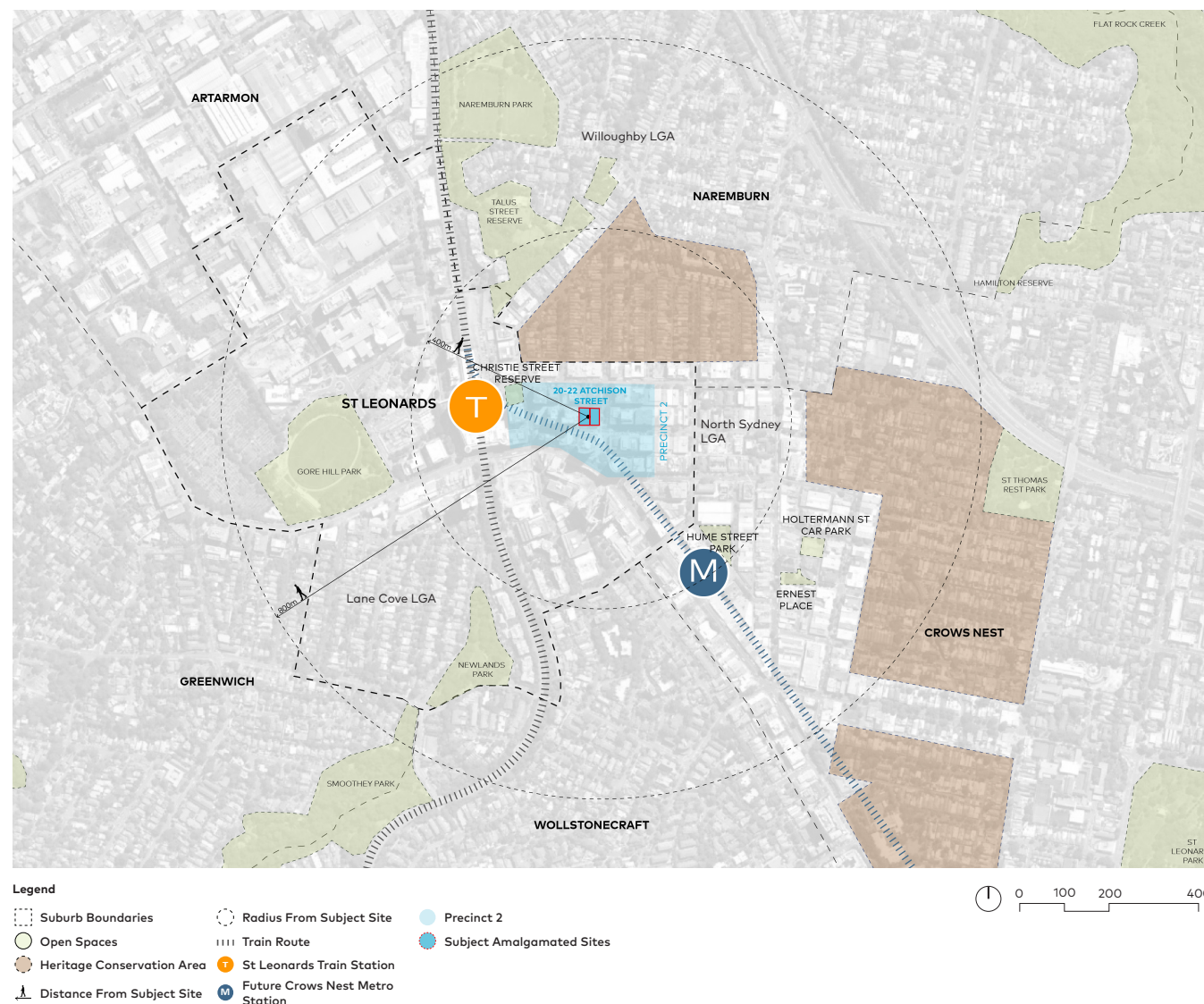
The subject amalgamated site is located in the heart of the St Leonards and Crows Nest Planned Precinct and falls under North Sydney Local Government Area.

East of the site are lower scale residential conservation zones characterised by single dwellings defined as the suburb of Crows Nest. A transition zone exists between the conservation area and the site in which mixed-use building heights range from 4-20 storeys with significantly higher future development likely.

To the west of the site is St Leonards Train Station and Royal North Shore Hospital, with recent development at The Forum, which falls under Willoughby Local Government Area.

The area to the south of the site is characterised by residential developments with strata and some single dwellings, most of which occur within Lane Cove Local Government Area. The future Crows Nest Metro Station will be located to the southeast of the site within the 400m radius outlined in the diagram.

North of Chandos Street there is a conservation zone comprised of lower scale single dwellings. The blocks immediately to the north of the subject site make transition in land use and height towards the Naremburn conservation zone.



C O X

## 02 Planning Context

## 2.1 Strategic Planning Context

### St Leonards and Crows Nest 2036

In November 2015, the state government committed to a new metro railway station at Crows Nest, for which the DPIE endorsed the final 2036 Plan for St Leonards and Crows Nest precinct in August 2020.

The DPIE's 2036 Plan was driven by the new Sydney Metro station opening at Crows Nest in 2024. Specific to the site, the 2036 Plan subscribed specific built form controls in the form of maximum building height, maximum FSR and minimum non-residential FSR. The built form controls for the site are:

- a maximum height of 35 storeys
- a maximum FSR of 11.5:1
- a minimum non-residential FSR of 3:1
- a range of assumed building setback controls from the street and above podium

Working with North Sydney Council, the proposal is seeking to establish revised development controls for this significant site, responding to the 2036 vision and 2013 North Sydney DCP.

#### Place

The proposed redevelopment of the site;

- is adjacent to a conservation heritage zone and as such the massing and materiality will be carefully designed to minimise any negative impacts.
- references its heritage context through the use of a complimentary material pallet.
- will increase casual surveillance in the immediate area and will apply universal access principles to the site.
- will create an inclusive, comfortable and pedestrian friendly environment off Mitchell Street and existing through-site link.
- will be designed to consider the wind impact on the surrounding area through the use of podium setbacks, awnings and street trees.

#### Land use

The proposed redevelopment of the site;

- will contribute a range of dwelling types to the area

which includes a mixed-use development ensuring new employment in the area, capable of supporting a range of business types and sizes.

- will deliver an activated street and provide a range of uses at ground level.

#### Movement

The proposed re-development;

- will introduce a green pedestrian link as part of Mitchell Street linear park.
- will locate vehicular access to the rear lane improving the walking and cycle network to the main streets.
- provides street activation to the existing through-site link, improving passive surveillance and security.
- enhances and supports east/west pedestrian links by incorporating a green pedestrian link parallel to Mitchell Street.

#### Built Form

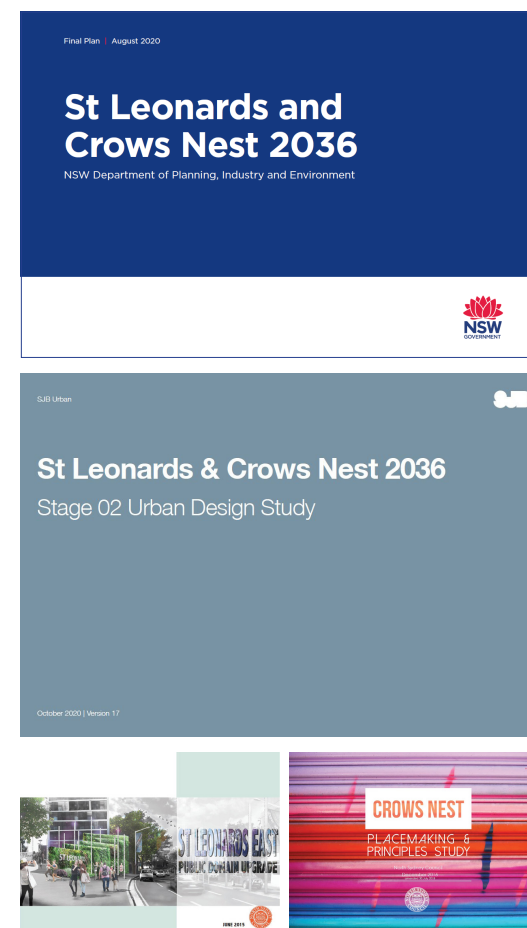
The proposed redevelopment of the site;

- considers the overshadowing, wind impacts and view loss of its surrounding neighbours
- adheres to the principle of containing taller buildings close to the centre
- provides high on-site amenity through podium landscaping, strategically placed communal open space and considered winter gardens.
- considers the street width and character of the area through podium setbacks, street activation and awnings creating a pedestrian friendly, highly activated human scale experience at street level

#### Landscape

The proposed redevelopment of the site;

- proposes setbacks at podium levels to create wider and greener streets.
- will incorporate new street trees to improve the overall tree coverage in the area.
- locates a roof terrace above the podium for improved amenity to residents and a smooth podium to tower transition.



Other planning documents referenced include "Crows Nest Placemaking & Principles Study" and "St Leonards East Public Domain Upgrade"



## 2.1 Strategic Planning Context

### 2014 St Leonards Placemaking and Design Study

In 2014, SJB Architects prepared a Placemaking and Design Study for St Leonards that provides an assessment framework which identifies the site in Zone 2, Mitchell Street West. Key objectives for development in the area are to:

- Reflect the high density character of this zone;
- Encourage through site links and ensure activity and surveillance is achieved at the ground plane;
- Promote commercial development within the podium;
- Ensure a level of high residential amenity is achieved.

Key design principles relevant to the site are:

- Improve connectivity to public open space;
- Open up sight lines;
- Creating green spines through the site;
- Promoting active frontages and outdoor dining;
- Improve permeability through new through-site links;
- Transition mixed use development from residential areas to the core
- Redevelop a key site for community purposes;
- Vary height and built form across the precinct;
- Position taller towers on corner blocks;
- Provide ground floor and upper level setbacks to reflect zone character;
- Ensure side setbacks consider the amenity of laneways and adjoining buildings;
- Ensure built form is appropriate to the size and setting of the site;
- North/ south streets running along Mitchell and Oxley Streets; and
- Potential to activate lane ways.

### 2015 Planning Study Precincts 2 & 3

In 2015, North Sydney Council released Precinct 2 of the St Leonards and Crows Nest Planning Study, with the aim of accommodating population growth in the North Sydney Local Government Area, protecting jobs, and providing new and improved public domain and open spaces.

20-22 Atchison Street is located in Precinct 2, within the high density commercial and mixed use area of St Leonards. It has been identified as a tall building site.

The Planning Study identifies the following opportunities for the precinct:

- Strong public transport connections;
- 'Fine bones' of a creative precinct;
- A few 'anchor' establishments;
- North/ south streets running along Mitchell and Oxley Streets; and
- Potential to activate lane ways.

Future development is to reflect the high density character of the centre where the impact on neighbouring properties and the public domain is mitigated through well located, tall, slender towers.

Built form objectives relevant to 20-22 Atchison Street include:

- Deliver award-winning architectural design offering quality mixed use and commercial development;
- Create a built form that transforms St Leonards into a modern, mixed use centre;
- Consider additional residential and employment capacity to meet the demand for new jobs and housing in the LGA;
- Provide a human scale to streets and laneways; and
- Provide greater pedestrian amenity and outdoor dining opportunities



Image St Leonards precinct (Source: SJB Architects on behalf of the North Sydney Council, St Leonards Placemaking & Design Study).



Image above showing the vision for the precinct (Source: SJB Architects on behalf of the North Sydney Council, St Leonards Planning Study Precinct 2 and 3)

## 2.2 The Site

The site is located at 20-22 Atchison Street in St Leonards town centre, within a 400m walking catchment of both the existing St Leonards railway station and the proposed Crows Nest Metro Station.

The site is occupied by two commercial low-height buildings:

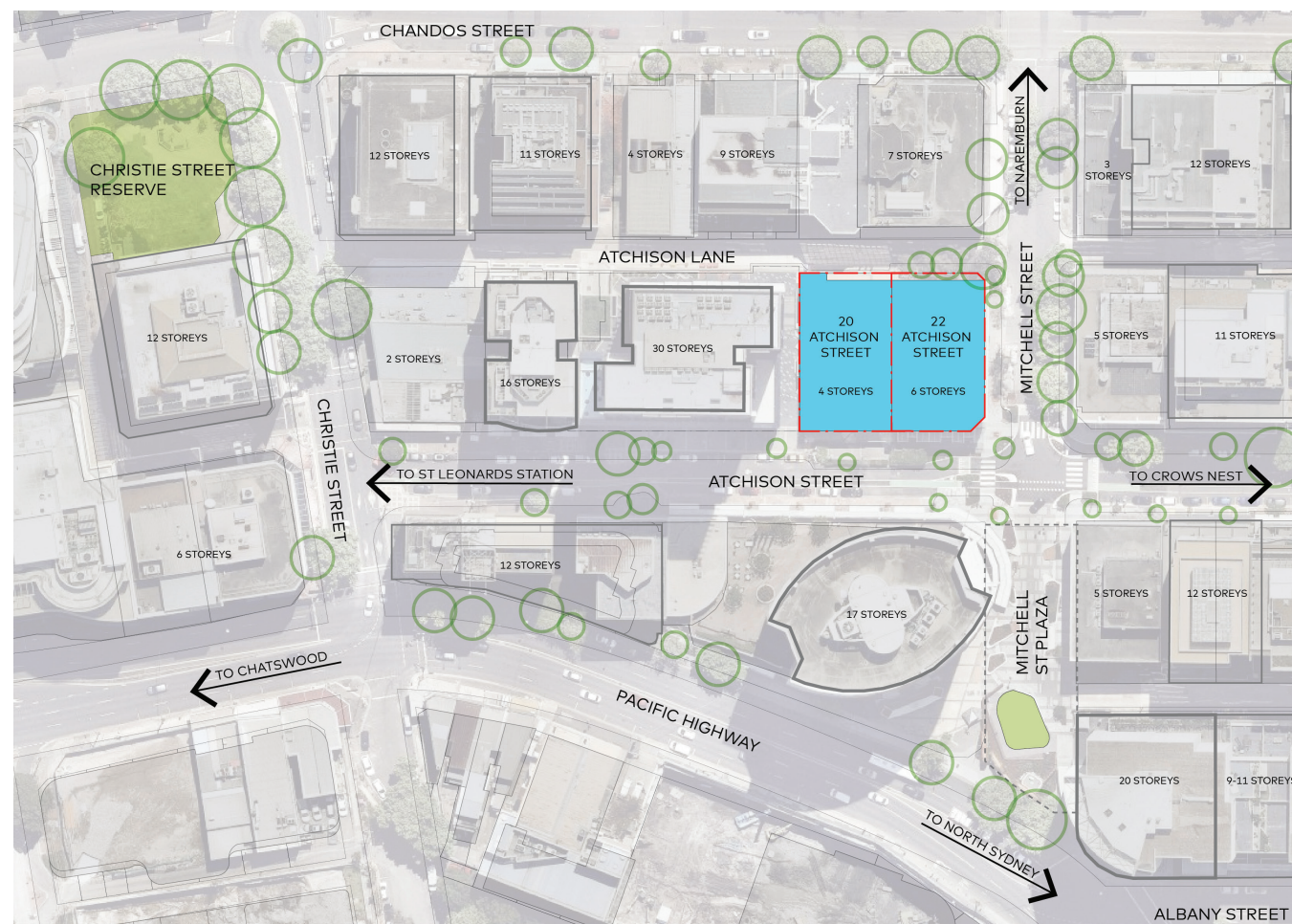
20 Atchison Street occupies the western lot of the site and includes the Electroboard building over 4 storeys and is characterised by concrete and masonry construction and mirror glass.

22 Atchison Street occupies the eastern lot of the subject site and includes five commercial storeys above ground level car-parking. This building appears to be constructed using similar materials to its eastern neighbour notwithstanding it may be of more recent origin.

The amalgamated site is approximately 1,374m<sup>2</sup> in size and is bounded by Atchison Street to the south, Mitchell Street to the east and Atchison Lane to the north. The site is generally rectangular in shape and has a fall from the Atchison Street front down to the northern rear lane frontage of up to 3m. The site also has a cross fall from the east down to the western boundary of approximately 800mm. The site has a frontage to Atchison Street of 20.1m and a site depth of 34.3m. Existing on the amalgamated site is a three storey commercial building and a 6 storey commercial building.

The site is well supported by public transport and has privileged access to one of the key open space and public domain elements in St Leonards town centre: Mitchell Street Plaza. This open space is located at the south-eastern boundary of the site and provides a fantastic opportunity for future embellishment and activation.

The North Sydney Local Environmental Plan (LEP) zones the site B4 Mixed Use, with a maximum building height of 49m.



### Legend

- Site Boundary
- Park
- Proposed Development



## 2.2 Constraints & Opportunities

The amalgamation of two adjoining sites provides the opportunity to develop the site in line with North Sydney Council's 2015 "St Leonards & Crows Nest - Precincts 2 & 3 Study" definition of the site as a tall building site, also present in the DPIE's 2036 Plan which prescribes a height and density uplift to the amalgamated site.

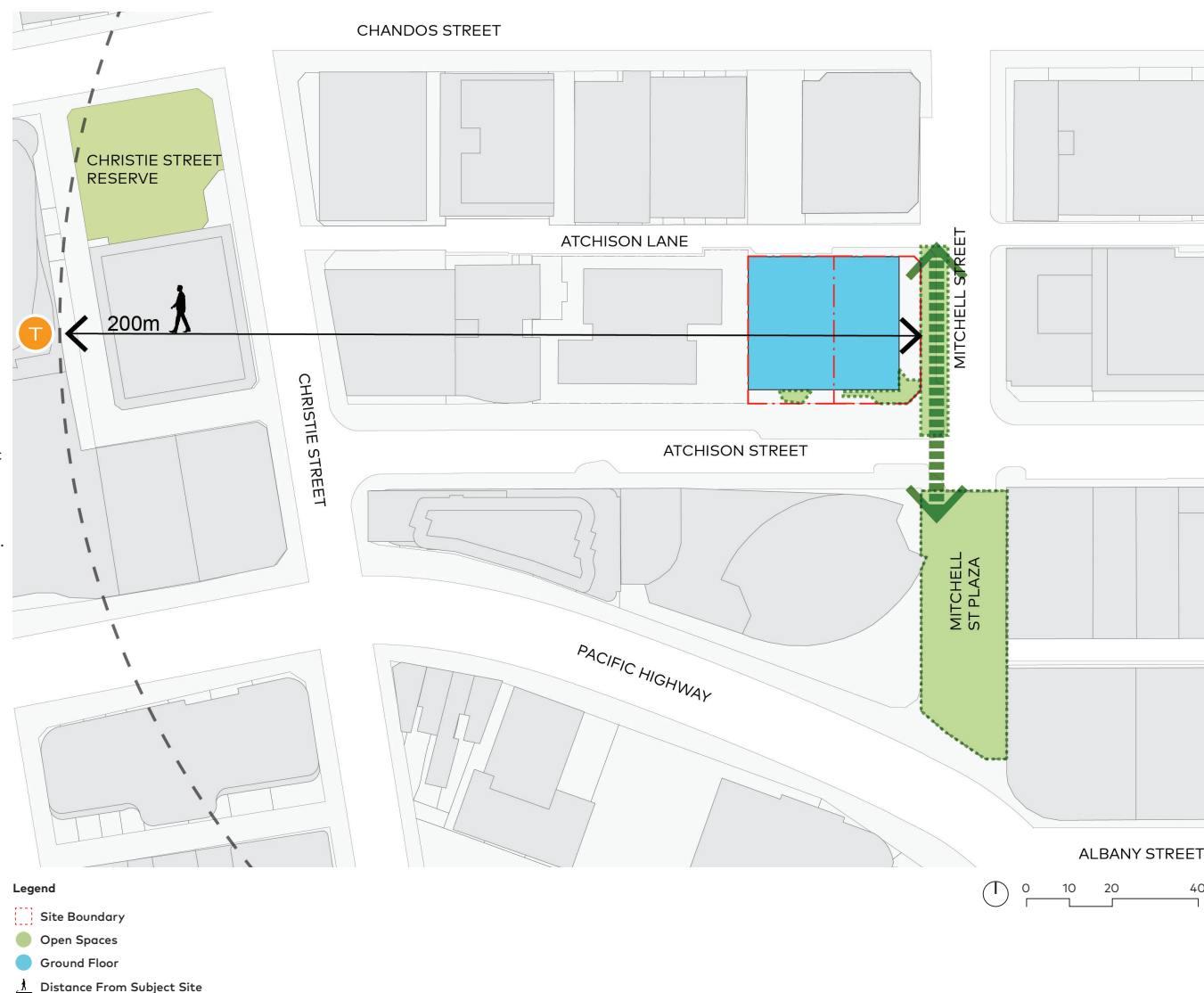
The amalgamation will deliver an iconic development at the highpoint of St. Leonards which would complement currently built / approved developments and the future towers envisioned in the 2036 Plan.

Site amalgamation will significantly contribute to the green corridor along Mitchell Street linking the site to Mitchell Street Plaza and contribute to the activation of the public domain and the pedestrian environment along Atchison Street.

The proposal will contribute to the activation of the public domain and the pedestrian environment along Atchison Street. There is also the opportunity to incorporate a strong civic, retail and dining character along Atchison Street through active frontages (18-hour streets concept). This in turn will ensure a stronger focus for pedestrians in the area with potential F&B and retail experiences fronting the existing through-site link to the western neighbour and co-working spaces accessed from the future green spine occurring east towards Mitchell St.

The Planning Proposal will provide commercial and non-residential uses as part of the employment strategy in supporting long-term investment in the broader centre. A premium grade commercial asset such as the one contained in the proposal can appeal to larger companies that consider St. Leonards their new home. This, in turn, could set a precedent for other companies in the future.

The public domain is addressed via a crafted landscape design that introduces outdoor seating and dining opportunities to Atchison and Mitchell streets. The edges of public spaces, with substantial green gathering spaces, connect south to the existing Mitchell St Plaza and improve the existing streetscape.





## 2.3 Approvals & Significant Sites

The Planning Study for Precincts 2 and 3 (May 2015) by North Sydney Council anticipates the transformation of the surroundings of the proposal in the near future.

As a result, four Tower sites were nominated, one of them being the subject site, and since then several proposals in the vicinity have been lodged and assessed by Council.

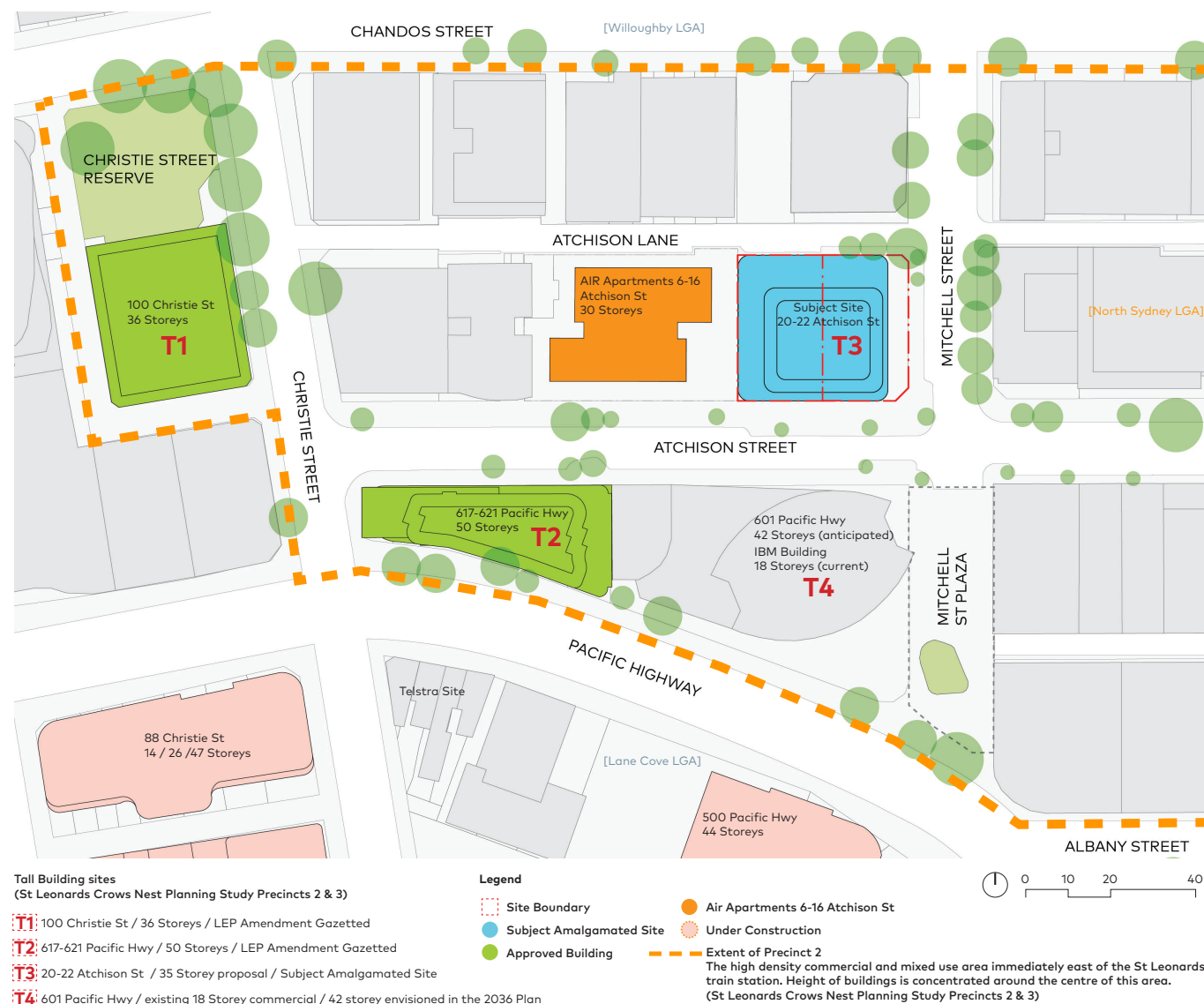
As per North Sydney Council's recommendations the report only reflects approved proposals regardless of any anticipated developments.

617-621 Pacific Highway now has LEP controls in place to facilitate a future 50 storey mixed use residential building, which is located on the corner of Christie St and Pacific Hwy, with a maximum RL of +263.00m, for which LEP amendments were gazetted.

It is worth noting that developments to the South of Pacific Highway fall into Lane Cove Council's Local Government Area (LGA), yet still contribute to the urban profile and skyline of St. Leonards due to their proximity. The maximum RLs for these developments range between RL +166.00m in one of the buildings for 88 Christie St and +230.00m at 500 Pacific Highway.

The heritage zone to immediately north of Chandos St is part of Willoughby Council and low-scale future development has been anticipated on the DPIE's 2036 Plan.

This context analysis clearly demonstrates that the subject site is the shortest tower amongst the tall building sites identified in North Sydney Council's strategy.



## 2.4 Overshadowing Controls

As part of North Sydney Council's "Placemaking and Principles Study for Crows Nest" (amended on 30 July 2018) the below listed areas have been identified:

- Christie Street Reserve and planned upgrade
- Hume Street Park between 10am-2pm
- Willoughby Road between 10am-4pm
- Ernest Place

Newlands park to the South-West of the site has also been identified as a critical area between the hours of 9am and 3pm in the winter months.

The following diagram identifies these areas within the context of the proposal.

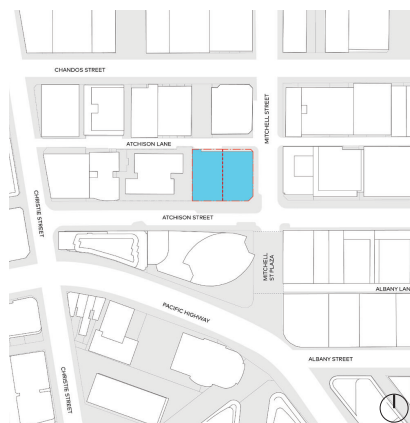


C O X

## 03 Site Analysis

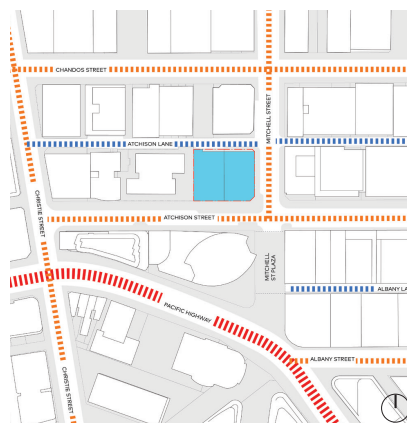
### 3.1 Site Character

#### Site



The site for the proposal is constituted via the merging of two adjoining properties, 20 Atchison St (Radaca Investments Pty Ltd) and 22 Atchison St (CVWL). Located at the corner of Atchison and Mitchell St, it sits at the highest point to the east of St Leonards train station.

#### Street Hierarchy



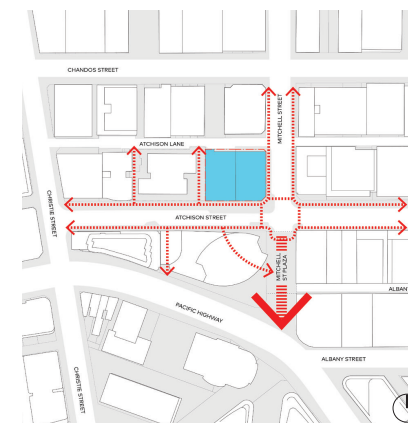
Pacific Highway is the main vehicular artery to the south of the proposal, while smaller scale streets make up the immediate context. Atchison St ramps up eastwards as it reaches a plateau adjacent to the site and then descends towards Crows Nest. A series of lanes contribute to the mobility and grant access to the underground car parks for most of the surrounding developments.

#### Transport



Numerous bus routes travel through Pacific Highway allowing for a rapid connection to public transport from the proposal. St. Leonards train station is located only 5 minutes downhill to the west providing a rail link to the proposal. To add to this, the future Crows Nest metro station will be located only 10 minutes walking distance to the south-east.

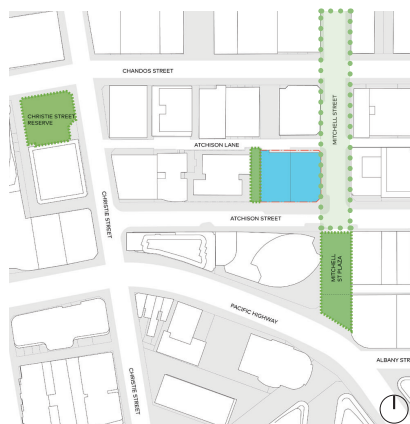
#### Pedestrian



High levels of pedestrian activity take place around the proposal due to its close proximity to different sources of public transport. Mitchell St Plaza, at the foot of the proposal, makes it a destination point for both residents and workers in the area as it is a sunlit open space during the winter months. The gradient of the streets descends as users walk away from the site.

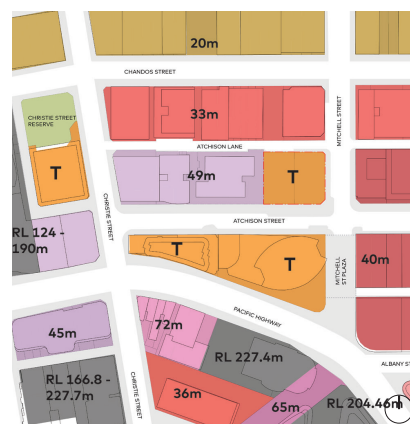
### 3.1 Site Character

#### Open Space



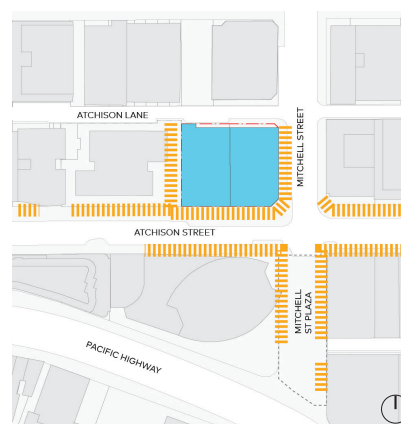
Precinct 2 in St. Leonards is characterised by its density due to its proximity to the train station. This makes open space quite scarce, but the proposal benefits from the recently refurbished Mitchell St Plaza to the south acting as a pocket park. Through a generous setback to Mitchell St, the proposal seeks to further contribute to North Sydney Council's strategy to include landscaped elements in all future developments. The ambition for the creation of Mitchell St Linear Park will only increase these possibilities.

#### Nominated Heights



The proposal sits on one of 4 tower sites nominated by North Sydney Council. The L.E.P. height is not limited on these sites, but rather driven by: harmonious design to fit within context and skyline, limited floorplate size to favour a slender tower, building length and building separation, mitigation of overshadowing, control of wind impact and contribution to the public domain. The DPIE's 2036 Plan has now nominated a maximum height for the amalgamated site of 35 storeys.

#### Active Street Edges



Street activation in the context of the proposal occurs naturally with the flow of people travelling to and from St Leonards train station. This provides multiple opportunities to connect with the public domain via generous footpaths, a linear park running on the north-south axes along Mitchell St and a thru-site link connection occurring to the west of the site.

#### Topography



The south-east corner of the proposal sits at the higher end of the site, with an on-grade link to the future linear park and Mitchell St Plaza. The site then drops approximately 3 meters to its north-west corner where vehicular traffic will access the site. This level change allows for the sleeving of the basement, reducing further impact on the streetscape while maintaining on-grade user access to the proposal on 3 of its sides.



Aerial View of the site to West





### 3.2 Street View Analysis

The subject site is surrounded by commercial development to the west and south from which northerly and easterly views are likely to include parts of the proposed development.

Residential development to the north in Naremburn may have access to some views of the proposed development but no access to scenic views beyond St Leonards due to the underlying and lower topography relative to the Pacific Highway ridgeline. Views of the built form proposed are predominantly available from residential roads and from moving, viewing situations. Long term focal views from residential dwellings are likely to be highly constrained, oblique and distant. In all such views the proposed development would be visible in the context of the St Leonards cluster of commercial and mixed-use towers that are not dissimilar in character or form to that proposed.

Views from the closest residential neighbours south-east of the site along Atchison Street may be available from the upper floors of south-side, north facing apartments. Such views if available would be oblique and are likely to be constrained by intervening development.

Easterly views from the upper floors of the commercial Quest apartment hotel are likely to include vernacular residential development, parts of Crows Nest, Northbridge and beyond potentially including distant parts of Middle Harbour.



Image provided by Urbis



3.2 Street View Analysis



View 1 - west from North Sydney Oval

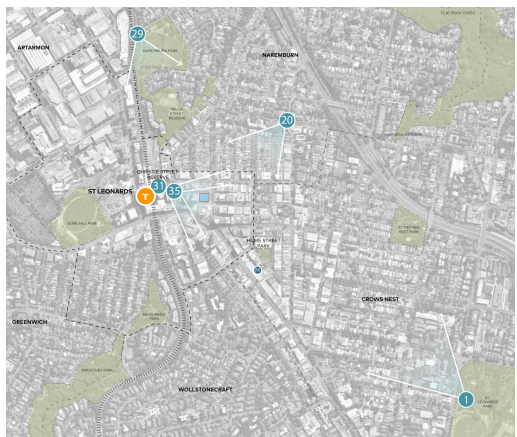


View 20 - corner of Wiloughby and Dalleys Rd



View 29 - north-west from Naremburn Park near carparks

Key Plan



Legend

- Subject Amalgamated Site
- Views
- St Leonards Train Station
- Future Crows Nest Metro Station



View 31 - corner of Chandos and Christie from Christie Park



View 35 - east along Atchison Lane

Legend

- Priority 1
- Priority 2

3.2 Street View Analysis

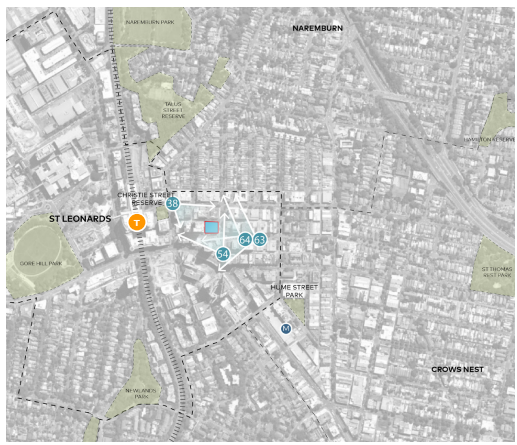


View 38 - west along Atchison Lane



View 54 - from Mitchell Street Plaza

Key Plan



Legend

- Subject Amalgamated Site
- Views
- St Leonards Train Station
- Future Crows Nest Metro Station



View 63 - west adjacent to 5 Atchison St



View 64 - west adjacent to 9 Atchison St

Legend

- Priority 1
- Priority 2



## 3.2 Street View Analysis

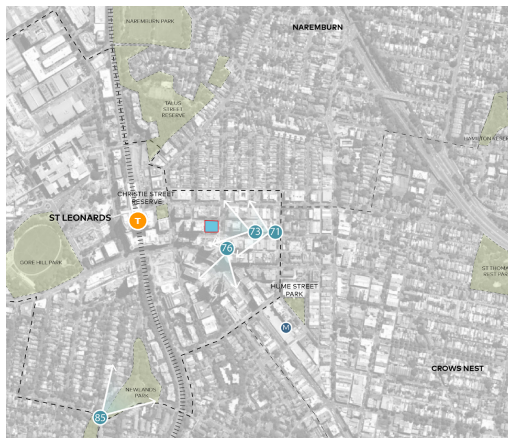


View 71 - west adjacent to 11 Atchison St



View 73 - closer view west adjacent to 9 Atchison St

Key Plan



Legend

- Subject Amalgamated Site
- < Views
- T St Leonards Train Station
- M Future Crows Nest Metro Station



View 76 - south from corner of Mitchell and Atchison



View 85 - north from Talus Reserve

Legend

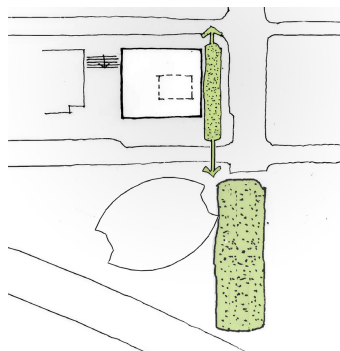
- Priority 1
- Priority 2

C O X

## 04 Design Principles

## 4.1 Design Principles

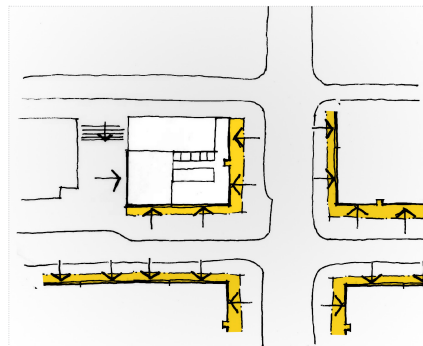
Mitchell St Green Link



The site forms part of a key section of Mitchell Street leading up to Mitchell Street Plaza (with upgrades that have been recently completed to deliver an improved landscaped open space).

The site's redevelopment will allow for the greening of Mitchell Street as envisaged in the DPIE's 2036 Plan.

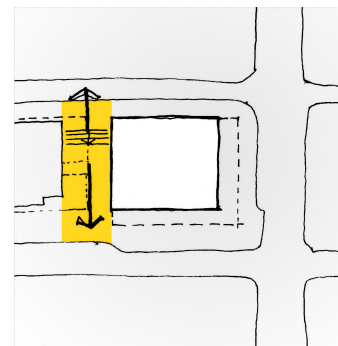
Activated Street Response



The proposed ground plane will be activated through several complimentary uses: residential lobby, commercial and café / food & beverage opportunities.

This mix of uses will strengthen the civic function of Atchison Street and reinforce it as a key destination street in the town centre. By locating vehicular access to the rear lane on the northern boundary it will ensure Atchison / Mitchell Street frontages remain as an activated pedestrian friendly environment.

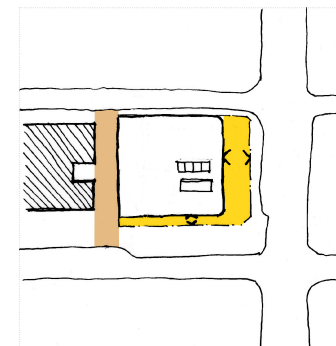
Through-Site Link



A through-site link currently exists to the west of the site and although open to the sky, it is not greatly activated.

The site's redevelopment will allow for a newly activated podium fronting onto the through-site link, creating a highly activated, permeable and pedestrian friendly amenity.

Podium Setback

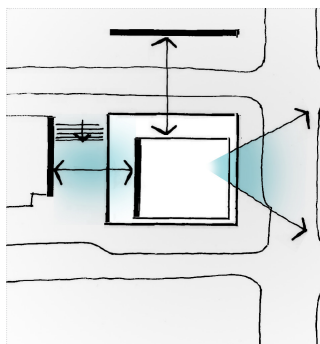


The podium footprint has been set back along Mitchell street to provide wider footpaths and greening of the public domain. This is key for to link the future linear park to Mitchell street Plaza to the South.

Additionally, a 3 metre ground floor setback (reverse podium setback) occurs to Atchison street, with the built form above providing shelter to pedestrians travelling to and from St Leonards train station.

## 4.1 Design Principles

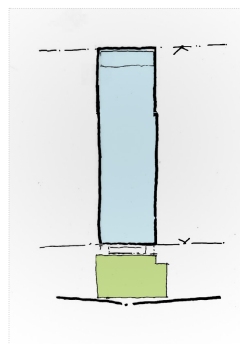
### Privacy



Privacy to the closest neighbour is ensured throughout the lower levels while views and outlook are maximised to the North, East and South-East.

Future neighbours to the north (18 storeys) and to the east (16 storeys) allow for unobstructed views and maximised solar amenity above level 16 of the proposal.

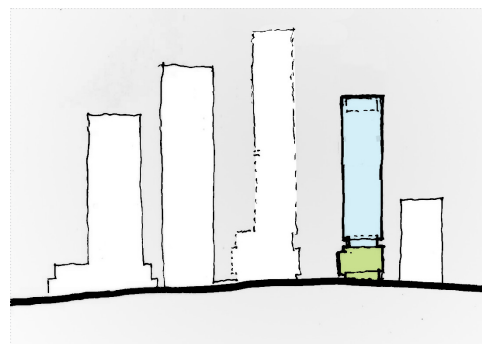
### Proportion



The podium and tower levels bring a combination of retail, commercial and residential components to 20-22 Atchison Street.

The podium, from the street to level 3, incorporates a mix of commercial and activated retail programs on the ground floor, whilst above the tower houses a range of 1 Bed / 2 Bed / 3 Bed apartment types.

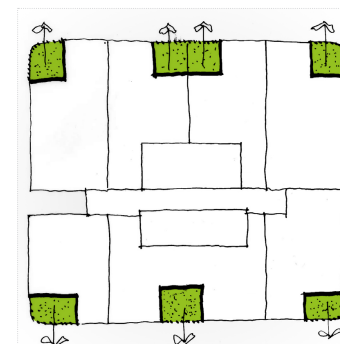
### Scale and Context



The site for 20 - 22 Atchison Street sits around the topographical high point of St. Leonards.

This opportunity allows the creation of a tall and slender tower that steps down in scale and height from 617-621 Pacific Hwy (approved development). It not only compliments the current and proposed skyline but also creates an iconic form that benefits from its central location.

### Winter Gardens



The private open space to all units includes winter gardens that bookend the northern and southern faces of the proposed building. This opens views to Naremburn and Crows Nest and captures sunlight into a majority of apartments, in turn creating a high level of amenity. All units achieve equitable aspect

High wind speeds occurring in open balconies of tall towers compromise safety and residents' amenity and as such winter gardens mitigate these adverse environmental conditions. The preliminary wind assessment recommends the use of winter gardens to mitigate wind impact. A future DA is required to undertake detailed wind-tunnel modelling to confirm the demand for winter gardens.



## 4.2 Public Domain Benefits

The proposal provides the groundwork for the establishment of a North-South linear park along Mitchell Street that will connect and reinforce the importance of Mitchell St Plaza as an activated outdoor space.

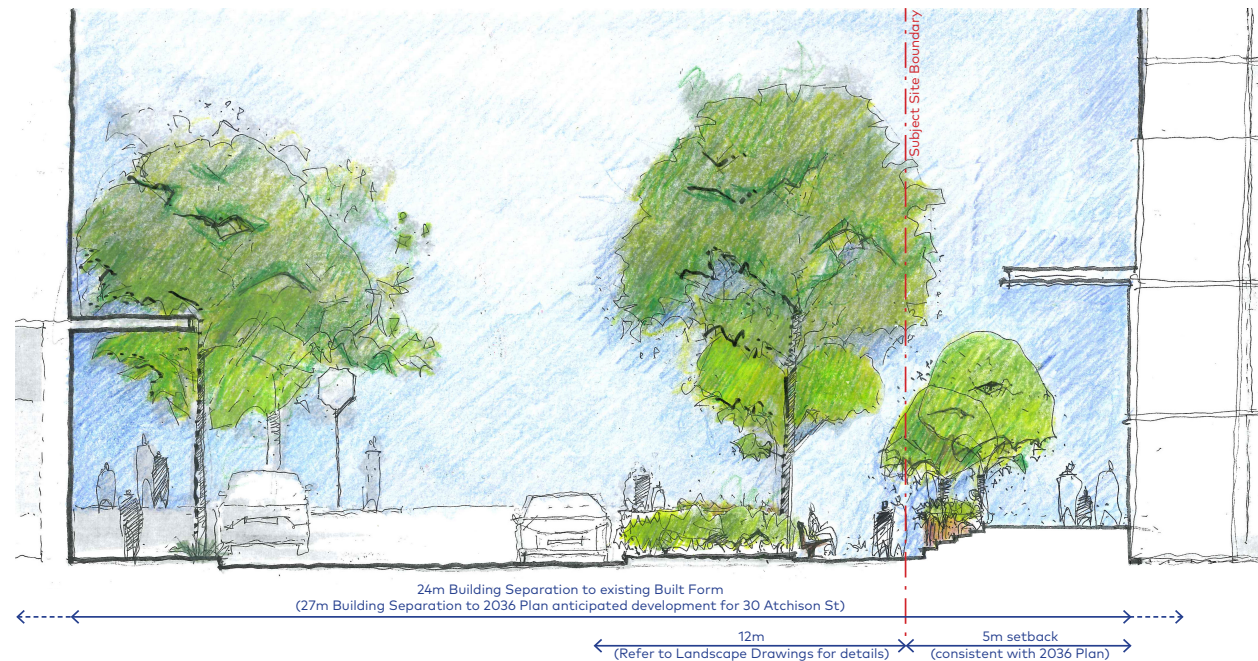
The generous setback together with seating opportunities and the landscape proposal that accompanies the design all assist in creating an attractive scenario during the hours of 12-2pm. Sunlight will enhance this space where workers from the area can enjoy the outdoors during their lunch break, while secluded from the heavy traffic of Pacific Highway to the south.

The landscape concept design introduces additional greenery and trees within the site boundary to connect to Mitchell Street linear park, blurring the boundaries between public and private domain and achieving a green street envisioned in the 2036 Plan. The increased width can achieve up to 12 metres from the proposal's glazing line on ground floor to the carriageway on Mitchell Street. A variety of seating options and landscape buffer zones create the sense of a protected green street as it flanks the proposal.

Without site amalgamation, future development on 22 Atchison Street would not be viable if it were to comply with the 2036 Plan setback of 5 metres to Mitchell Street.

### Legend

- Amalgamated Site Boundary
- Proposed Building
- Green/Open Space



Section A through Mitchell Street looking north



View of Mitchell Street Plaza

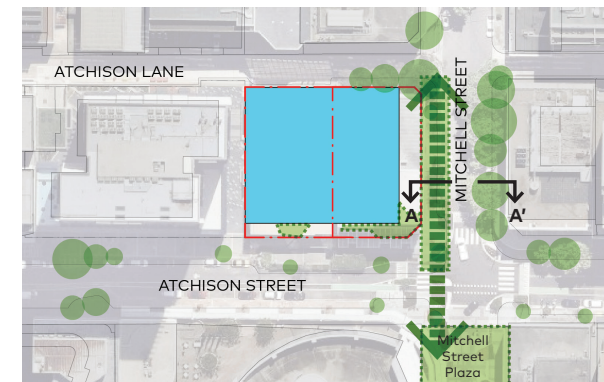


Diagram of Mitchell Street Linear Park

C O X

**05**  
Proposal

## 5.1 Building Setbacks

### Context Information and Planning Requirements

A detailed setback study was undertaken for the amalgamated site, informed by the 2013 North Sydney DCP and the DPIE's 2036 Plan.

The structure of the analysis addresses podium and above podium setbacks for 3 scenarios:

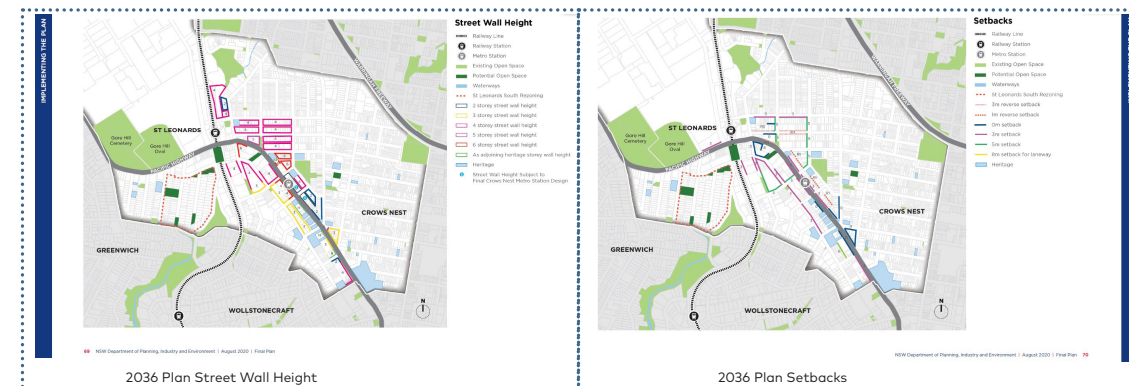
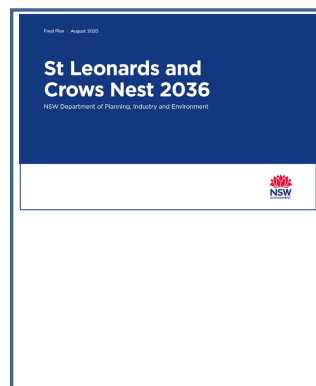
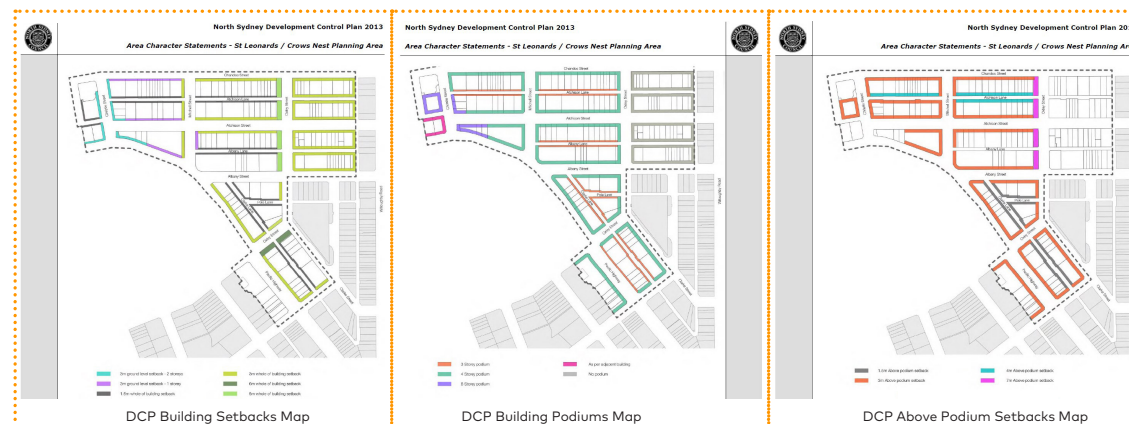
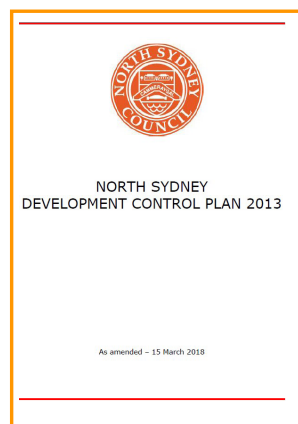
• 2013 North Sydney DCP

• 2036 Plan

• Proposal

All three scenarios define setbacks for the amalgamated site's street frontages:

- **North:** Atchison Lane
- **East:** Mitchell Street
- **South:** Atchison Street
- **West:** Thru-site link  
(on 6-16 Atchison Street land)



## 5.1 Building Setbacks

### 2013 North Sydney DCP Setbacks

The North Sydney DCP provides setback dimensions from the site boundary for both the podium and tower components of tall buildings in the St. Leonards precinct.

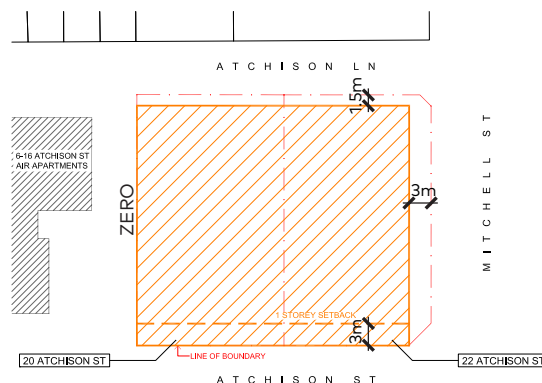
#### PODIUM

- **East:** a 3 metre podium setback to Mitchell St highly compromises the vision for a linear park running north-south and connecting to Mitchell St Plaza.
- **South:** a one storey 3 metre reverse setback is proposed creating an undercroft that aligns with the strategy to provide an awning for pedestrians who travel to and from St Leonards station.
- **West:** a zero lot to the west is consistent with all planning documents and should help activate the ground plane towards the existing thru-site link.
- **North:** the 1.5 metre setback to the north on Atchison Lane has little impact as this is a space mainly used by vehicles, with the different buildings protruding in and out unevenly along the lane.

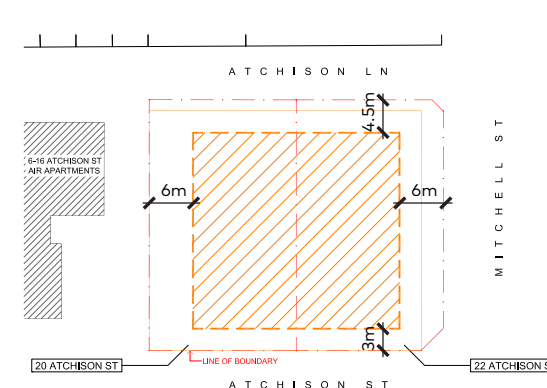
#### TOWER

- **East:** an additional 3 metres above podium setback to Mitchell St is introduced in order to distinguish podium and tower forms from the public domain. The overall distance to the site boundary is 6 metres.
- **South:** once the reverse setback is cleared on level 2 to become a zero lot for the podium, a 3 metre above podium setback is proposed.
- **West:** ADG building separation to the western neighbour, 6-16 Atchison St (AIR Apartments) determines a minimum setback of 6 metres between non-habitable spaces for both lots. This is already above and over the 3 metre above podium recommended setback.
- **North:** a 3 metre setback to the north on Atchison Lane is consistent with the remaining street orientations, for an overall 4.5m setback from the boundary. The reduced width of the lane makes it difficult to perceive this from the public domain. ADG building separation to anticipated neighbours to the north (2036 Plan) cannot be achieved with this figure.

### Podium



### Above Podium



(setbacks in metres from property boundary)	EAST	SOUTH	WEST	NORTH
<b>NORTH SYDNEY DCP 2013</b>	Mitchell St	Atchison Street	Air Apartments	Atchison Lane
<b>TOWER</b>	(above podium) 6	(above podium) 3	N/A	(above podium) 4.5
<b>PODIUM</b>	(whole building) 3	(1 storey) 3	N/A	(whole building) 1.5



# 5.1 Building Setbacks

## 2036 Plan Setbacks

The DPIE's 2036 Plan only provides setback dimensions from the site boundary for the podium, and a prescribed street wall height for the amalgamated site of 4 storeys.

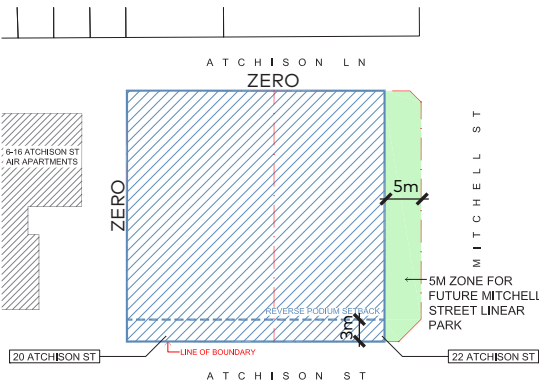
### PODIUM

- **East:** a 5 metre podium setback to Mitchell St aligns with the vision for a linear park running north-south and connecting to Mitchell St Plaza. This requirement is greater than the DCP's prescribes 3 metre setback for Mitchell St.
- **South:** a two storey 3 metre reverse setback is proposed creating an undercroft that aligns with the strategy to provide an awning for pedestrians who travel to and from St Leonards station.
- **West:** a zero lot to the west is consistent with all planning documents and should help activate the ground plane towards the existing thru-site link.
- **North:** a zero lot to Atchison Lane is shown to maximised non-residential FSR to the podium.

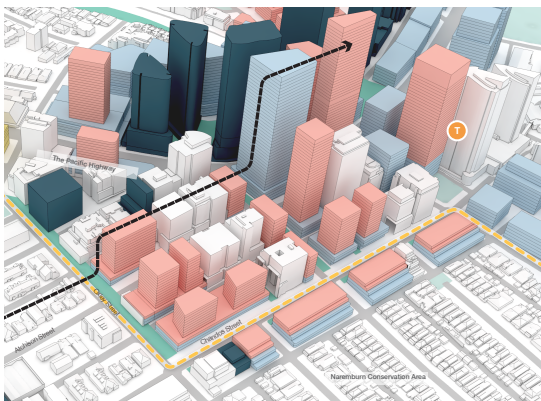
### TOWER

- **East:** an additional 3 metres above podium setback to Mitchell St is introduced in order to distinguish podium and tower forms from the public domain. The overall distance to the site boundary is 6 metres.
- **South:** once the reverse setback is cleared and the podium steps out to zero lot, the above podium setback should achieve maximum ADG building separation of 24 metres to the anticipated 42 storey development at 601 Pacific Highway (current IBM building).
- **West:** ADG building separation to the western neighbour, 6-16 Atchison St (AIR Apartments) determines a minimum setback of 6 metres between non-habitable spaces for both lots. This is already greater than the 3 metre above podium DCP recommended setback.
- **North:** to achieve maximum 24 metre ADG building separation to the anticipated northern neighbour (refer to extract from SJB's diagram above) would require a significant departure from the DCP's 3 metre above podium setback.

## Podium



## SJB Urban Report - Above Podium



Stage 02 Urban Design Study - Diagram on page 66

### TOWER

In SJB's Stage 02 Urban Design Study (part of the DPIE's 2036 Plan) a diagram describing built form at "the Edge of St Leonards Core" shows above podium setbacks in all four directions without specifying any figures.

(setbacks in metres from property boundary)	EAST	SOUTH	WEST	NORTH
2036 PLAN SETBACKS	Mitchell St	Atchison Street	Air Apartments	Atchison Lane
	5	(reverse setback) 3	N/A	0

(The DPIE's 2036 Plan and SJB's Stage 02 Urban Design Study only provide setback diagrams for podium and street wall heights)

## 5.1 Building Setbacks

### Proposal

The proposal acknowledges both the 2013 North Sydney DCP and the DPIE's 2036 Plan in its setback configuration

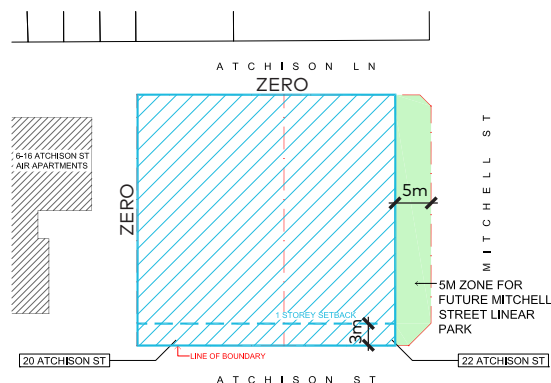
#### PODIUM

- **East:** a 5 metre podium setback to Mitchell St is proposed, 2 metres greater than the DCP requirement and consistent with the 2036 Plan.
- **South:** a two storey 3 metre reverse setback is proposed, as per the 2036 Plan and above the DCP's requirement.
- **West:** a zero lot to the west is consistent with both planning documents, and is driven by the thru-site link occurring within the neighbouring property at 6-16 Atchison St (AIR Apartments)
- **North:** a zero lot to Atchison Lane is adopted, consistent with the 2036 Plan and essential to achieve the minimum non-residential FSR prescribed in both planning documents within the podium.

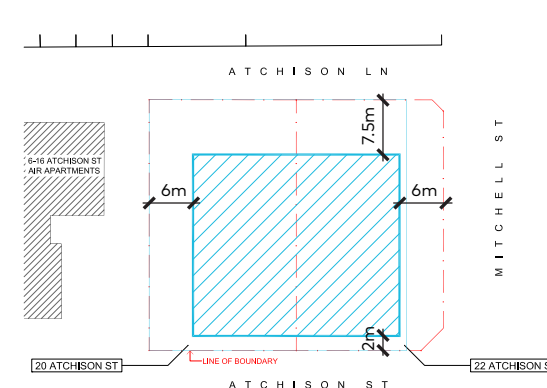
#### TOWER

- **East:** a 1 metre above podium setback to Mitchell St is proposed, effectively 6 metres from the boundary as per the DCP requirement and providing a break in the built form as shown in SJB's Stage 02 Urban Design Study (part of the DPIE's 2036 Plan).
- **South:** the proposed 2 metre above podium setback delivers maximum ADG building separation of 24 metres to the anticipated 42 storey development at 601 Pacific Highway (current IBM building).
- **West:** ADG building separation to the western neighbour, 6-16 Atchison St (AIR Apartments) determines a minimum setback of 6 metres between non-habitable spaces for both lots. This is already greater than the 3 metre above podium DCP recommended setback.
- **North:** a 7.5 metre setback is proposed in order to achieve maximum 24 metre ADG building separation to the anticipated northern neighbour (as shown in SJB's Stage 02 Urban Design Study). This figure is significantly higher than the DCP's 3 metre above podium setback.

### Podium



### Above Podium



### Comparison Table

(setbacks in metres from property boundary)	EAST	SOUTH	WEST	NORTH
<b>NORTH SYDNEY DCP 2013</b>	Mitchell St	Atchison Street	Air Apartments	Atchison Lane
<b>TOWER</b>	(above podium) 6	(above podium) 3	N/A	(above podium) 4.5
<b>PODIUM</b>	(whole building) 3	(1 storey) 3	N/A	(whole building) 1.5

(setbacks in metres from property boundary)	EAST	SOUTH	WEST	NORTH
<b>2036 PLAN SETBACKS</b>	Mitchell St	Atchison Street	Air Apartments	Atchison Lane
	5	(reverse setback) 3	N/A	0

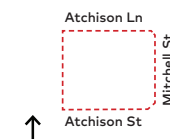
(setbacks in metres from property boundary)	EAST	SOUTH	WEST	NORTH
<b>PROPOSAL</b>	Mitchell St	Atchison Street	Air Apartments	Atchison Lane
	(above podium)	(above podium, 24m ADG building separation with 601 Pacific Hwy)	(above podium, 12m ADG building separation with AIR Apartments)	(above podium, 24m ADG building separation with 39-41 Chandos St)
<b>TOWER LV 4-34</b>	6	2	6	7.5
<b>LV1-3</b>	5	0	0	0
<b>GF</b>	5	(reverse setback) 3	0	0

Compliant

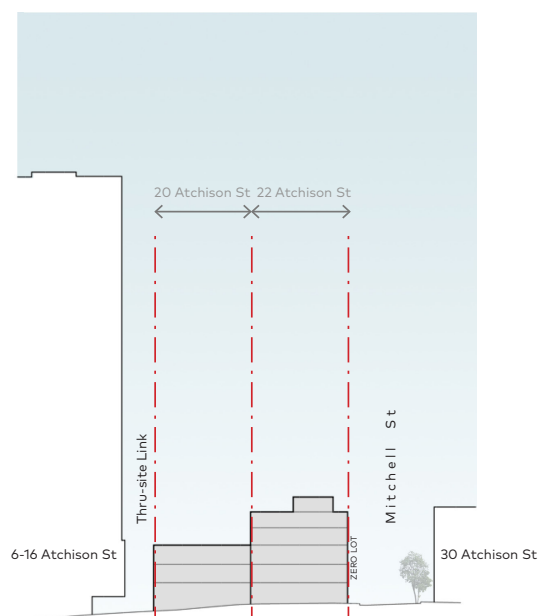
Variation



## 5.1 Building Setback Comparison

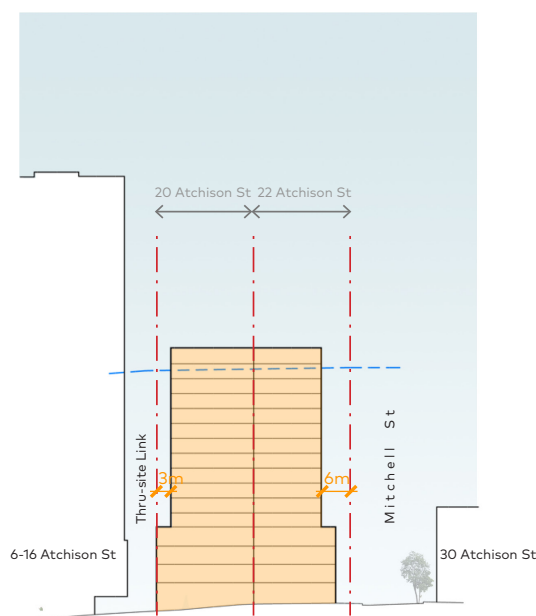


Existing Buildings



HEIGHT	FSR	USE	SETBACKS	PUBLIC DOMAIN BENEFIT
<b>4 &amp; 6</b> Storeys	<b>N/A</b> FSR: 1	<b>COMM.</b>	<b>N/A</b> metres North/East/ South/West	<b>LIMITED TO FOOTPATH WIDTH</b>
SITE AMALGAMATION <b>✗</b>		LAND OWNERS' PREFERENCE <b>✗</b>		

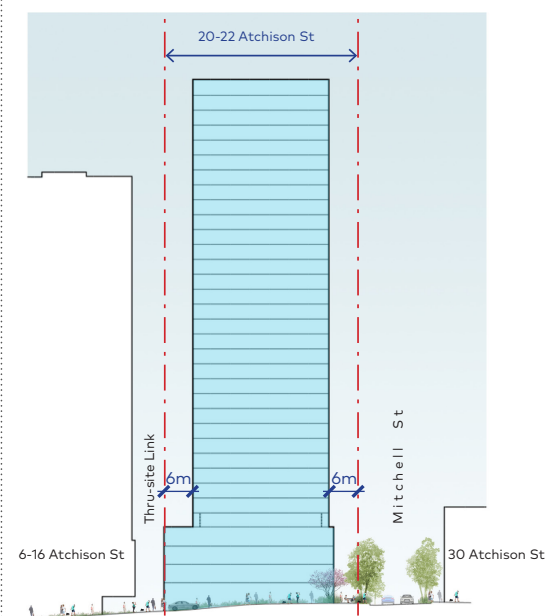
Approved\* D.A. for sites



HEIGHT	FSR	USE	SETBACKS	PUBLIC DOMAIN BENEFIT
<b>17</b> Storeys	<b>11.1</b> FSR: 1	<b>MIXED USE</b>	<b>4.5/6/3/3</b> metres North/East/ South/West	<b>3M TO MITCHELL ST</b>
SITE AMALGAMATION <b>✗</b>		LAND OWNERS' PREFERENCE <b>✗</b>		

\*Approved D.A. (lapsed)

Proposal



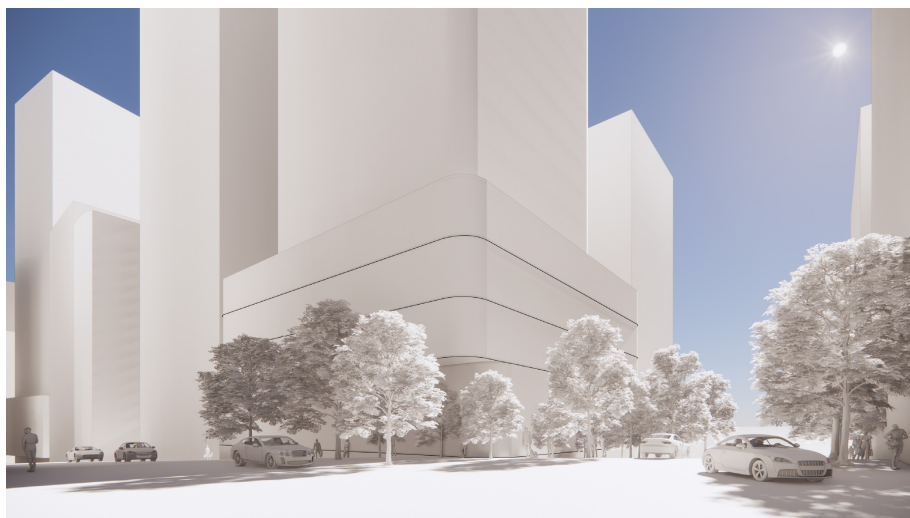
HEIGHT	FSR	USE	SETBACKS	PUBLIC DOMAIN BENEFIT
<b>35</b> Storeys	<b>14.9</b> FSR: 1	<b>MIXED USE</b>	<b>7.5/6/2/6</b> metres North/East/ South/West	<b>7 - 12 M WIDTH LINEAR PARK INCL. SEATING &amp; LANDSCAPING</b>
SITE AMALGAMATION <b>✓</b>		LAND OWNERS' PREFERENCE <b>✓</b>		



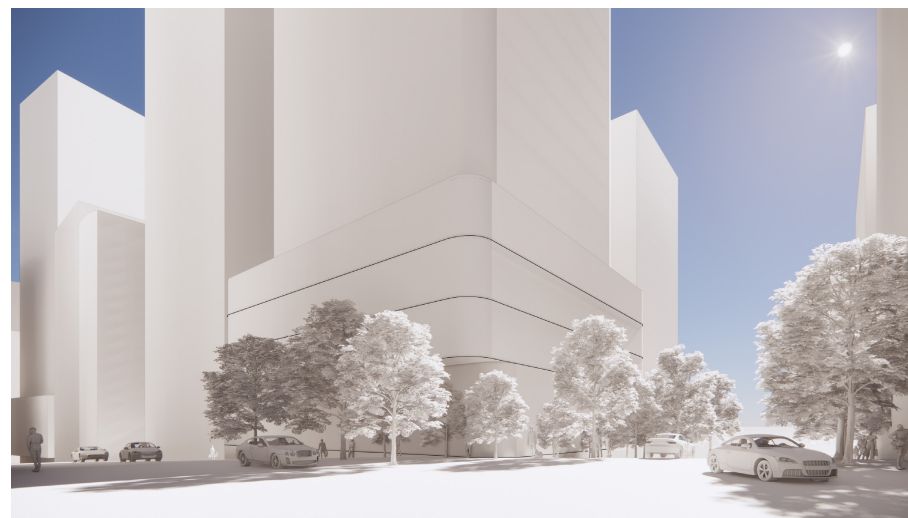
## 5.1 Building Setback Massings

Podium Views from the Public Domain

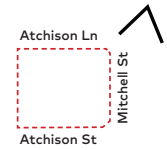
### 2013 DCP & 2036 PLAN SETBACKS



### PROPOSAL



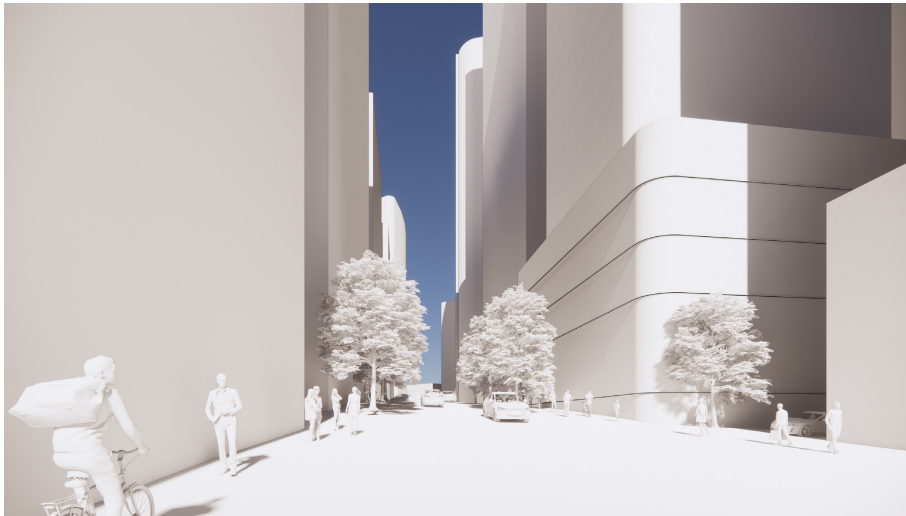
- ✓ 4 Storey Podium consistent with the 2013 North Sydney DCP
- ✓ 4 Storey Street Wall Height consistent with the 2036 Plan



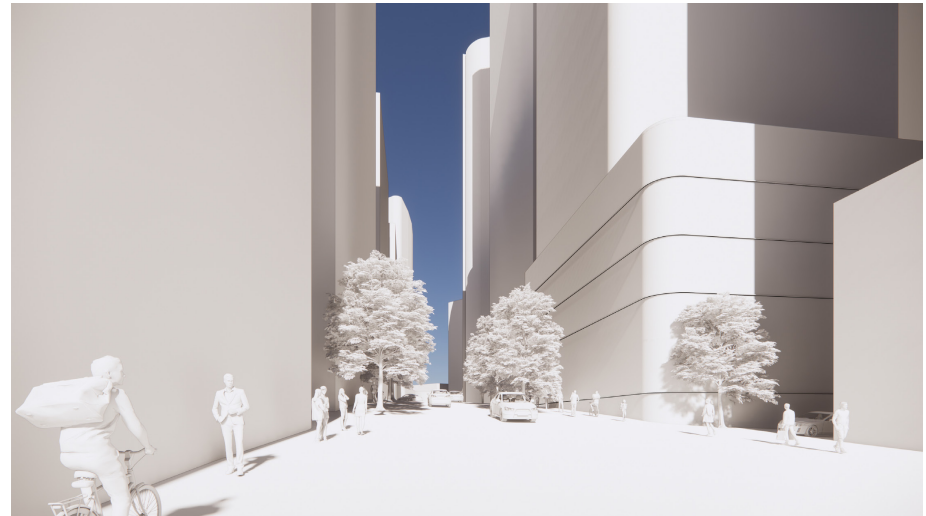
## 5.1 Building Setback Massings

Podium Views from the Public Domain

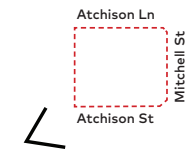
### 2013 DCP & 2036 PLAN SETBACKS



### PROPOSAL



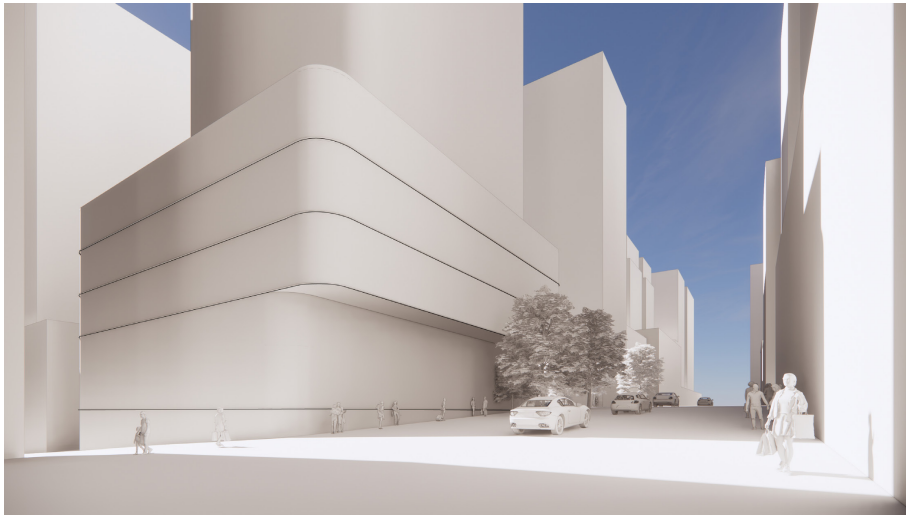
- ✓ 4 Storey Podium consistent with the 2013 North Sydney DCP
- ✓ 4 Storey Street Wall Height consistent with the 2036 Plan



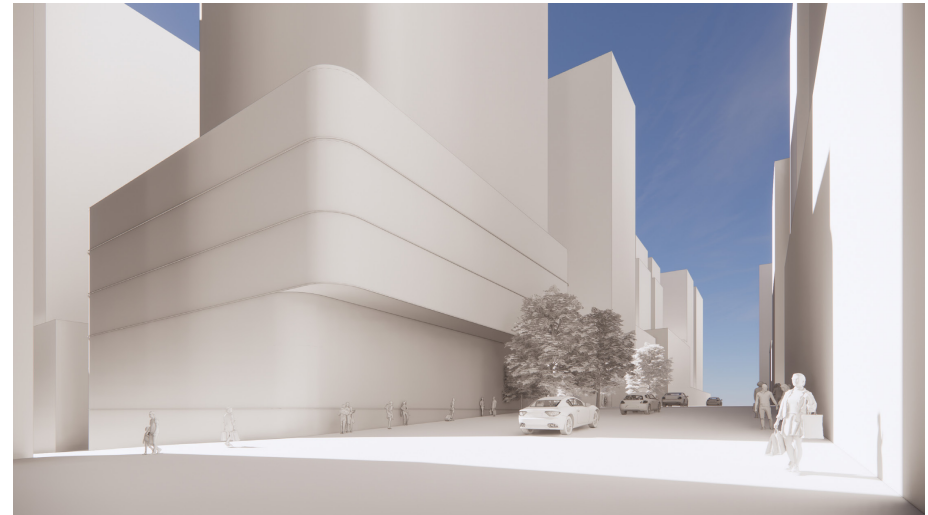
## 5.1 Building Setback Massings

Podium Views from the Public Domain

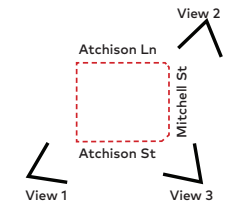
### 2013 DCP & 2036 PLAN SETBACKS



### PROPOSAL



- ✓ 4 Storey Podium consistent with the 2013 North Sydney DCP
- ✓ 4 Storey Street Wall Height consistent with the 2036 Plan

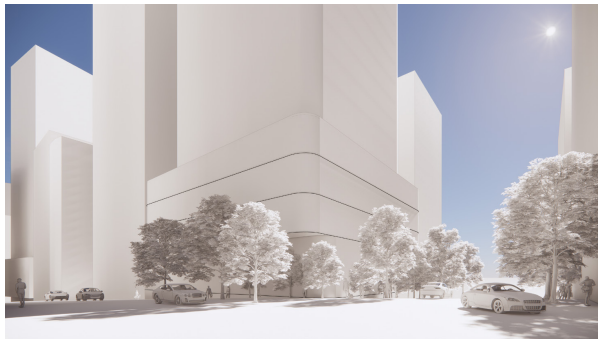


## 5.1 Building Setback Massings

### Conclusion

## PROPOSAL

View 1 - Proposed Podium



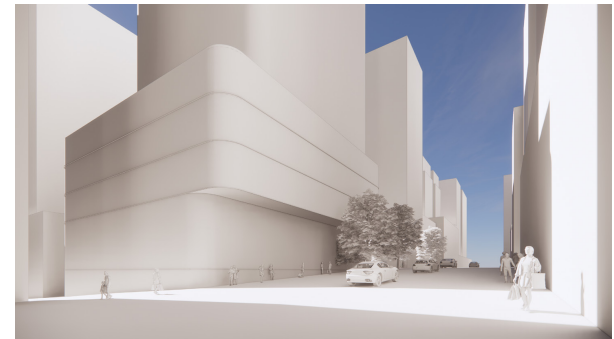
The detailed podium studies above demonstrate the proposal's built form and interface with the public domain are consistent with the 2013 dcp and the 2036 plan.

View 2 - Proposed Podium



The overall setback to Mitchell Street from the property boundary is 6 metres, as per the 2013 DCP and providing an above podium setback to the building envelope.

View 3 - Proposed Podium



The minor variation proposed to the southern tower setback still achieves A.D.G. compliant building separation and does not compromise the amenity to residents or neighbours.

- ✓ 4 Storey Podium consistent with the 2013 North Sydney DCP
- ✓ 4 Storey Street Wall Height consistent with the 2036 Plan



Precinct View of  
Proposal from above



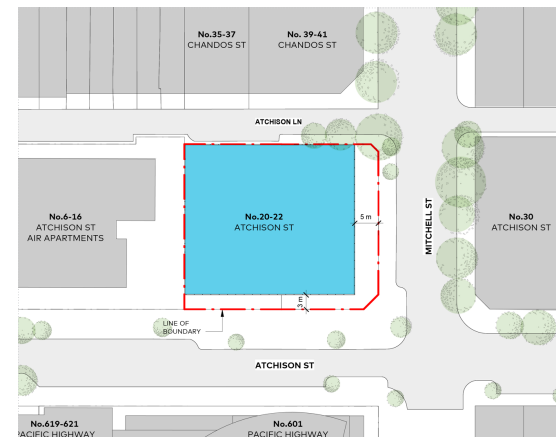


## 5.2 Building Envelope Plans



Basement Levels

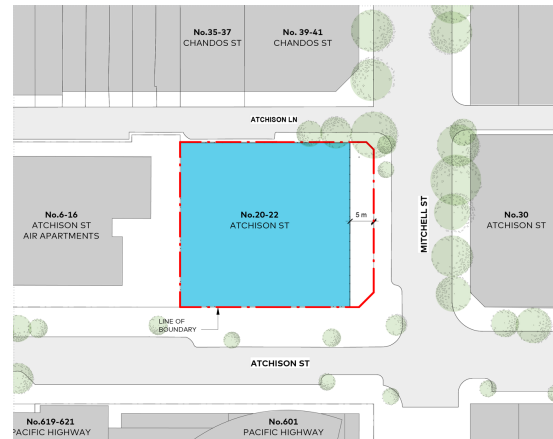
The proposal maximises the site area to achieve the most efficient basement footprint possible given the site's constraints. Access to the car park takes place in the north-west corner of the proposal through Atchison Lane and benefits from the site's lowest RL +87.62.



Ground Floor & Mezzanine

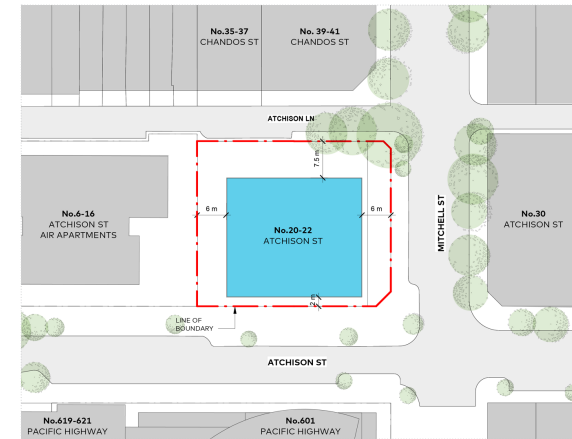
The Ground Floor figure is key to the design and conception of the proposal. The DPIE's 2036 Plan setbacks are adopted throughout the different elevations, including the increased setback of 5m (2m above the minimum required in the 2013 North Sydney DCP) to the east on Mitchell St. This generous setback is amalgamated with the existing footpath creating a space where both local residents and workers can benefit from potential F&B options as well as crafted landscaping and seating opportunities in order to achieve the green street envisioned in the 2036 Plan. The southern setback is crafted to provide refuge for pedestrians travelling to and from St Leonards train station.

## 5.2 Building Envelope Plans



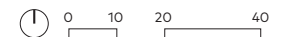
Levels 1-3

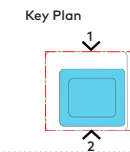
The typical podium levels achieve a generous floorplate to host the non-residential uses of the proposal. Street trees described in the landscape report soften the podium envelope towards Atchison and Mitchell streets. Zero lots occur to the north, south and west while the 5 metre setback to Mitchell St on the east remains. The reference design introduces vertical green slots on the podium façade to establish a connection and dialogue between the public and the private green.



Tower Levels

The tower portion hosts the residential component of the proposal. As such, the setbacks craft a floorplate that is highly efficient while complying with A.D.G. building separation and privacy issues due to the proximity of AIR Apartments at 6-16 Atchison St. The floorplate has also been future-proofed to the future northern neighbour providing maximum A.D.G. building separation as per the assumption of the DPIE's 2036 Plan. The communal level for residents is located at the base of the tower, benefiting from the transition of the built form as it ascends from the podium to the tower. The resulting tower floorplate has a gross built area (GBA) of approximately 700m<sup>2</sup>, slightly under N.S. Council's recommendation for tall towers (750m<sup>2</sup>), and resulting in a slender and elegant tower form atop the podium.





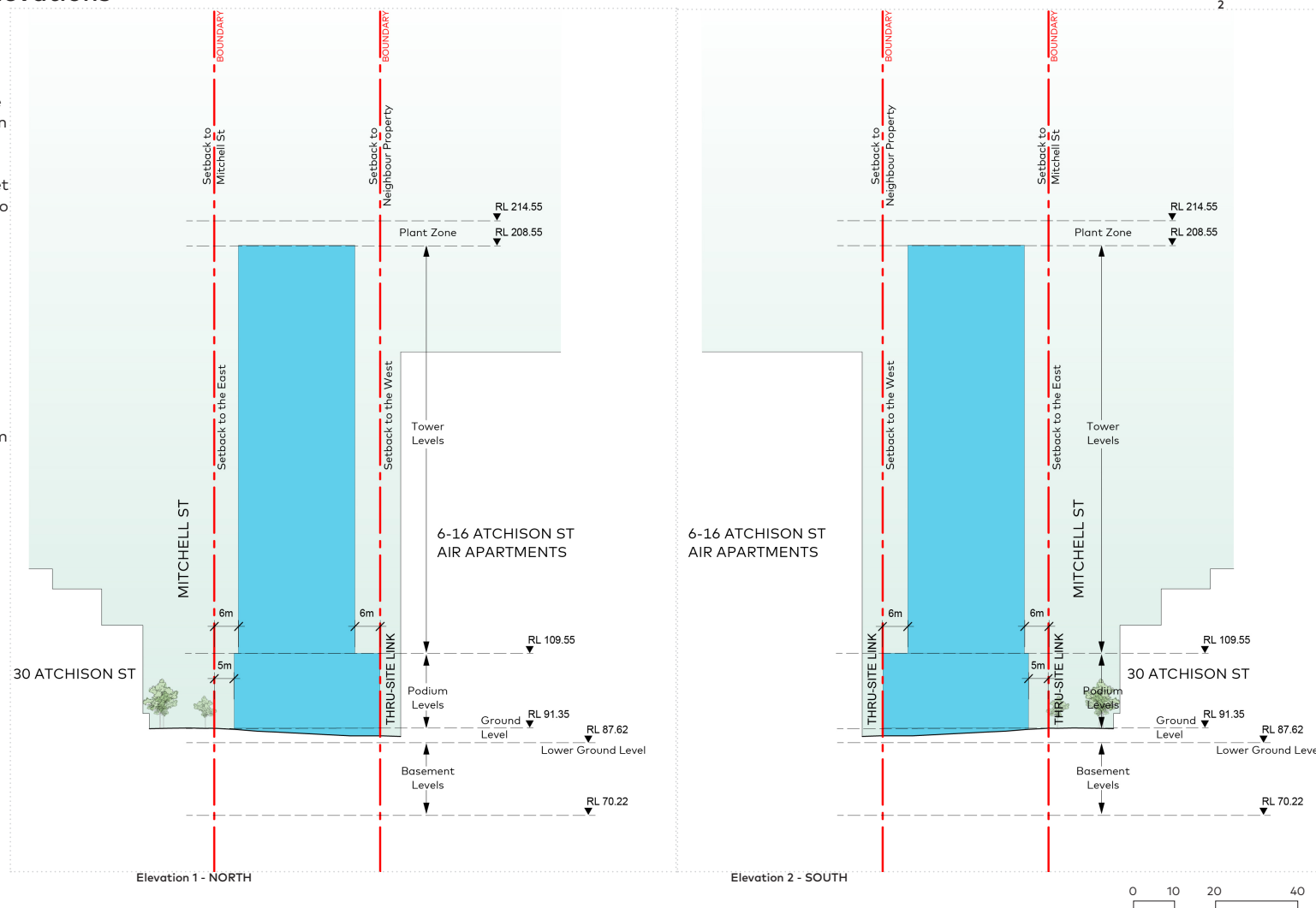
## 5.2 Building Envelope Elevations

The combination of all the applicable setbacks shape the building and define the manner in which the tower lands on the site.

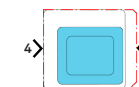
The generous setback to Mitchell Street provides a great opportunity to link into the linear park that connects with the existing Mitchell St Plaza to the south.

The proposal introduces a generous open space with outdoor seating opportunities and vertical structures that host planting and greenery in line with the guidelines that define the character of the linear park.

The tower is set back from the podium on all of its elevations and emerges elegantly above the public domain.



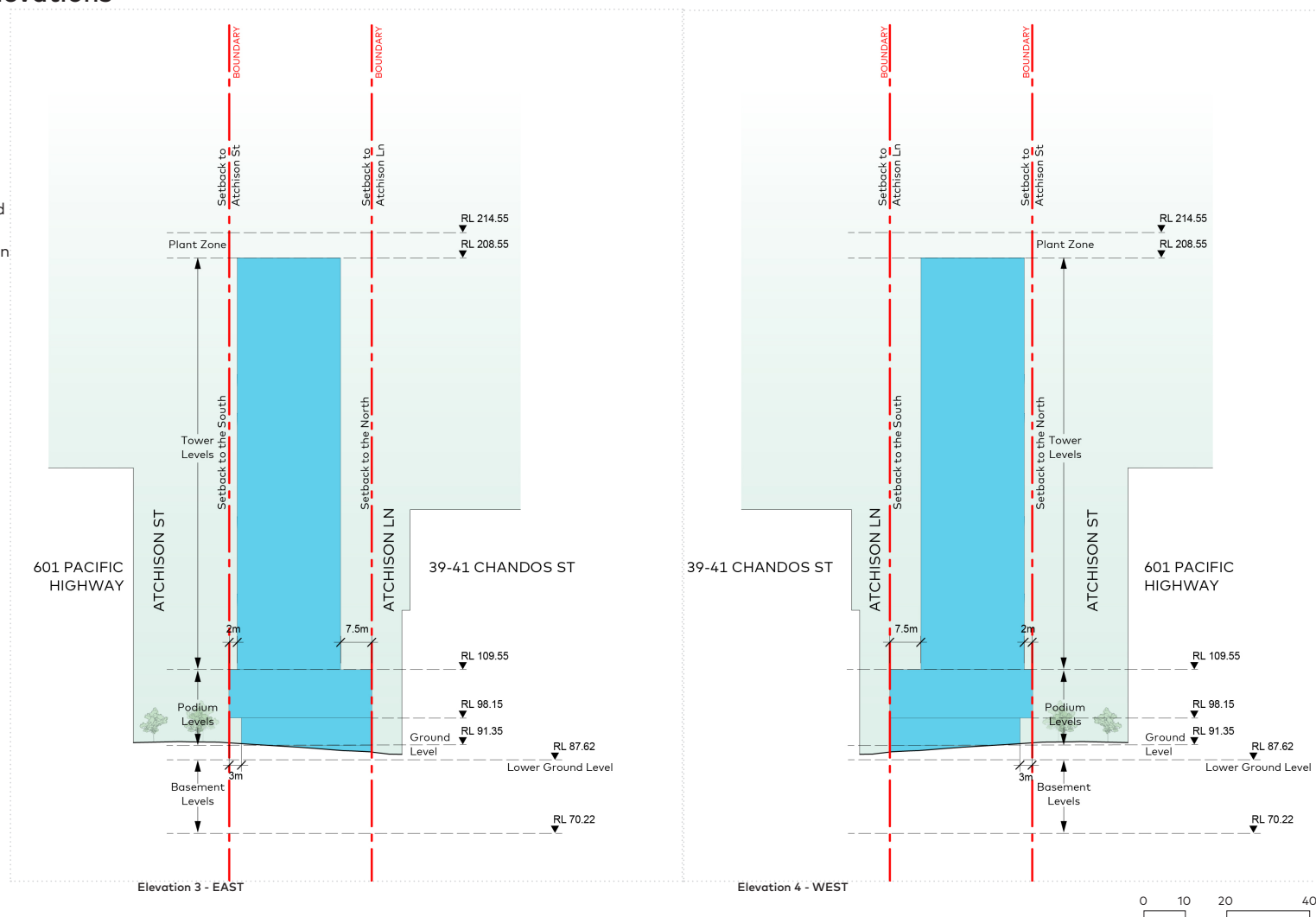
Key Plan



## 5.2 Building Envelope Elevations

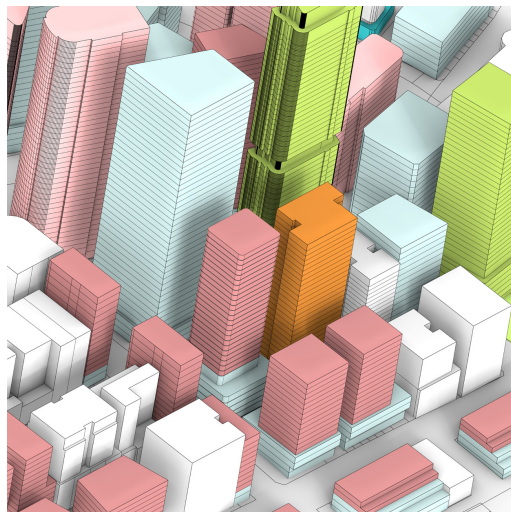
As stated by North Sydney Council's 2015 Planning Study for Precincts 2&3 and the DPIE's 2036 Plan the proposal provides a reverse setback on the first two levels above the ground towards Atchison St. As a result, no awning or additional structures would be required to provide shelter for pedestrians travelling to and from St Leonards train station.

The tower portion is also setback from the podium levels to the North and South providing residential units with optimal long distance views to the south-east along Pacific Highway towards the Sydney CBD and harbour.



## 5.2 Building Envelope

2036 Plan - Compliant FSR



HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE
<b>29</b> Storeys	<b>11.5</b> FSR : 1	<b>625</b> m <sup>2</sup>	<b>7.5/8/3/6</b> metres North/East/ South/West assumptions based on 2036 Plan	<b>OPEN BALCONIES</b> Residents' Amenity & privacy compromised due to high wind speeds
<b>SITE AMALGAMATION VIABILITY</b> <span style="color: red;">✗</span>				

The DPIE's 2036 Plan nominated FSR (11.5 : 1) and maximum height (35 storeys) do not achieve the prescribed tower height. This does not offer the two separate land owners an incentive to amalgamate both sites and pursue a joint proposal. Individual D.A.s would achieve the same FSR. The GBA of the floorplate is significantly under (~13%) N.S. Council's recommendation of 750m<sup>2</sup> for tall towers in the same precinct.

COMMERCIAL VIABILITY ✗  
LAND OWNERS' PREFERENCE ✗

2036 Plan - Maximised Height



HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE
<b>35</b> Storeys	<b>13.6</b> FSR : 1	<b>625</b> m <sup>2</sup>	<b>7.5/8/3/6</b> metres North/East/ South/West assumptions based on 2036 Plan	<b>OPEN BALCONIES</b> Residents' Amenity & privacy compromised due to high wind speeds
<b>SITE AMALGAMATION VIABILITY</b> <span style="color: red;">✗</span>				

The DPIE's nominated maximum height for the site (35 storeys) breaches the DPIE's 2036 Plan FSR control (11.5 : 1) with the same floorplate as the 29 compliant option. The GBA of the floorplate is significantly under (~13%) the 750m<sup>2</sup> recommendation for tall towers in the same precinct.

COMMERCIAL VIABILITY ✗  
LAND OWNERS' PREFERENCE ✗

Proposal



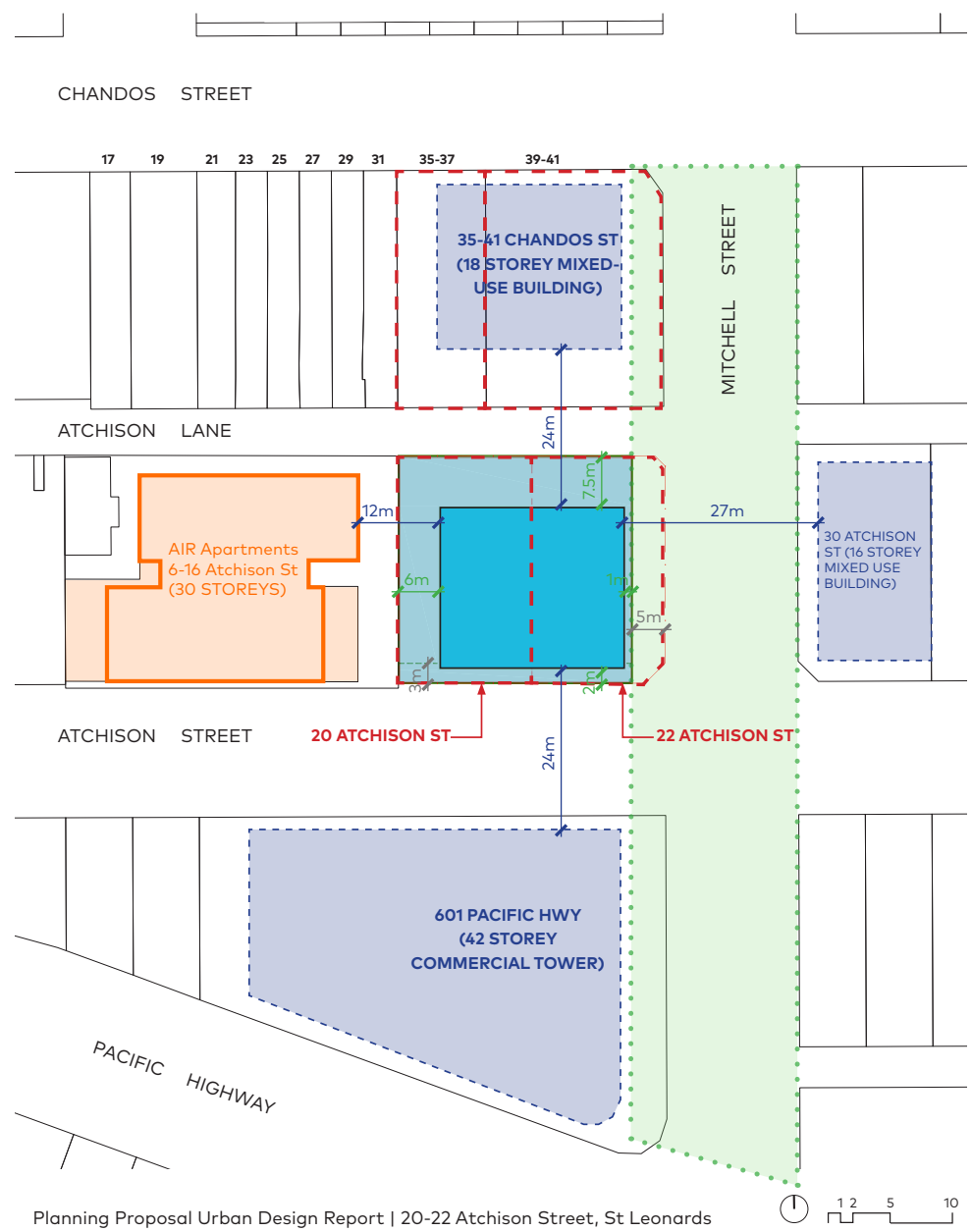
HEIGHT	FSR	TOWER GBA	TOWER SETBACKS	PRIVATE OPEN SPACE
<b>35</b> Storeys	<b>14.9</b> FSR : 1	<b>700</b> m <sup>2</sup>	<b>7.5/6/2/6</b> metres North/East/ South/West assumptions based on 2036 Plan	<b>WINTER GARDENS*</b> Improved amenity & privacy to residents and protection against high wind speeds
<b>SITE AMALGAMATION VIABILITY</b> <span style="color: green;">✓</span>				

The FSR departure from the DPIE's nominated 11.5 : 1 would deliver the site amalgamation and a commercially viable proposal while complying with the remaining controls highlighted in the DPIE's 2036 Plan.

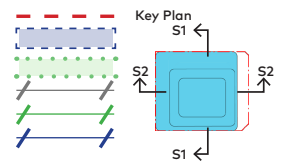
\* Special LEP provision to enable winter gardens if required.

COMMERCIAL VIABILITY ✓  
LAND OWNERS' PREFERENCE ✓

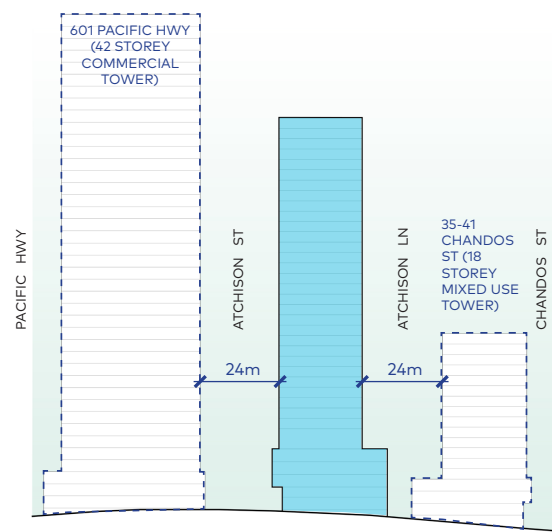
5.3 Future Proofing & Building Separation



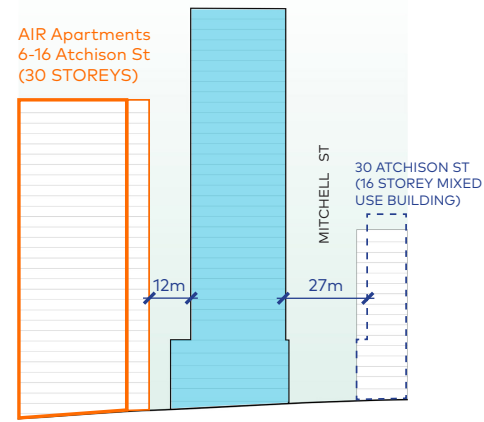
Sites subject to amalgamation  
2036 Plan proposed buildings  
Vision for Mitchell St linear park  
Proposed podium setback  
Proposed tower setback  
Proposed neighbour setback



Section 1

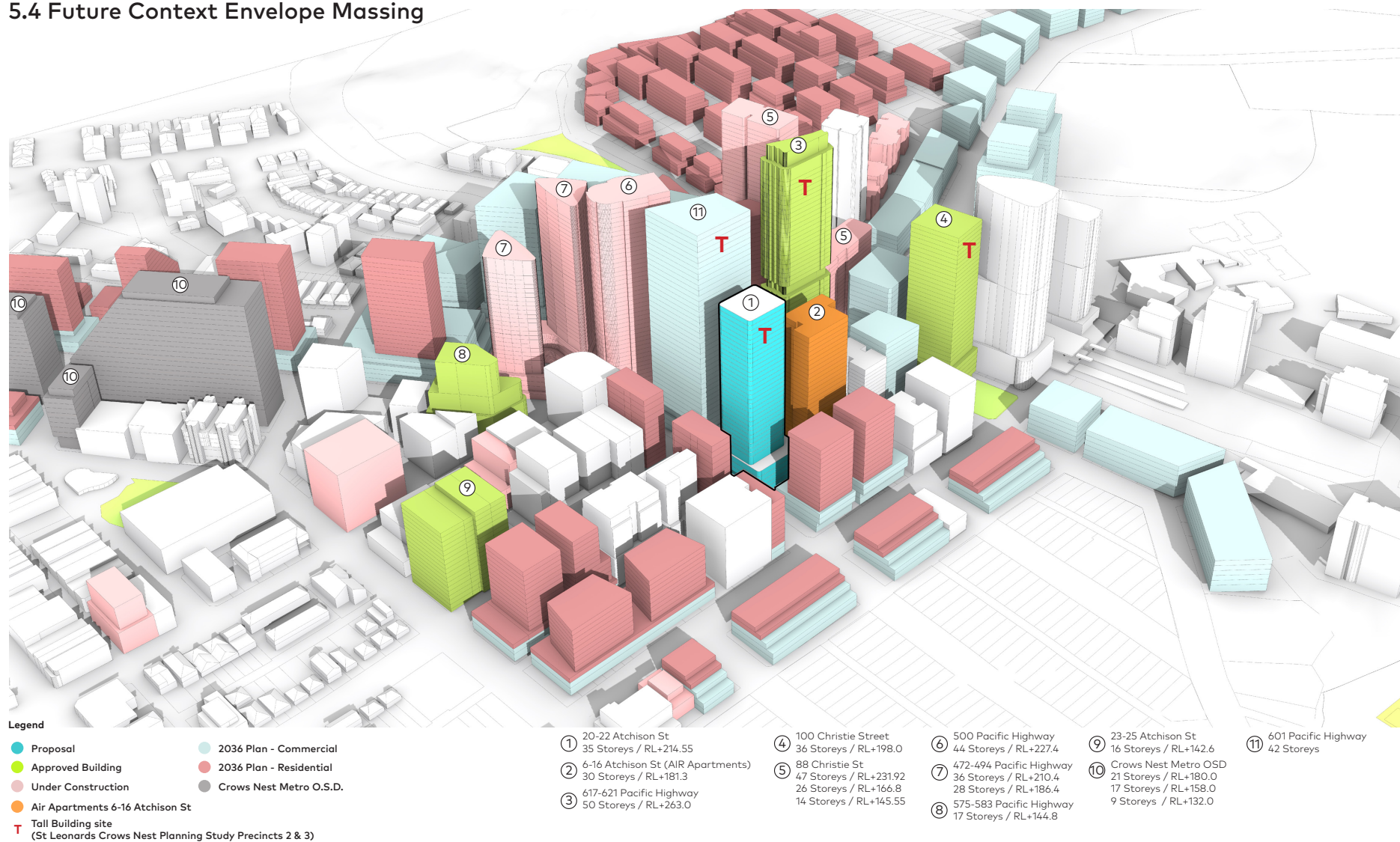


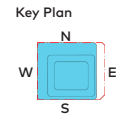
Section 2





## 5.4 Future Context Envelope Massing





## 5.4 Future Context Urban Elevations



NORTH ELEVATION

- Proposed Building
- Approved Building
- Urban Design Framework - Proposed Commercial
- Urban Design Framework - Proposed Residential
- Under Construction
- Crows Nest Metro O.S.D
- Air Apartments 6-16 Atchison St



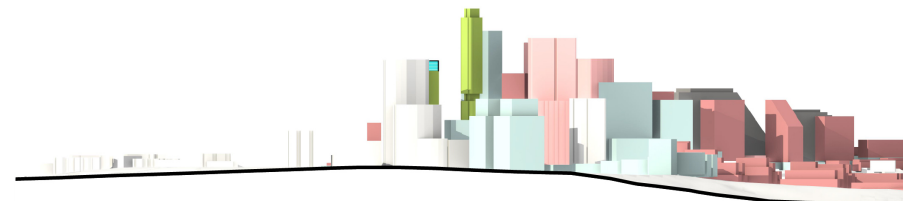
SOUTH ELEVATION

- Proposed Building
- Approved Building
- Urban Design Framework - Proposed Commercial
- Urban Design Framework - Proposed Residential
- Under Construction
- Crows Nest Metro O.S.D
- Air Apartments 6-16 Atchison St



EAST ELEVATION

- Proposed Building
- Approved Building
- Urban Design Framework - Proposed Commercial
- Urban Design Framework - Proposed Residential
- Under Construction
- Crows Nest Metro O.S.D
- Air Apartments 6-16 Atchison St



WEST ELEVATION

- Proposed Building
- Approved Building
- Urban Design Framework - Proposed Commercial
- Urban Design Framework - Proposed Residential
- Under Construction
- Crows Nest Metro O.S.D
- Air Apartments 6-16 Atchison St

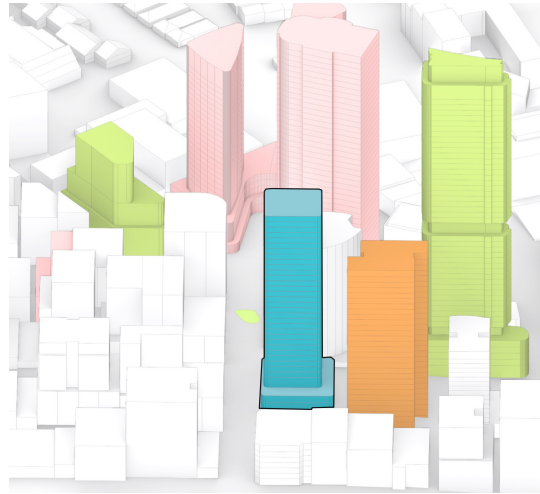
0 50 100 200

Built Form Strategy as per "St Leonards Crows Nest Planning Study Precincts 2 & 3" with building height concentrated at the centre of Precinct 2.  
Urban Design Framework as per the DPIE's 2036 Plan.

## 5.5 Sun-Eye Views



09:00  
21 June



12:00  
21 June



15:00  
21 June

An axonometric 3D model provides a clear sun-eye view analysis in the winter solstice (June 21) further proofing the A.D.G. compliance of the reference design.

The proposal receives solar amenity over the majority of its Northern and Eastern façades with the podium acting as a buffer to avoid blockage from neighbouring buildings.

As anticipated, AIR Apartments at 6-16 Atchison St slightly interfere with solar amenity to the lower portion of the residential units on the western front of the proposal. The reference design takes this into account when addressing the plan layouts, with special attention to privacy to the units.



## 5.6 Visual Impact Assessment

The Visual Impact assessment considers views of the proposed building mass from numerous directions, both in terms of the local and the distant context.

The assessment demonstrates that the proposed massing is consistent in scale with both the current and proposed developments in the centre. The proposal will have a moderate impact on views, however it will not be out of scale with the 2036 vision, and the design of the proposed massing (a slender tower form) has been considered with the aim of mitigating any further impact.

### Before

View 12



View 18

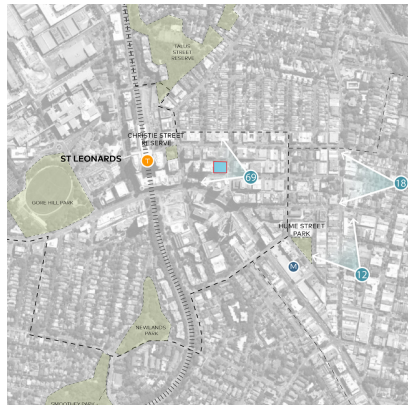


View 69



### After

Key Plan



Legend

- Subject Amalgamated Site
- < Views
- St Leonards Train Station
- Future Crows Nest Metro Station



View 12



View 18



View 69

[For further detail please refer to Visual Impact Analysis Report prepared by URBIS.]

5.6 Visual Impact Assessment

Before

View 26



View 90

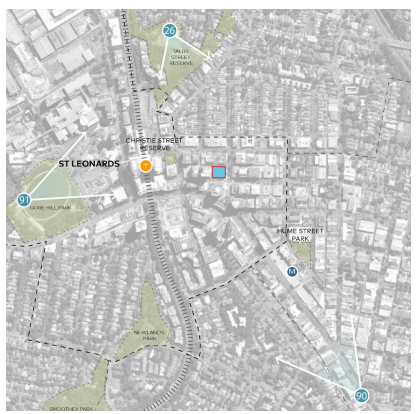


View 91



After

Key Plan



Legend

- Subject Amalgamated Site
- Views
- St Leonards Train Station
- Future Crows Nest Metro Station

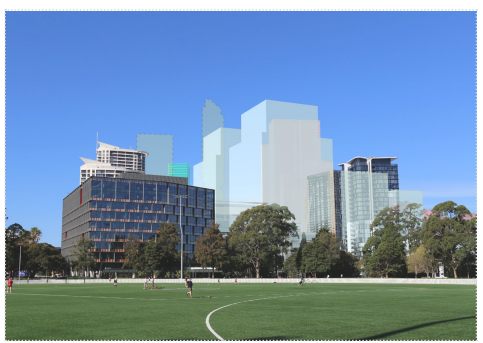
View 26



View 90



View 91



[For further detail please refer to Visual Impact Analysis Report prepared by URBIS.]



5.6 Visual Impact Assessment

Before

View 14



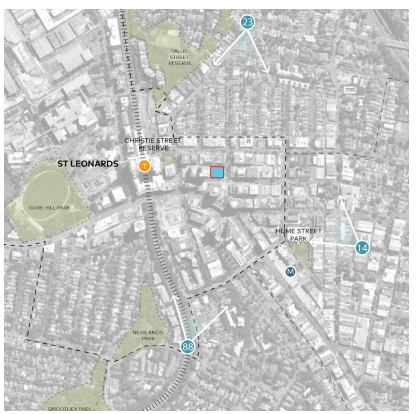
View 23



View 88



After



Legend

- Subject Amalgamated Site
- Views
- St Leonards Train Station
- Future Crows Nest Metro Station

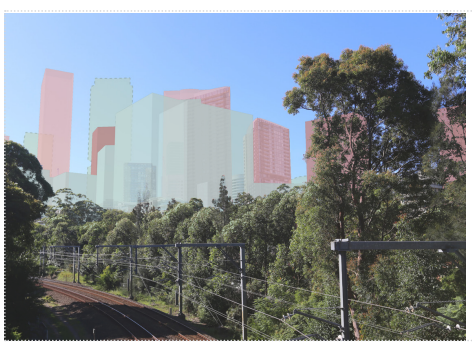
View 14



View 23



View 88



[For further detail please refer to Visual Impact Analysis Report prepared by URBIS.]



## 5.7 Overshadowing Analysis



## Solar Access Guidelines



## 2036 Plan

Public Open Space - no additional shadow between  
10:00am-3:00pm:

CH	Christie Park
N	<b>Newlands Park</b>
S	St Leonards South
P	Propsting Park
H	<b>Hume Street Park</b>
E	<b>Ernest Place</b>
G	Gore Hill Oval
T	Talus Reserve

Streetscape - no additional shadow between 11:30am-2:30pm:

M	Mitchell Street and (P) Oxley Streets
W	Willoughby Road

Residential Areas – no additional shadow between  
9:00am-3:00pm:

Residential areas inside boundary (for at least 2 hours)

Heritage Conservation Areas Inside boundary (for at least 2 hours)

Residential outside boundary (for the whole time between 9am and 3pm)

The DPIE's endorsed 2036 Plan (August 2020) has assessed solar amenity controls found in:



· N.S. Council's "St Leonards Planning Study Precinct 2 and 3" (2015)



- N.S. Council's "Crows Nest Placemaking & Principles Study" (2016)

Note that for control areas where minor variations occur the 2036 Plan has taken precedence.

## 5.7 Overshadowing Analysis

Overshadowing Studies June 21



09:00am



10:00am



11:00am



12:00pm



01:00pm







02:00pm



03:00pm

### LEGEND

-  Proposed Building
-  Public Open Spaces
-  Existing Shadow
-  Additional Shadow Contribution

[For the detailed "Overshadowing Analysis Methodology" please refer to Appendix B of this report.]

## 5.7 Overshadowing Analysis

### Control Area N - June 21 Newlands Park

#### 2036 Plan

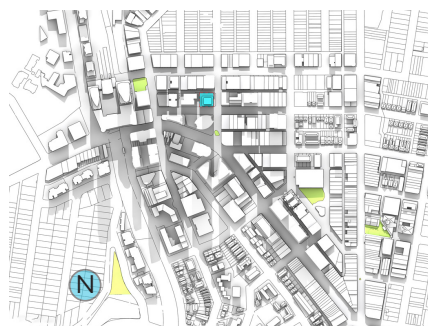
Public Open Space - no additional shadow  
between 10:00am-3:00pm:

1) Newlands Park

The DPIE's endorsed 2036 Plan (August 2020) has assessed solar amenity controls found in:

- N.S. Council's "St Leonards Planning Study Precinct 2 and 3" (2015)
- N.S. Council's "Crows Nest Placemaking & Principles Study" (2016)

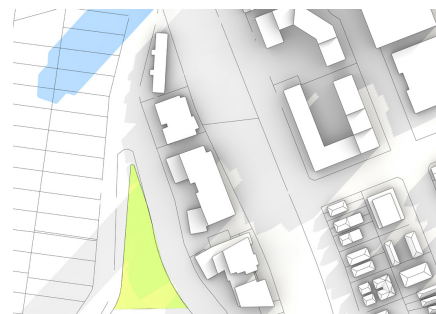
Note that for control areas where minor variations occur the 2036 Plan has taken precedence.



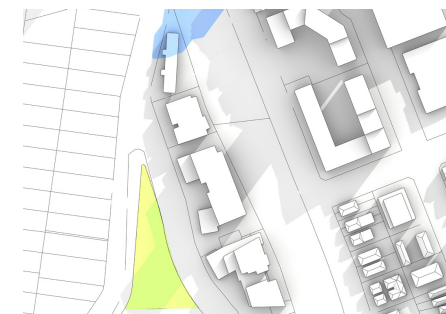
KEY PLAN

#### LEGEND

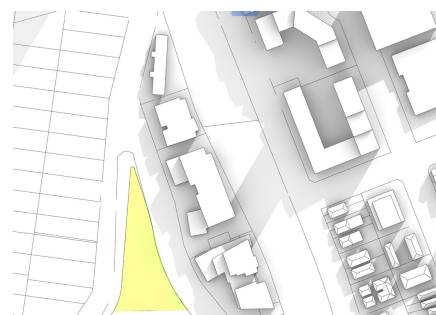
- Proposed Building
- Public Open Spaces
- Existing Shadow
- Additional Shadow Contribution



09:00am



09:30am



10:00am



10:30am

✓ NO ADDITIONAL  
OVERSHADOWING

[For the detailed "Overshadowing Analysis Methodology" please refer to Appendix B of this report.]



## 5.7 Overshadowing Analysis

### Control Area M - June 21 Mitchell St Plaza

#### 2036 Plan

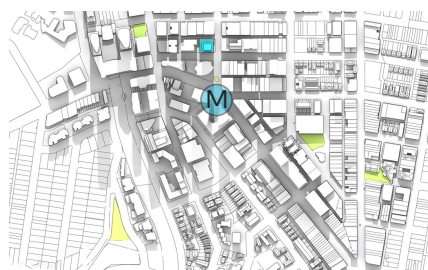
Streetscape - no additional shadow between  
11:30am-2:30pm:

- 2) Mitchell Street

The DPIE's endorsed 2036 Plan (August 2020) has assessed solar amenity controls found in:

- N.S. Council's "St Leonards Planning Study Precinct 2 and 3" (2015)
- N.S. Council's "Crows Nest Placemaking & Principles Study" (2016)





Note that for control areas where minor variations occur the 2036 Plan has taken precedence.

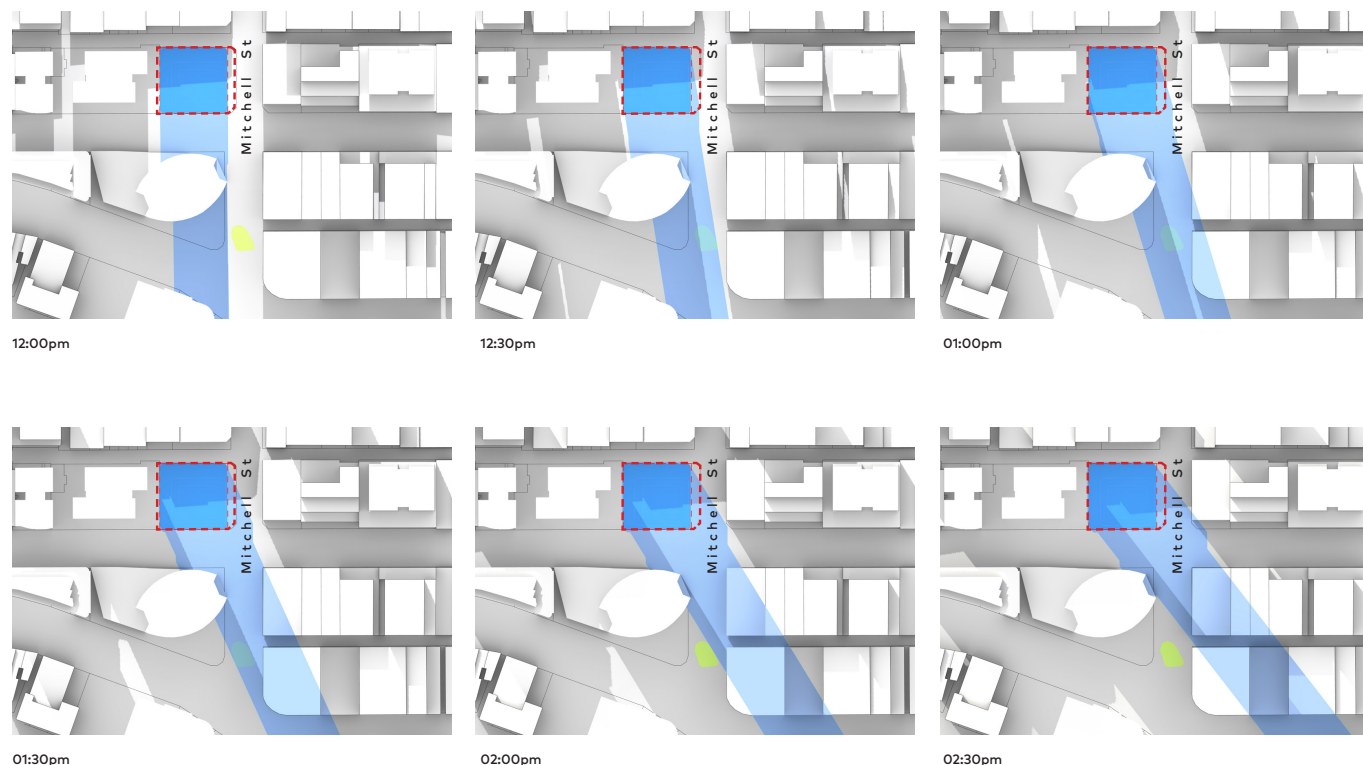


#### KEY PLAN

It is worth noting that any built form will cast a shadow over the linear park and the plaza during the central hours of the day. The shadows from the existing buildings at 20 and 22 Atchison St alone stretch out across the intersection of Atchison and Mitchell streets. The IBM building (and the anticipated 42 storey commercial tower) is also a major contributor.

#### LEGEND

-  Proposed Building
-  Public Open Spaces
-  Existing Shadow
-  Additional Shadow Contribution



✓ THE PROPOSAL'S COMPLIANCE WITH THE 2036 PLAN PRESCRIBED 5 METRE SETBACK TO MITCHELL STREET WILL PROVIDE THE DESIRED EXTENSION OF THE LINEAR PARK ALONG MITCHELL STREET, ENHANCING SOLAR ACCESS PROVISION TO THE NEW FUTURE PUBLIC OPEN SPACE ALONG THE SITE'S EASTERN FRONTAGE. SETBACKS PROVIDED FOR CONNECTION TO LINEAR PARK.

NEGLECTIBLE OVERSHADOWING CONTRIBUTION FROM PODIUM & TOWER LEVELS OF PROPOSAL

[For the detailed "Overshadowing Analysis Methodology" please refer to Appendix B of this report.]

## 5.7 Overshadowing Analysis

### Control Area H - June 21 Hume St Park

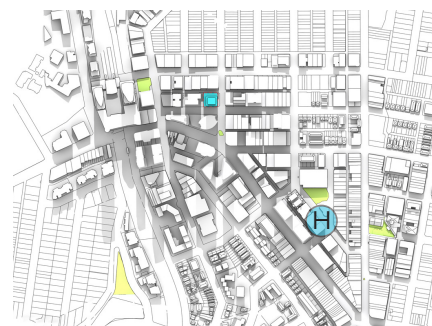
#### 2036 Plan

Public Open Space - no additional shadow  
between 10:00am-3:00pm:  
3) Hume St Park

The DPIE's endorsed 2036 Plan (August 2020) has assessed solar amenity controls found in:

- N.S. Council's "St Leonards Planning Study Precinct 2 and 3" (2015)
- N.S. Council's "Crows Nest Placemaking & Principles Study" (2016)

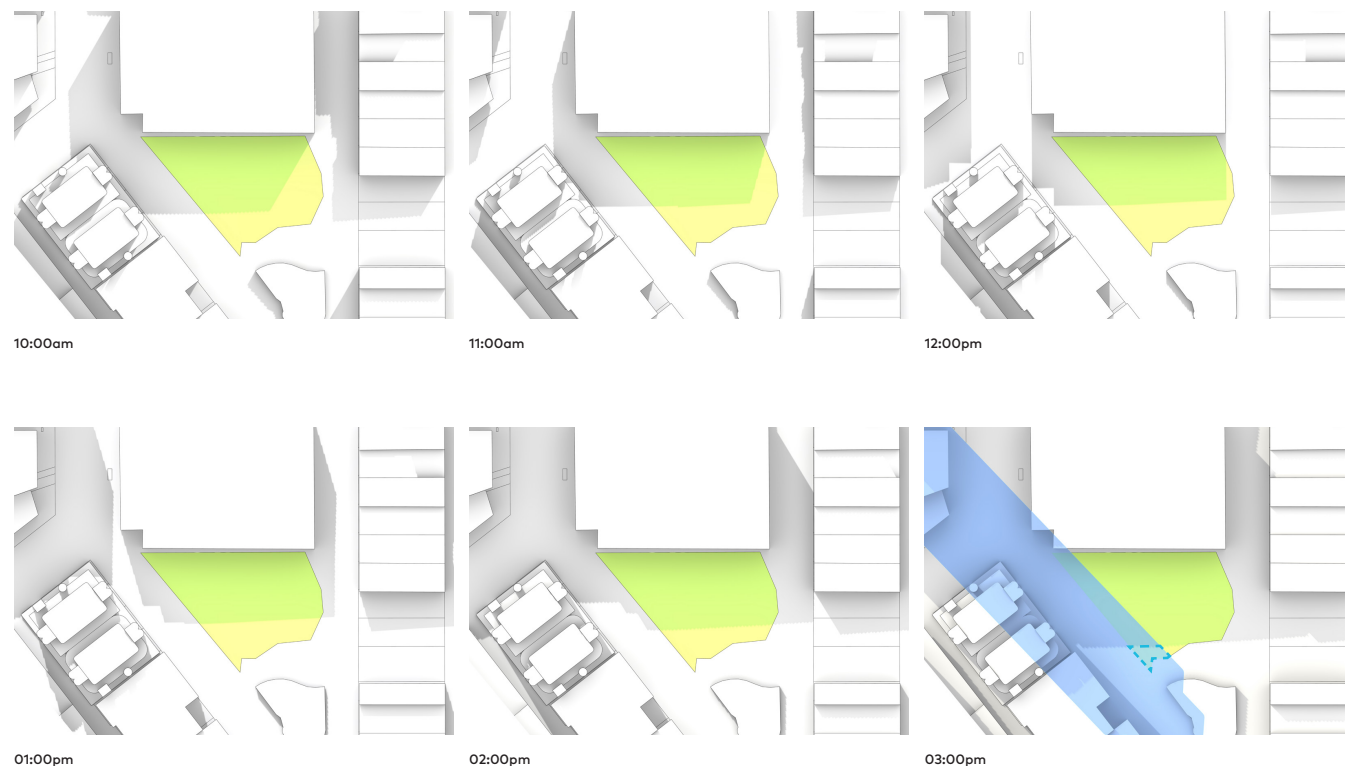
Note that for control areas where minor variations occur the 2036 Plan has taken precedence.



KEY PLAN

#### LEGEND

- Proposed Building
- Public Open Spaces
- Existing Shadow
- Additional Shadow Contribution



NEGLIGIBLE OVERSHADOWING OF APPROX.  
3.6% OF PARK FOR UNDER 10 MINUTES.



[For the detailed "Overshadowing Analysis Methodology" please refer to Appendix B of this report.]

## 5.7 Overshadowing Analysis

### Control Areas **E** & **W** - June 21 Willoughby Road & Ernest Place

#### 2036 Plan

Public Open Space - no additional shadow between 10:00am-3:00pm:

5) Ernest Place

Streetscape - no additional shadow between 11:30am-2:30pm:

- 4) Willoughby Road

The DPIE's endorsed 2036 Plan (August 2020) has assessed solar amenity controls found in:

- N.S. Council's "St Leonards Planning Study Precinct 2 and 3" (2015)
- N.S. Council's "Crows Nest Placemaking & Principles Study" (2016)

Note that for control areas where minor variations occur the 2036 Plan has taken precedence.



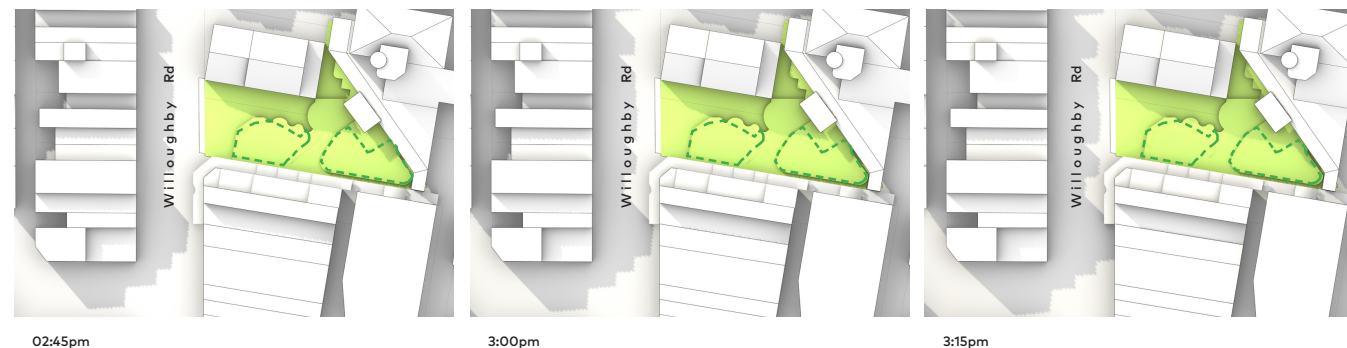
KEY PLAN

#### LEGEND

- Proposed Building
- Public Open Spaces
- Existing Shadow
- Additional Shadow Contribution

Key Grass Areas

Approximately 25 minutes of impact to grass areas (combined 390m<sup>2</sup>).  
This equates to 65 days in a year over the months of May, June and July  
or 19% of the year for 5% of the daylight hours.



THE PROPOSAL IS COMPLIANT WITH THE  
2036 PLAN'S SOLAR PROTECTION OF  
WILLOUGHBY ROAD BETWEEN 11:30AM AND  
2:30PM

THE PROPOSAL IS COMPLIANT WITH THE  
2036 PLAN'S SOLAR PROTECTION OF ERNEST  
PLACE BETWEEN 10:00AM AND 3:00PM

[For the detailed "Overshadowing Analysis Methodology"  
please refer to Appendix B of this report.]



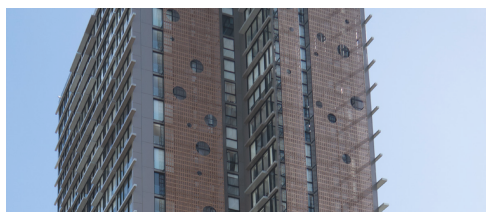
## 5.8 Amenity Assessment

### Privacy

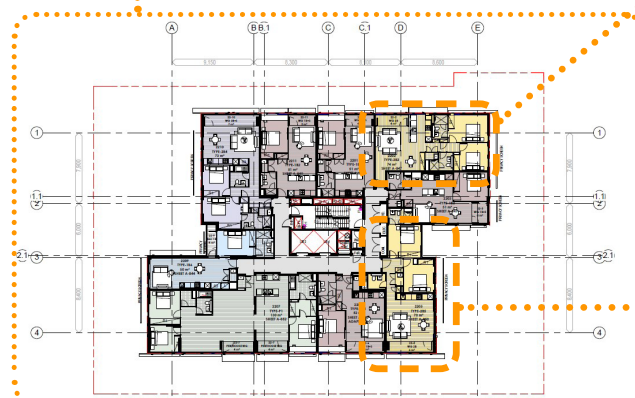
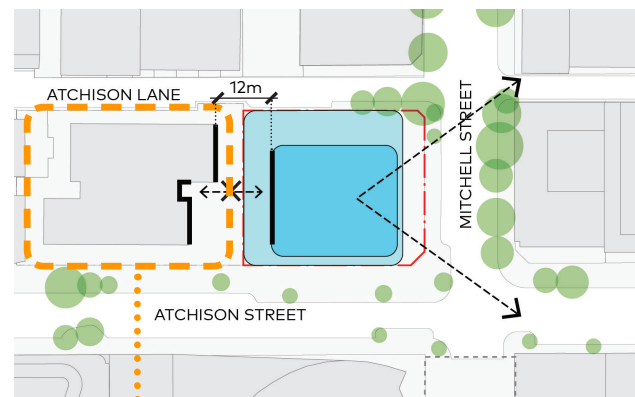
Due to the proximity of AIR Apartments at 6-16 Atchison St, the proposal is highly influenced in the way the reference design addresses A.D.G. compliance. The proposal is setback 6 metres from its western boundary while AIR Apartments are setback 6 metres from their eastern boundary, for an overall building separation of 12 metres between the two towers.

Non-habitable spaces or solid walls have been embedded in the design to prevent privacy issues due to the reduced setback that AIR Apartments have allowed for. AIR Apartments have acknowledged this by introducing privacy screens as façade elements to the East. Once the proposal surpasses the neighbour in height, apartments receive increased amenity due to new openings introduced on the Western Elevation.

Visual aspect is integral to the proposal, with great opportunities of views of the Harbour and the CBD to the South-East. Uninterrupted views occur to the East and North, increasing the amenity to the apartments located in these levels and excelling in A.D.G. solar compliance.



AIR Apartments (6-16 Atchison St) Privacy metal mesh screen on western and eastern façades.





AIR Apartments (6-16 Atchison St) Typical Plan



AIR Apartments (6-16 Atchison St) Internal Images  
Source: Domain.com.au

5.9 A.D.G. Compliance



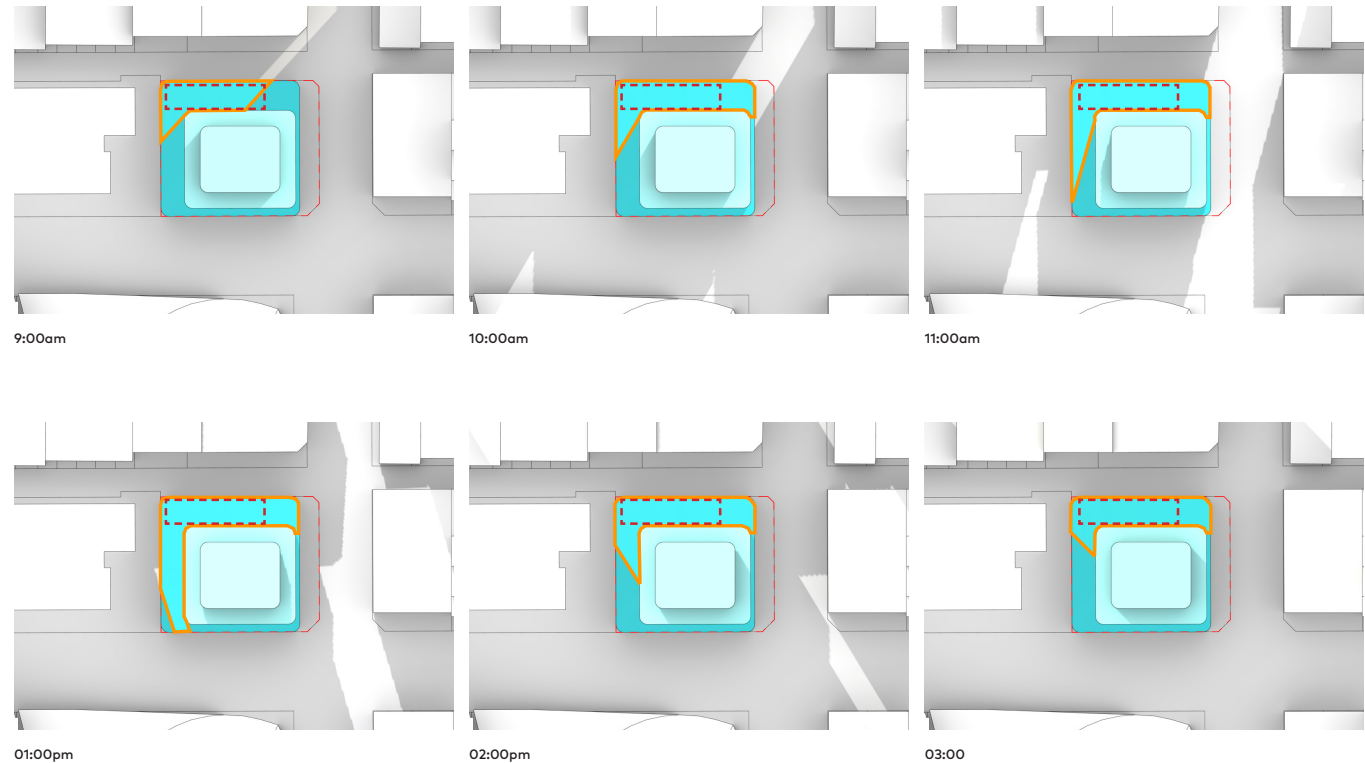
Area in direct sunlight   
Required Area (min 50% of C.O.S) 

## 5.9 A.D.G. Compliance

### Solar Access Study - June 21 Communal Open Space (C.O.S.) on LV 4

#### Design criteria

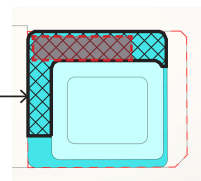
1. Communal open space to have a minimum area equal to 25% of the site.
2. Developments to achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).



#### Calculations

Site Area:  
ADG C.O.S. requirement (min. 25% site):  
Proposed C.O.S. on Level 4  
2hr min. solar access to 50% of C.O.S.

1,374m<sup>2</sup>  
344m<sup>2</sup>  
**355m<sup>2</sup>**  
**min 173m<sup>2</sup>**



Site Diagram

✓ OVER 2HRS OF DIRECT SOLAR ACCESS ON JUNE 21 FOR OVER 50% OF THE PROPOSED COMMUNAL OPEN SPACE IS PROVIDED.

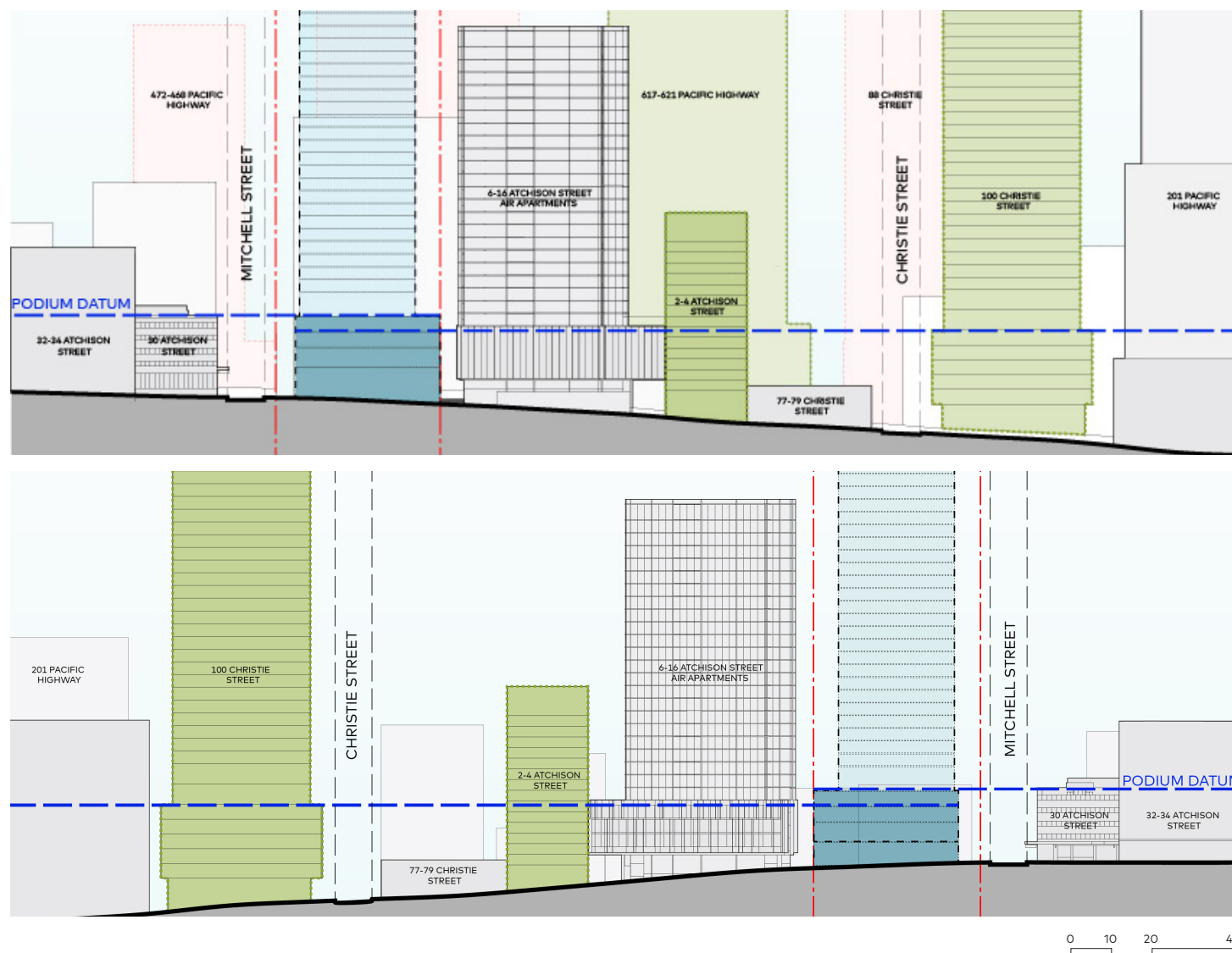
## 5.10 Podium Strategy

The built environment surrounding the proposal provides some key datum lines that have been incorporated in addition to applicable building setbacks detailed in an earlier chapter of this report.

On the eastern side of the site, a significant setback is introduced to the podium, above and beyond North Sydney's DCP requirements, to strengthen the connection and hierarchy of the future linear park.

The proposal establishes a dialogue between 6-16 Atchison St and 30 Atchison St by aligning the last two levels of the podium with the neighbour datum lines. With this in mind, the tower portion of the building detaches itself and increases building separation to enhance its slenderness. In addition to this, the first tower level sets back from the podium and provides an enhanced communal open space for residents oriented to the north for extensive sunlight access, while providing a visual break from the tower bulk to the podium expression.

The size constraints of Atchison Lane to the North of the site make legibility of the context quite difficult, however the proposal is still successful when aligning to neighbouring podium heights providing a consolidated envelope around the public domain.



## 5.10 Podium Strategy

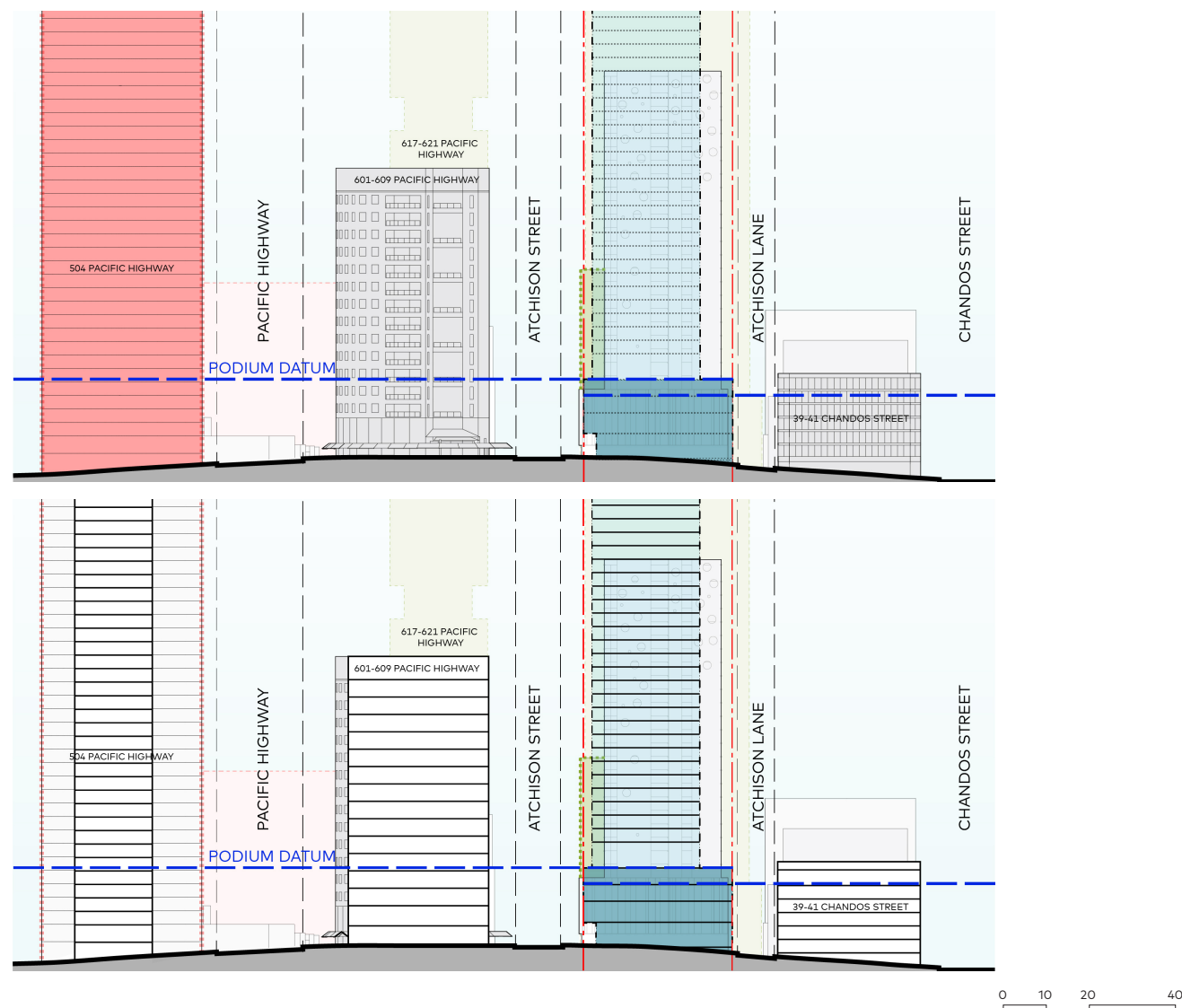
Mitchell Street is the key feature along the Eastern façade of the proposal, with the linear park happening at the foot of the building.

This north-south axis running from Chandos Street in the north to Pacific Highway in the south is under constant change. The proposal establishes a datum line that will serve as a common element to future developments on 601 Pacific Highway to the South and 39-41 Chandos Street to the North.

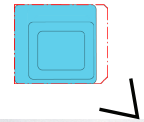
The podium expression allows for a smooth transition up the slope towards Mitchell St Plaza, and this flexibility allows for future datums to be established. The provision of an awning structure along this edge will make up for the lack of a reverse podium setback, like the one found on Atchison Street. A threshold space between private and public space is created due to the level change which is managed through stairs that provide seating opportunities under the proposed trees and the podium entry points.

In response to North Sydney Council's feedback, the articulation of the podium is strengthened by introducing vertical cut-outs with greenery and planting. These elements break up the mass of the podium while plugging into Mitchell St linear park along the eastern façade.

The green link stretches across the ridgeline at the intersection with Atchison street and connects into the recently revamped Mitchell St Plaza, which attracts visitors during the central hours of the day.





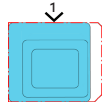


## Artist Impression

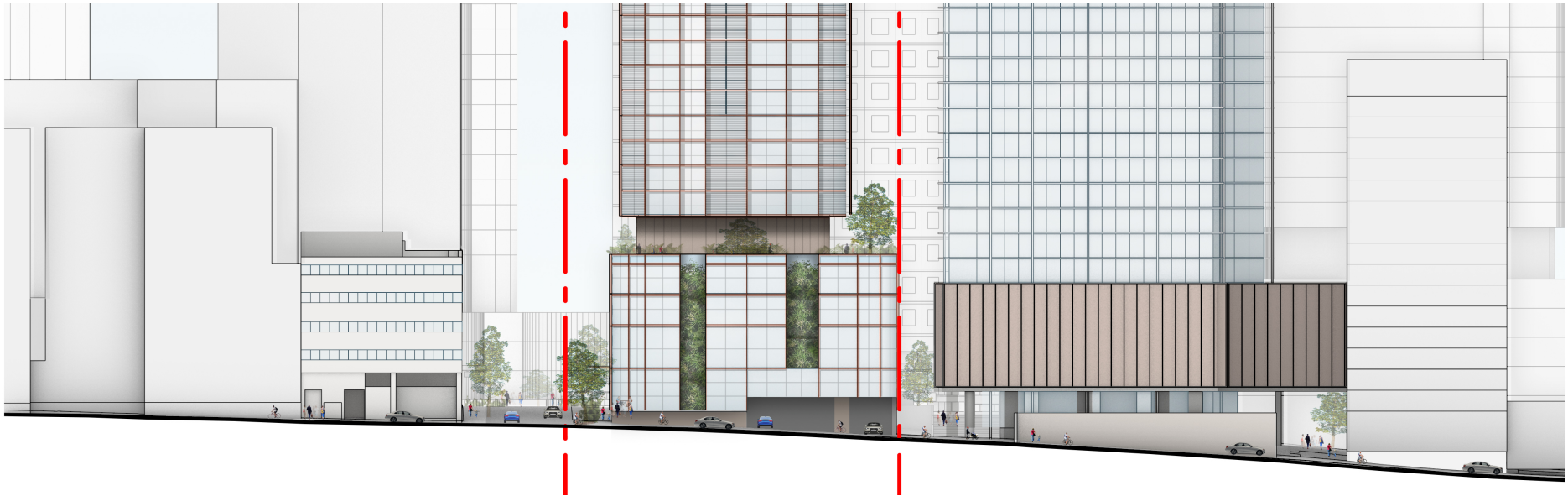




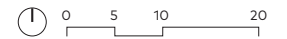
Key Plan



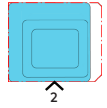
## 5.10 Podium Strategy



Podium Elevation 1 - NORTH



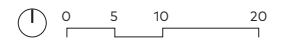
Key Plan



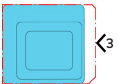
## 5.10 Podium Strategy



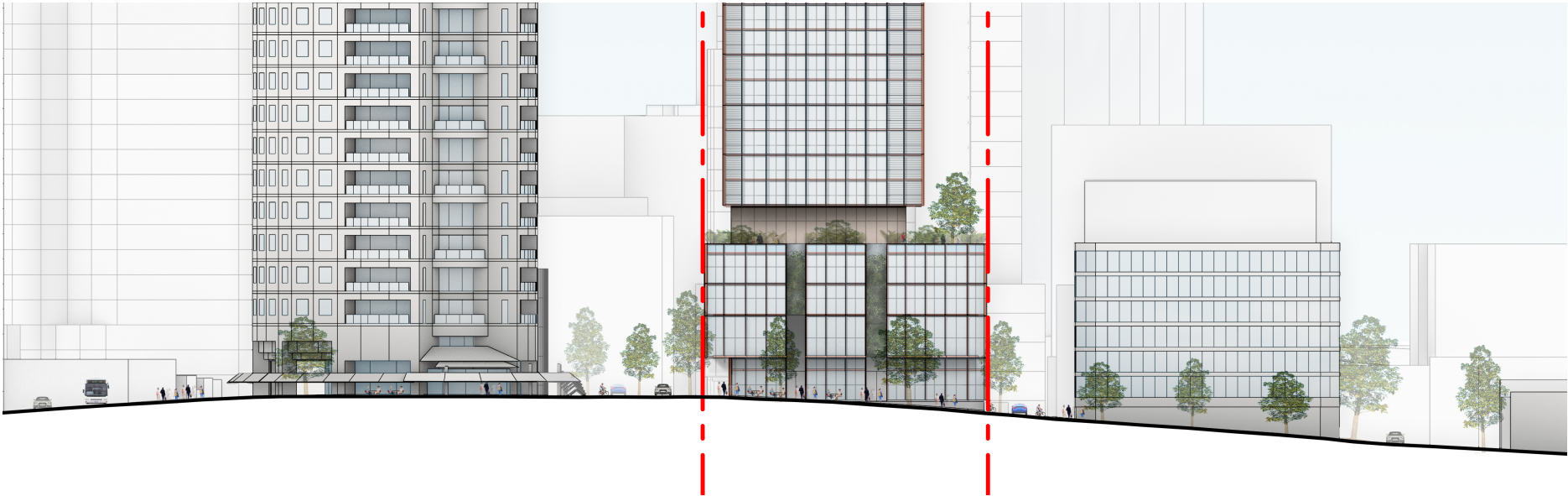
Podium Elevation 2 - SOUTH



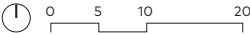
Key Plan



5.10 Podium Strategy



Podium Elevation 3 - EAST







7

## Artist Impression





## Artist Impression



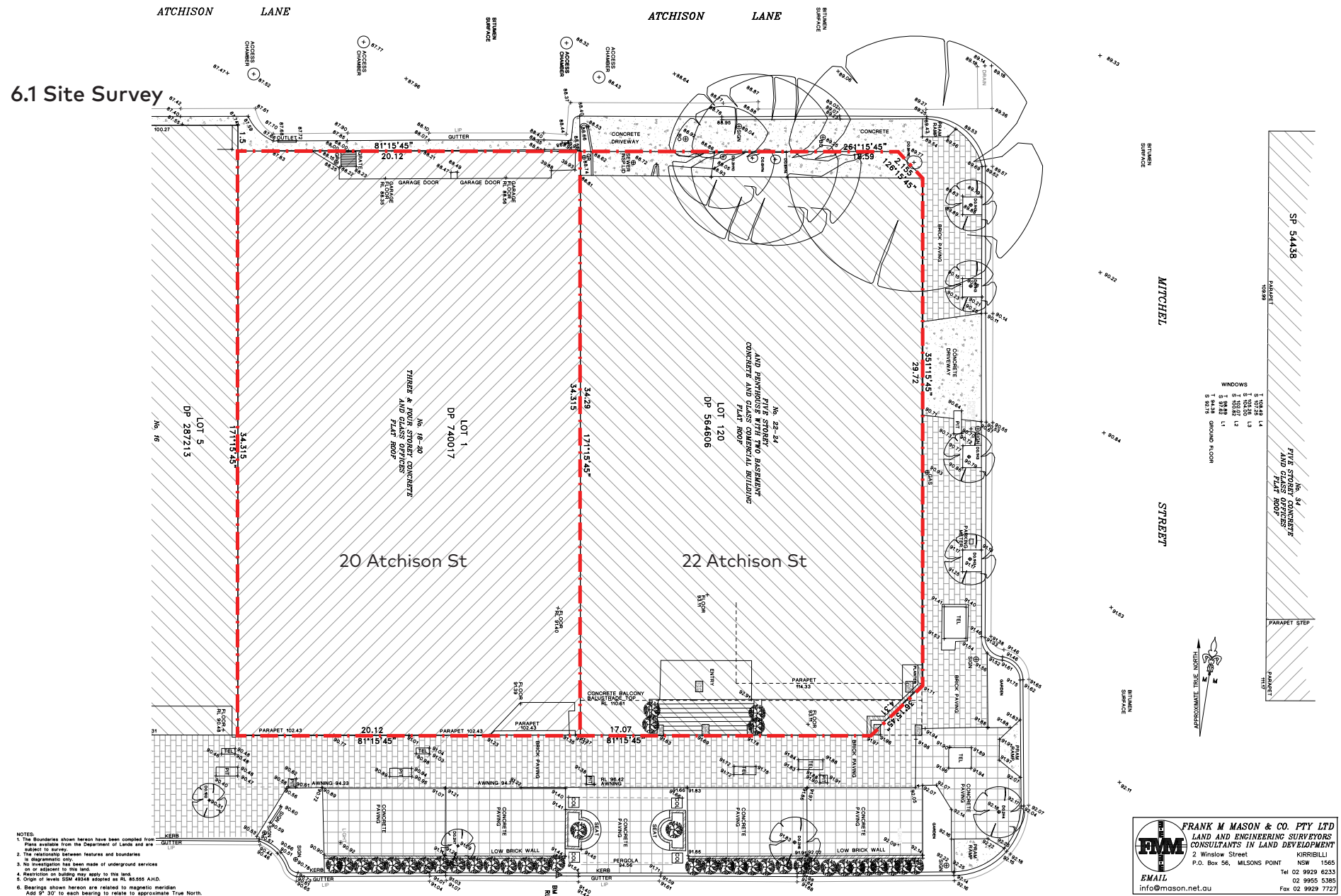
C O X

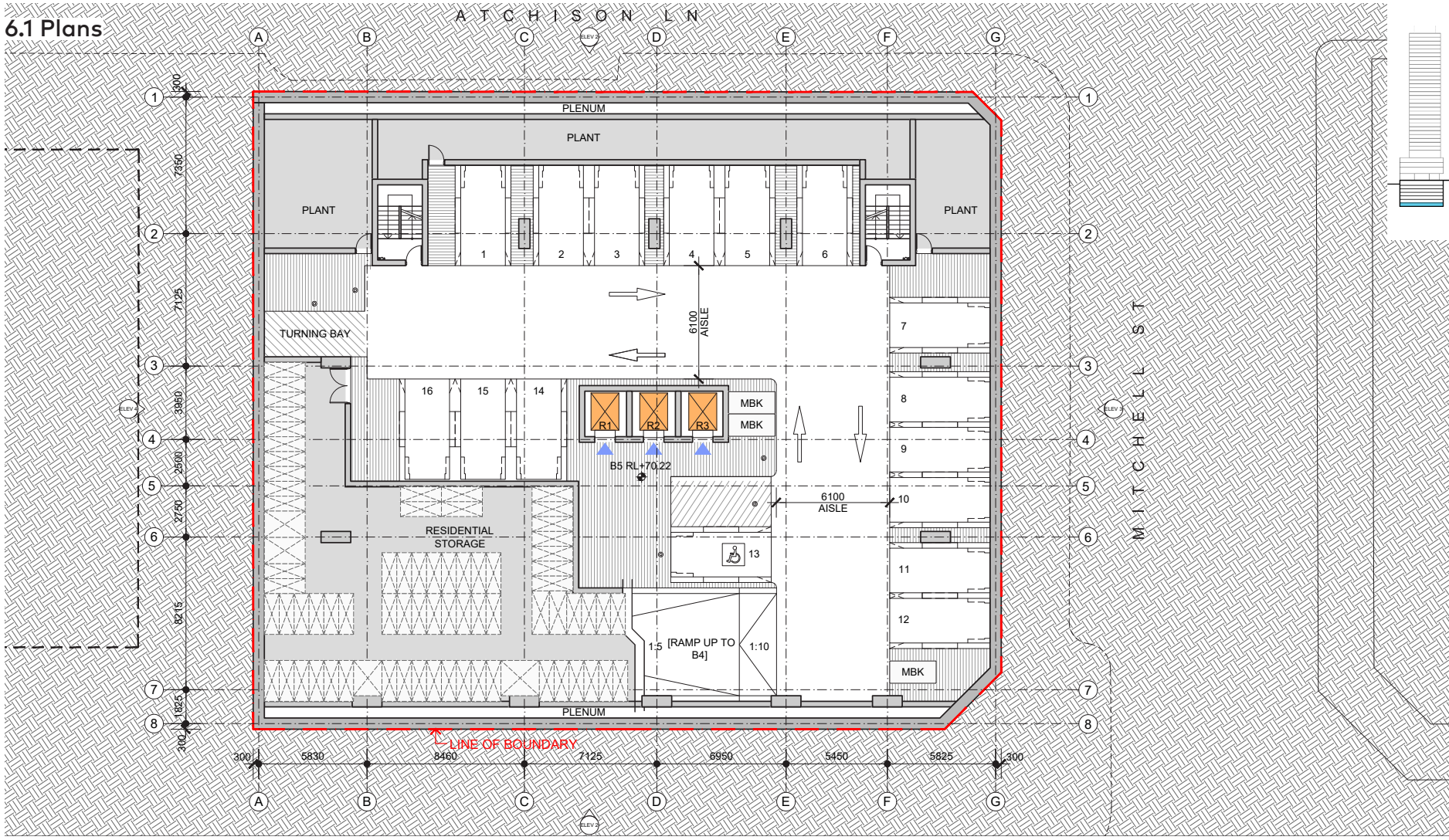
## 06 Reference Design



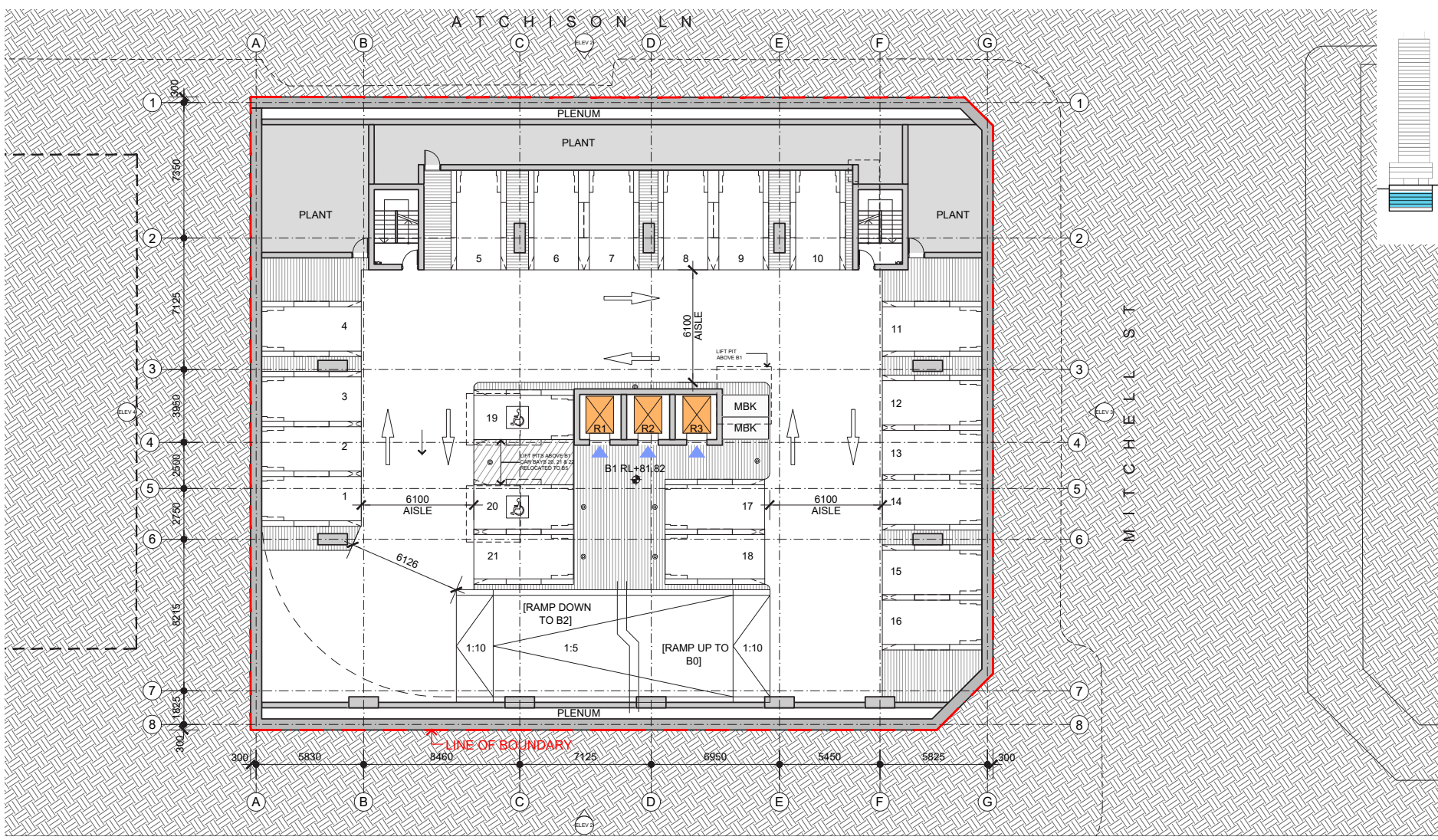
70 Urban Design Report for a Planning Proposal | 20-22 Atchison Street, St Leonards

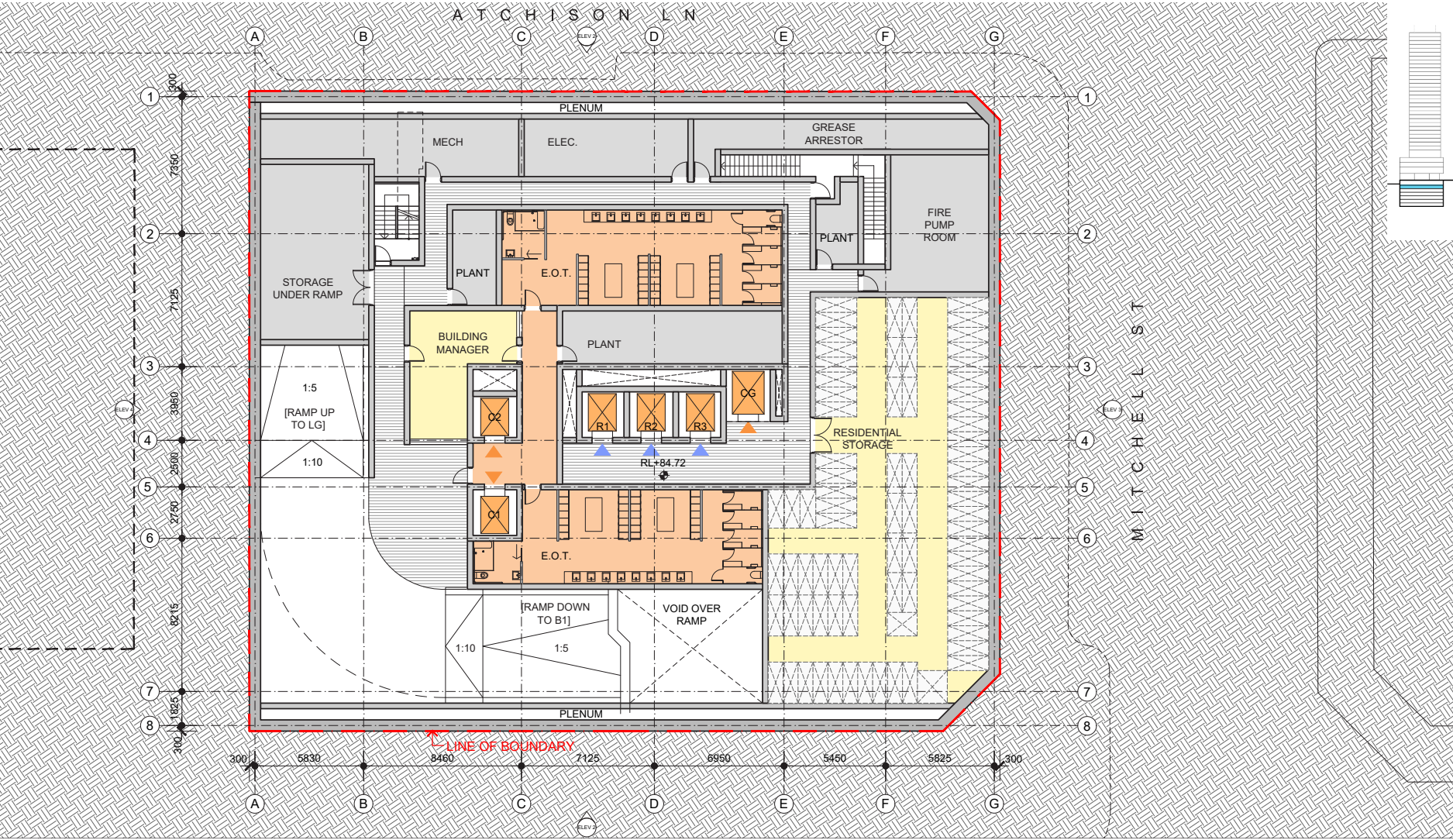
3742nd Council Meeting - 22 March 2021 Agenda



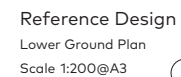




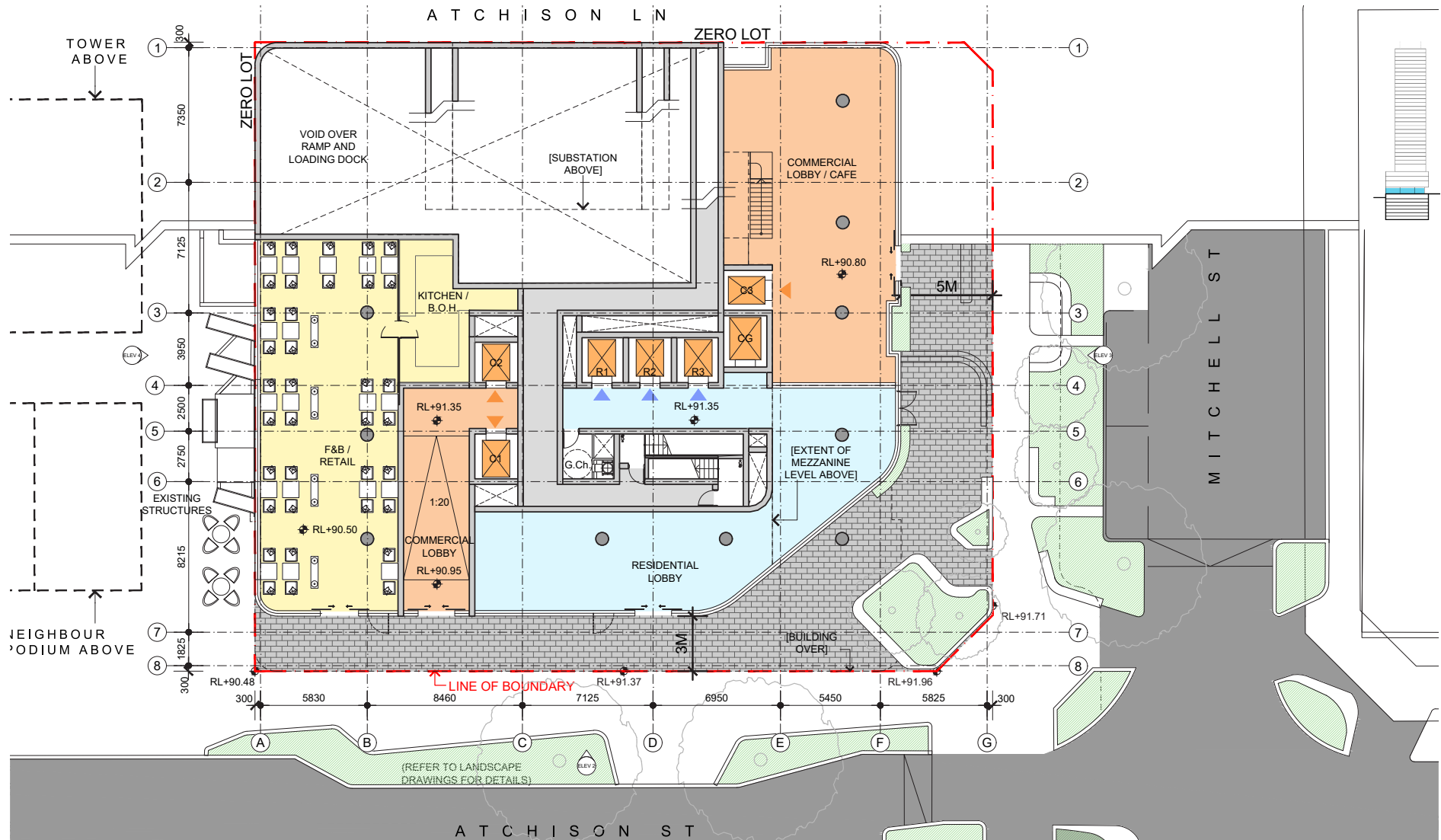










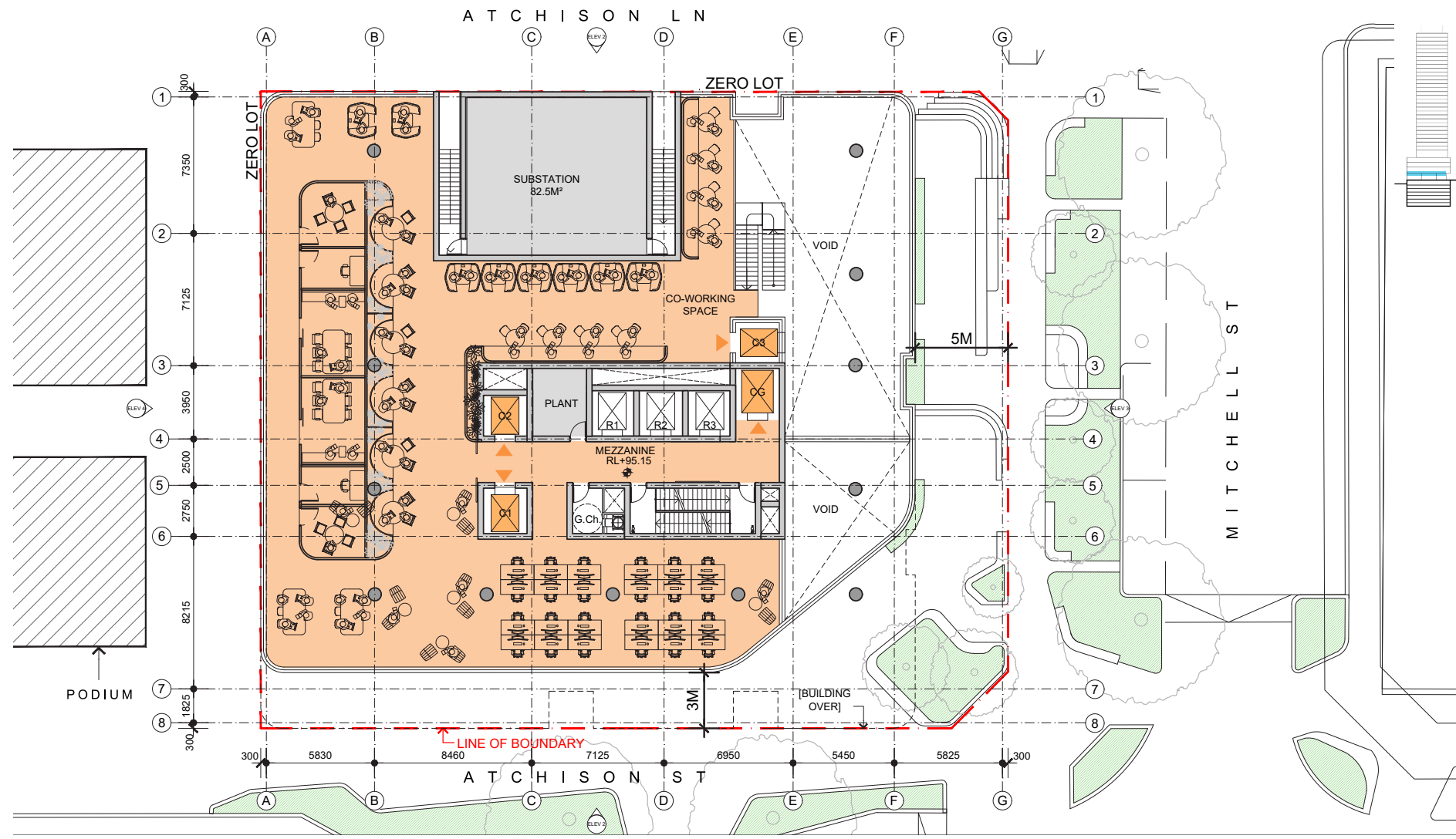


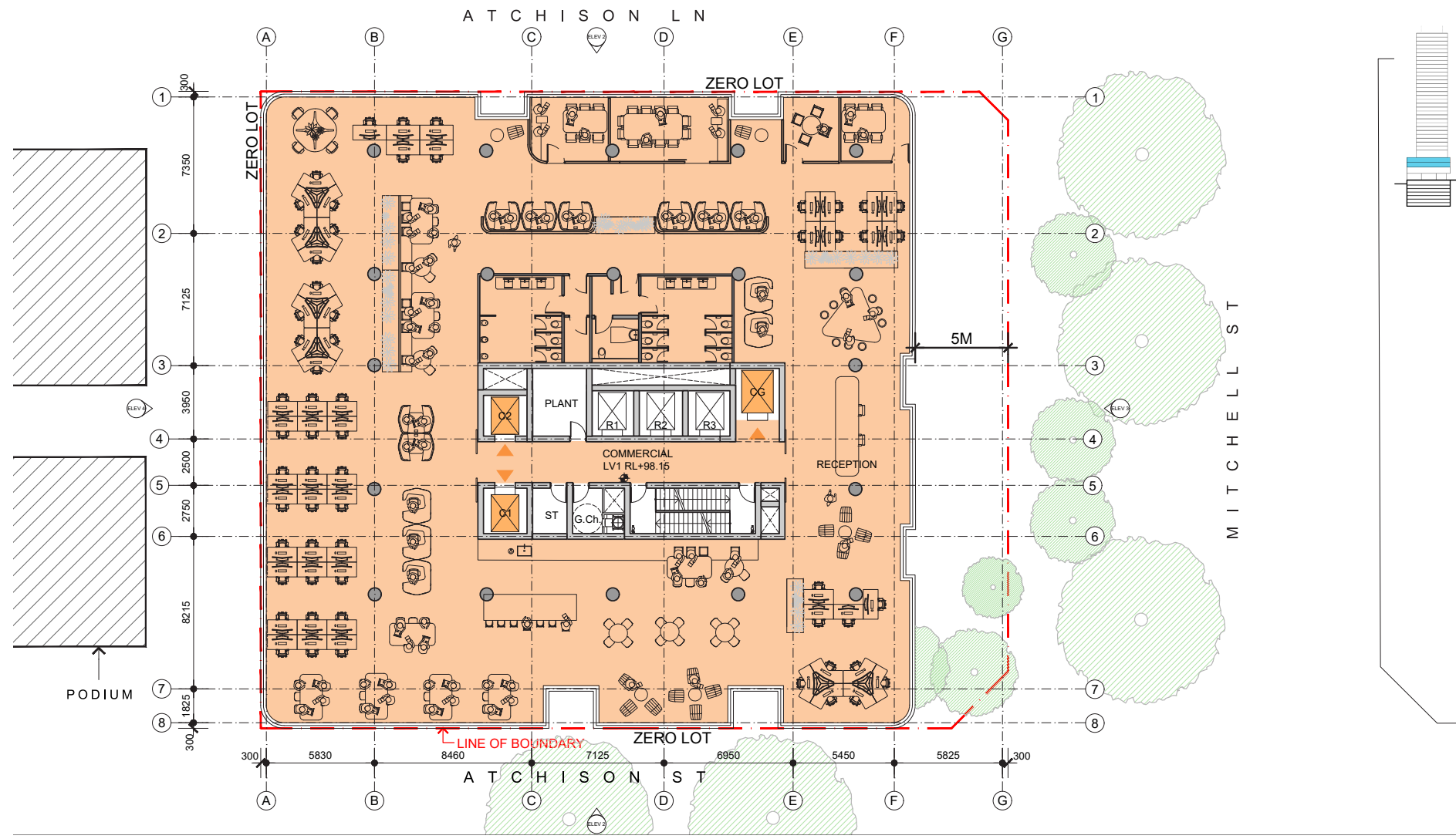
Reference Design

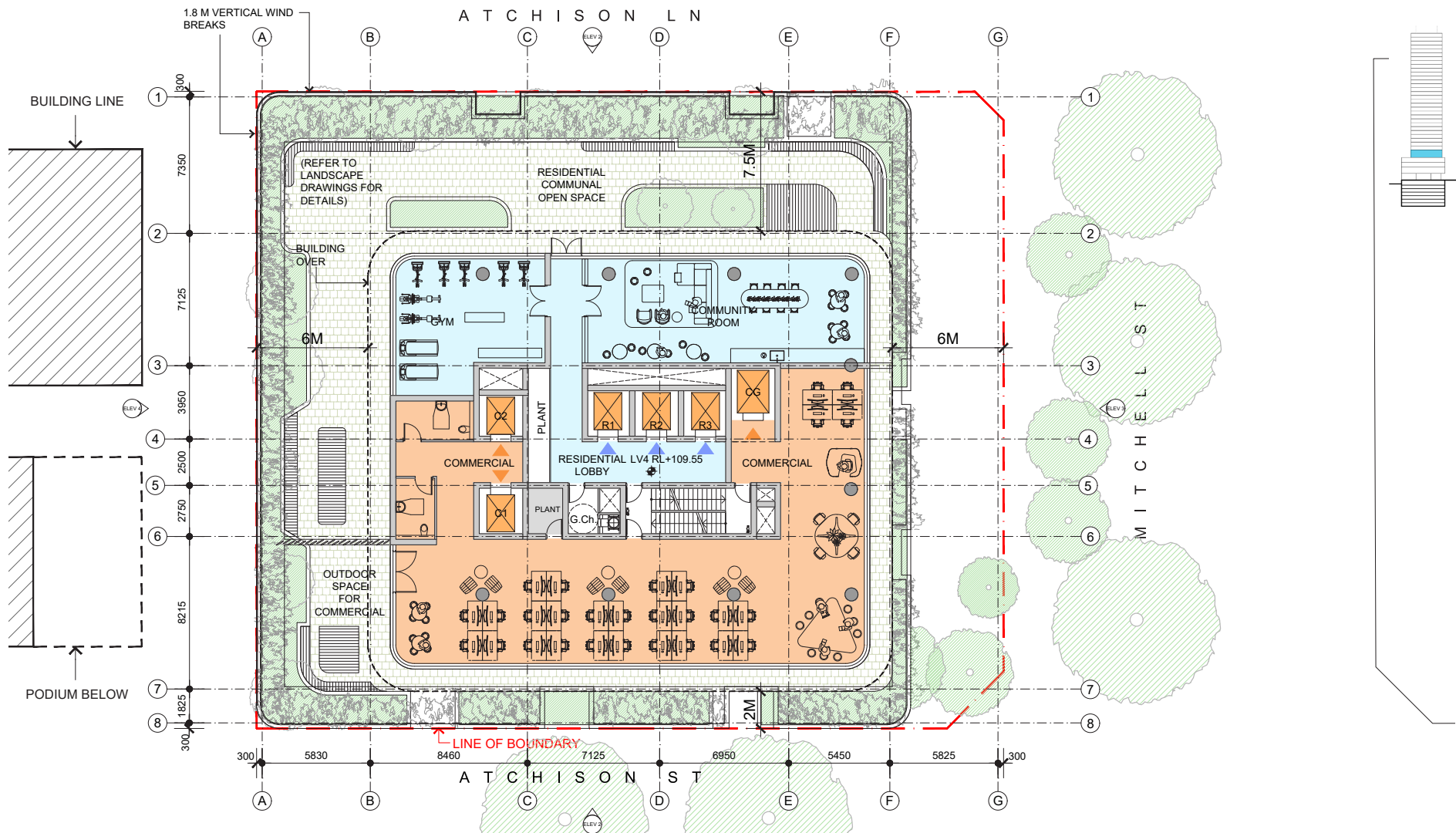
Ground Floor Plan

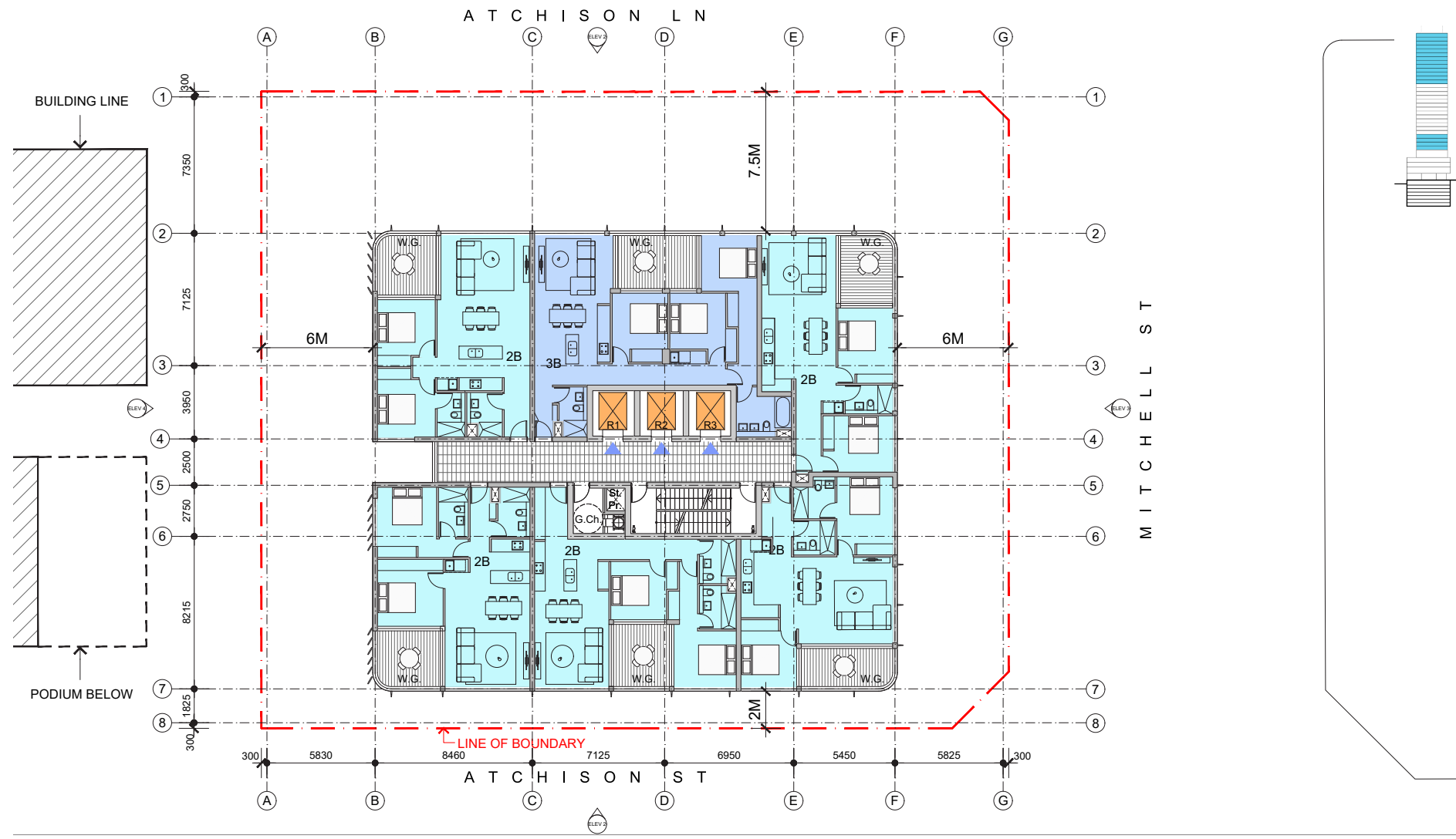
Scale 1:200@A3



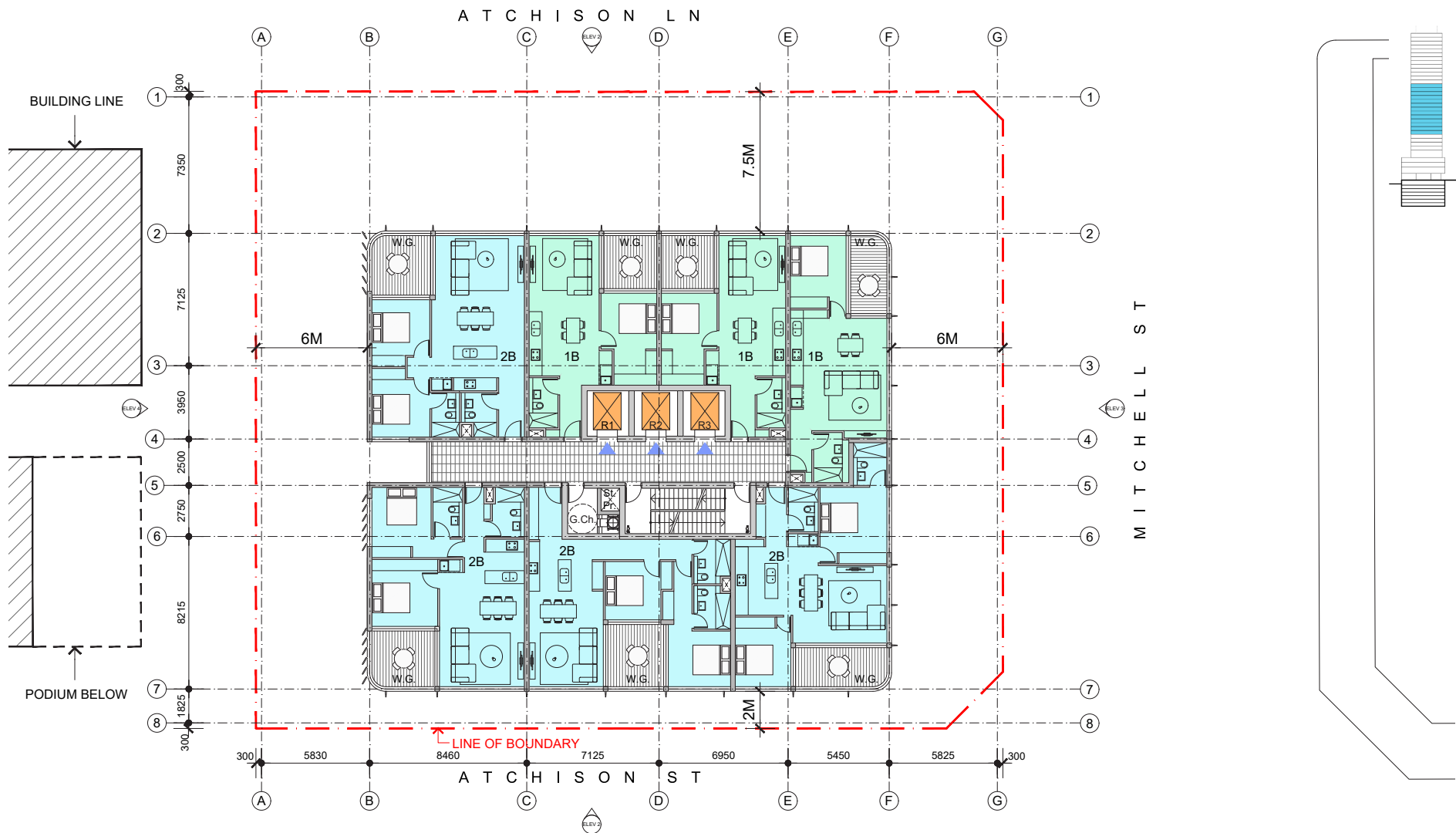


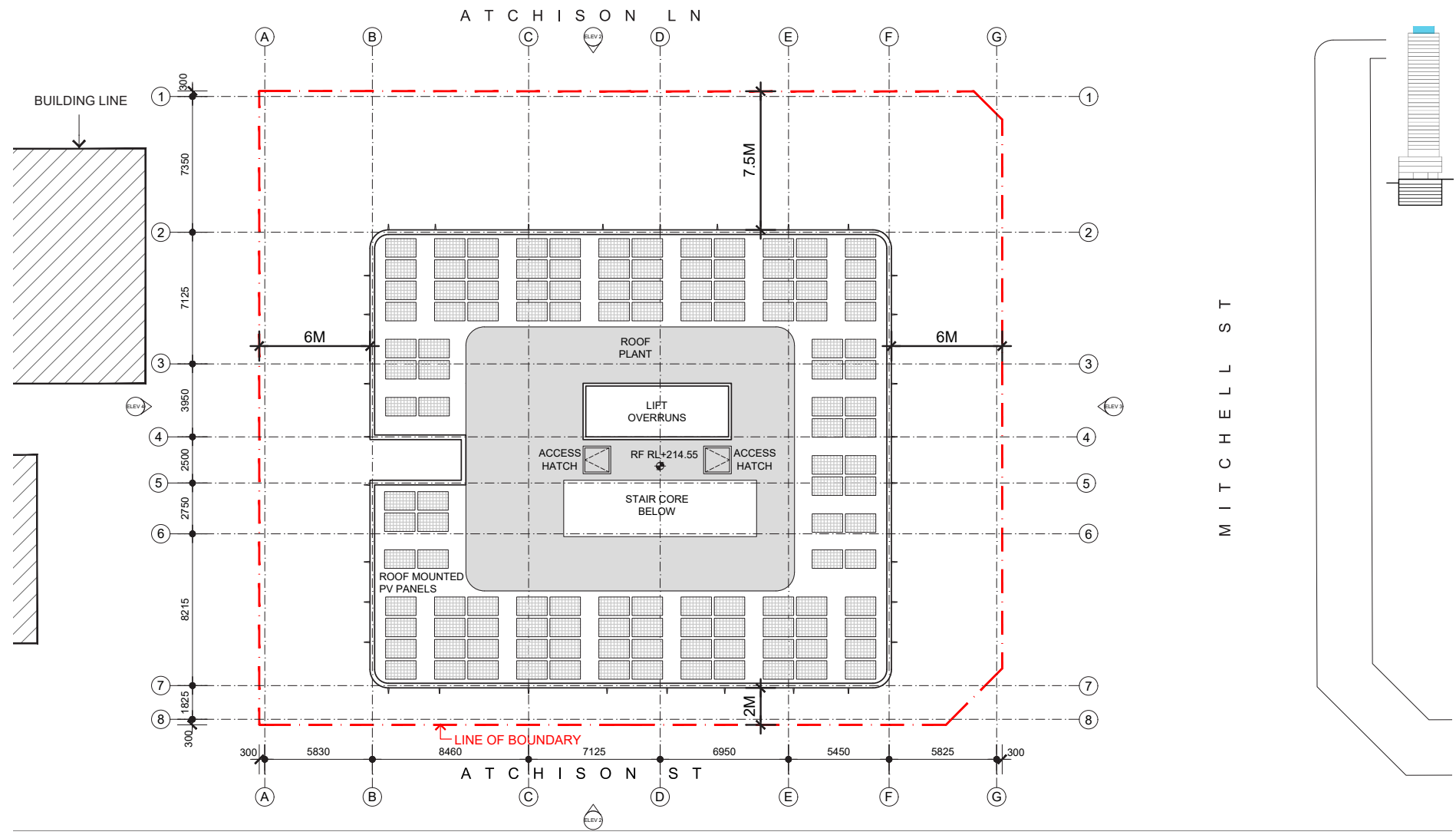












## 6.3 Area Schedule

OVERALL FSR 14.9 : 1									
Site Area (m²):	1,374								

## 6.4 Benefits to the Public

CLOSE PROXIMITY TO:

EMPLOYMENT



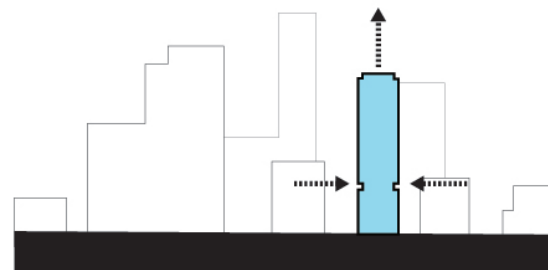
TRANSPORT



WORKSPACES



**GREEN LINK TO**  
MITCHELL ST PLAZA  
CONNECTING ALONG  
MITCHELL ST FOOTPATH  
AS PART OF THE FUTURE  
LINEAR PARK

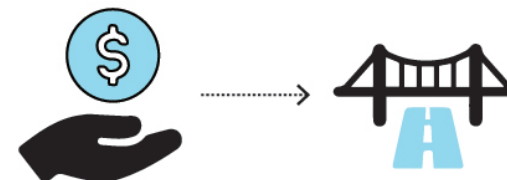


**SLENDER FORM** OF THE TOWER LEADS TO A  
**CONSOLIDATED SKYLINE** AND URBAN  
ENVIRONMENT



**MIXED-USE PODIUM & MITCHELL STREET**  
**EXTENSION** CREATES ACTIVATED  
**GROUND PLANE**

**SPECIAL INFRASTRUCTURE**  
**CONTRIBUTION**  
**TO FUND UPGRADES**  
**AND SUPPORT NEW GROWTH**





## Appendix A

### Overshadowing Analysis Methodology



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## Appendix B

### Visual Impact Assessment Methodology

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**NORTH SYDNEY LOCAL PLANNING PANEL**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 3 MARCH 2021, AT 2.00PM.**

**PRESENT**

**Chair:**

Jan Murrell

**Panel Members:**

Tony Caro (Panel Member)

Ian Pickles (Panel Member)

Kenneth Robinson (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Robyn Pearson, Team Leader Assessments

Peita Rose, Governance Officer (Minutes)

**Apologies:** Nil

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 3 February 2021 were confirmed at that meeting.

**2. Declarations of Interest**

Nil.

**3. Business Items**

*The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.*

*Panel Members inspected sites independently and have had access to Council's electronic file, including details of all written submissions, plans, site photographs and supporting documentation. This meeting was recorded for the purposes of preparing minutes in accordance with the NSW Panel Secretariat's Panel Operating Guidelines.*

*The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.*

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***This is Page No 1 of the Minutes of the North Sydney Local Planning Panel Meeting held on 3 March 2021.***

**ITEM 1**

<b>DA No:</b>	324/20
<b>ADDRESS:</b>	19 Bennett Street, Cremorne
<b>PROPOSAL:</b>	Alterations and additions to dwelling including construction of pavilion and pergola, new fence and tennis court fence, gate, steps, driveway widening, landscaping including removal of trees.
<b>REASON FOR NSLPP REFERRAL</b>	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions objecting to the proposal.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Graduate Assessment Officer
<b>APPLICANT:</b>	Weir Phillips Architects

**Public Submissions**

**1 written submission received.**

<b>Submitter</b>	<b>Applicant/Representative</b>
Geoffrey Kells	William Dangar - Landscape Architect
	Robert Weir - Applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is approved by the Panel subject to the recommended conditions with the following amendments:

**Protection of Trees**

C10. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

<b>Tree</b>	<b>Location</b>	<b>Height</b>
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 and T21-23 <i>Howea forsteriana</i>	Eastern boundary – rear setback 19 Bennett – To be transplanted	(2-9m)
<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – west of driveway	3m

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.



Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

#### Approval for removal of Trees

C11. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Reason
T1-T12 <i>Lagerstroemia indica</i> (9m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T18, T19 <i>Pyrus calleryana</i> (12,13m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T20 <i>Jacaranda mimosifolia</i> (14m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T35 <i>Ulmus parvifolia</i> (14m)	Rear setback adjacent outbuildings 19 Bennett	Removal approved under DA68/18
T36 <i>Liquidambar styraciflua</i>	Northern boundary – rear setback 19 Bennett	Facilitate proposal

Removal of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order. Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

Prior to the approved removal of any tree(s), the tree(s) must be aerially inspected for the presence of active nests and/or hollows by a qualified arborist. Where an active nest or hollow is identified, tree removal must be deferred until after the breeding season is complete and any juveniles have fledged/dispersed. In the case of a permanently occupied hollow or nest (e.g., possum drey), a Licensed wildlife contractor must be engaged to relocate the affected animal to an alternative hollow, provided by the applicant, that is situated within 50m of the existing hollow.

(Reason: Protection of existing environmental and community assets)

#### Tennis Court Fence and Outdoor Lighting

C15. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. (No approval is given or implied under this consent for tennis court lighting).

Full details of the tennis court fence must be submitted to Council's Manager Development Services for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

#### Amendments to the Landscape Plan

C16. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 1) The 2 x additional *Magnolia* 'Exmouth' (400-L) shall be planted along the eastern boundary within the rear setback of 19 Bennett Street.
- 2) 1 x *Lagerstroemia indica* 'Tuscarora' (75-L) shall be planted in the council verge immediately to the east of the driveway of 19 Bennett Street

*This is Page No 3 of the Minutes of the North Sydney Local Planning Panel Meeting held on 3 March 2021.*

- 3) A green screen planting shall be included along the eastern face of the pavilion in order to provide screening and soften the built form when viewed from adjoining properties. This screening may be either free standing in nature, or a creeper growing on a suitable support structure.
- 4) The proposed *Macadamia sp.* tree shall be replaced by a species that is only able to reach a maximum height of 9m and must be a minimum 400-L pot size.
- 5) 1 x additional *Cupaniopsis anacardioides* (400-L) shall be planted within the subject site close to the eastern boundary with No. 19A Bennett Street.
- 6) The Tree Data Schedule P1 contained within the Arborist Report prepared by Tree Management Services dated 3/12/20 incorrectly shows T1-T12 *Lagerstroemia indica* (9m) to be transplanted. These trees are proposed for removal, and an amended Tree Data Schedule that accurately reflects this shall be provided.
- 7) Trees 24-28 (*Magnolia* 'Exmouth') identified within the Arborist Report prepared by Tree Management Services dated 18 February 2021 and received by Council on 18 February 2021, are conditioned for retention and protection as per Condition C10 of this consent. Amended plans are to be provided that allow for their retention and protection as per AS-4970. Sensitive construction techniques shall be required, and no level changes shall be permitted within the TPZs of these trees. New designs should be carried out in consultation with an AQ5 arborist.
- 8) Tree 36 *Liquidambar styraciflua* shall be replaced by a suitable deciduous tree which will reach a height of 12 metres at maturity to be located in the general vicinity of the tree that will be removed.
- 9) Two of the existing Crepe Myrtles to be retained and incorporated into the landscape plan and the Tuckeroo is to be planted in the same vicinity.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

#### Protection of Public Trees

- D3. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree Species	Location	Protection
T31 <i>Sapium sebiferum</i> (5m)	Council verge in front of 19 Bennett Street	1.8m high steel mesh tree protection fencing
<i>Sapium sebiferum</i> (8m)	Council verge in front of 19 Bennett Street-west of driveway	1.8m high steel mesh tree protection fencing
<i>Lagerstroemia indica</i> (3m)	Council verge in front of 19A Bennett Street – west of driveway	1.8m high steel mesh tree protection fencing

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Protection of existing environmental and community assets)

**Certification of Tree Condition**

- G4. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the trees specifically nominated below: -

<b>Tree</b>	<b>Location</b>	<b>Height</b>
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 & T21-23 <i>Howea forsteriana</i>	Eastern boundary – Rear setback 19 Bennett – To be transplanted	(2-9m)
2 x additional <i>Magnolia</i> 'Exmouth' (400l)	Eastern boundary – Rear setback of 19 Bennett Street [See Condition C16(1)]	
1 x <i>Lagerstroemia indica</i> 'Tuscarora' (75l)	Council verge to the east of the driveway of 19 Bennett St [See Condition C16(2)]	
Green screen planting	Along the eastern face of the proposed pavilion [See Condition C16(3)]	
1 x additional <i>Cupaniopsis anacardiodes</i>	Within the subject site [See Condition C16(5)]	400-L
<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – west of driveway	2-3m

The report must detail the condition and health of the nominated trees upon completion of the works and shall certify that the trees has/have not been significantly damaged during the works on the site and have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

**Panel Reason:**

The Panel has carefully considered all submissions made both oral and written, and is satisfied subject to conditions that the development does not adversely impact on the heritage significance of the item and its curtilage or the amenity of the adjoining properties. The proposal will sit comfortably on this large site and has less than 25% overall site coverage. The replacement plantings over time, will provide an appropriate setting for the heritage item and will contribute to the streetscape.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Kenneth Robinson	<b>Y</b>	
Tony Caro	<b>Y</b>				
Ian Pickles	<b>Y</b>				

**ITEM 2**

<b>DA No:</b>	317/20
<b>ADDRESS:</b>	61 Lavender Street, Milsons Point

<b>PROPOSAL:</b>	Fit out and use of the two ground floor retail tenancies as a restaurant and a bakery/delicatessen.
<b>REPORT BY NAME:</b>	Thomas Holman, Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions objecting to the proposal.
<b>APPLICANT:</b>	Robinson Urban Planning Pty Ltd

### Public Submissions

#### 2 written submissions received

Submitter	Applicant/Representative
Brigitte Noble	Randy Liang - Applicant
Joycelyn Morton	Lisa Hobbs - Applicant
Andrew Crofts	Jeff Ellis - Applicant
	Kyeema Doyle - Town Planner

### Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the recommended conditions in the officer's report with the following additions/amendments to mitigate residential amenity impacts.

- The extended hours are not approved between 11pm to midnight, Mondays to Wednesdays.
- Condition I15 is to be amended to exclude commercial loading and unloading to take place on a weekend
- A condition is to be imposed to require the door to the bakery to be kept closed prior to approved opening times.
- The following condition is to be imposed to require a complaints register to be maintained and made available for Council for inspection on request.

### Complaints Register

- I22. As part of Management's ongoing complaints handling, the Manager's mobile telephone number is to be visible on the outside of the premises and a complaints register must be maintained on the premises, recording at a minimum: the time, date, and particulars of any complaint and the appropriate action taken by Management to reasonably resolve the complaint.

The relevant contact details of the premises' Management are to be externally signposted on the building in a prominent position to enable anyone to lodge a complaint with Management.

Records are to be retained for a minimum of five years and made available for inspection by Council, NSW Police or other appropriate authority upon request.

(Reason: To provide a record of the steps taken by Management to resolve any complaints raised by the local community)

- A condition is to be imposed to require the Plan of Management to be updated to reflect the amended conditions of approval. The condition is to require that the plan of management be implemented at all times during operation.
- A condition is to be imposed to require a post operational acoustic report to be prepared by a suitably qualified acoustic consultant which is to be submitted to Council 6 months after full operation.

The Council's Manager Development Services is delegated the power under Section 2.20 of the Act to prepare and impose conditions incorporating the above requirements in the final notice of approval.

Panel Reason:

The Panel has carefully considered all submissions made both oral and written and is satisfied with the further conditions imposed, the development is consistent with the B4 mixed use zone objectives and warrants approval.

The Panel notes the applicant stated that the application is for an ala carte restaurant only, with no live music, entertainment or major functions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

**ITEM 3**

<b>DA No:</b>	232/20
<b>ADDRESS:</b>	1-11 Rodborough Avenue, Crows Nest
<b>PROPOSAL:</b>	Demolition of all structures and construction of a part 4, part 5 storey residential flat building containing 35 units over two levels of basement parking for 53 vehicles and associated works.
<b>REASON FOR NSLPP REFERRAL</b>	The application is reported to the North Sydney Local Planning Panel for determination as the application relates to SEPP 65 development, seeks a variation to a development standard by more than 10% and attracted more than 10 submissions by way of objection.
<b>REPORT BY NAME:</b>	Michael Stephens, Senior Assessment Officer
<b>APPLICANT:</b>	Platform Project Services

**Public Submissions**

Submitter	Applicant/Representative
Myron Hartley-Holl	Mathew Gilling - Applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel and the application is refused.

*This is Page No 7 of the Minutes of the North Sydney Local Planning Panel Meeting held on 3 March 2021.*



Panel Reason:

The proposal fails to comply with the key planning controls of height and ADG guidelines. The applicant is encouraged to discuss an amended proposal with Council officers prior to submitting a Section 8.2 request for a review of the Panel's decision and to have regard to the matters identified in the report.

The matters raised by the submitter have been noted at the meeting.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

**ITEM 4**

<b>DA No:</b>	5/21
<b>ADDRESS:</b>	229 and 231 Miller Street, North Sydney
<b>PROPOSAL:</b>	Installation of three (3) business identification signs
<b>REPORT BY NAME:</b>	Hugh Shouldice, Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	This application is reported to North Sydney Local Planning Panel for determination because the application received twelve (12) submissions.
<b>APPLICANT:</b>	Platino Properties

**Public Submissions**

Submitter	Applicant/Representative
Brooke Boielle	Paula Mottek - Town Planner

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel.

With respect to sign 1, pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is not satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request does not demonstrate that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development is not in the public interest because it is inconsistent with the objectives of the standard and zone objectives.

The Panel has determined the application by the approval of the business identification signs two and three and refusal of sign one, that is not consistent with the objectives of the B4 mixed use zone.

Panel Reason:

The Panel endorses the officer's reasons for the refusal of sign one and considers it would create an undesirable precedent for the mixed use zone.

Signs 1 and 2 are considered to be most appropriate to identify the business.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

**ITEM 5**

<b>DA No:</b>	302/20
<b>ADDRESS:</b>	4 Holt Street, McMahons Point
<b>PROPOSAL:</b>	Part demolition of existing building and construction of new three storey office premises.
<b>REPORT BY NAME:</b>	Kim Rothe, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to NSLPP for determination due to the level of breach proposed to Clause 4.3(2) Building Height control of NSLEP 2013 with exceeds 10% variation and public interest in the application with greater than 10 unique submissions.
<b>APPLICANT:</b>	O2 Architecture Pty Ltd

**Public Submissions**

Submitter	Applicant/Representative
	Rocky Zappia - Applicant
	Greg Foster - Town Planner

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and zone objectives.

The development is approved subject to the recommended conditions in the officer's report.

Panel Reason:

The Panel considers the development will continue to serve as a light industrial use consistent with the zoning. Whilst the site is in a conservation area it is not within the visual catchment of the important Victorian streetscape of Chuter Street, and the Panel considers the development is appropriate to the diverse character of the precinct.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

**ITEM 6**

<b>DA No:</b>	237/20
<b>ADDRESS:</b>	30-34 Grosvenor Street, Neutral Bay
<b>PROPOSAL:</b>	Demolition of existing buildings and construction of a 4 storey residential flat building containing nine (9) units and basement parking for fifteen (15) vehicles.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The proposal is subject to SEPP 65 and proposes a variation to the building height development standard which is greater than 10%.
<b>APPLICANT:</b>	Willowtree Planning

**Public Submissions**

Submitter	Applicant/Representative
	Matt Billing - Applicant
	Andrew Chung - Architect
	Georgia Wilson - Architect
	Ashleigh Smith - Town Planner

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting and considered the applicant's submission dated 2 March 2021.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to amendments to condition AA1 to require a 3 metre setback from Young Lane, and modifications to the design of the basement to increase deep soil landscaping along the Grosvenor Street frontage with additional planting of a canopy tree.

**Modify Condition AA1 (a):**

The western building line of the apartment building on the Ground Level, Levels 01 and 02 must provide a minimum 3m setback from the western (Young Lane) property boundary to provide adequate building setback from the laneway. Modifications to the internal layout for the affected apartment units on the Ground Level, Level 01 and Level 02 could be required in order to accommodate the above changes;

**Add Condition AA1(f):**

The design of the basement be amended to provide a 2.4m setback from the southern (Grosvenor Street) boundary and a 3.5m setback from the northern property boundary as indicated on the applicant's submission "Basement Plan" dated 2 March 2021. Soft landscaping must be provided within the modified Grosvenor Street setback including the planting of a canopy tree (*Pyrus Ussuriensis* Manchurian Pear). The landscape plan as required in Condition AA2 must reflect the additional landscaping treatments required in this condition.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and zone objectives.

**Panel Reason:**

The Panel considers the development is satisfactory subject to the conditions.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Kenneth Robinson	<b>Y</b>	
Tony Caro	<b>Y</b>				
Ian Pickles	<b>Y</b>				

**ITEM 7**

<b>DA No:</b>	198/20/2
<b>ADDRESS:</b>	425-429 Pacific Highway, Crows Nest
<b>PROPOSAL:</b>	Section 4.55 application to modify DA 198/20 in respect of changes to Conditions G2 'Time period for advertising' and I1 'Dwell Time and Curfew on Advertising'.
<b>REPORT BY NAME:</b>	Luke Donovan, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to the North Sydney Local Planning Panel for determination as the application is a Section 4.55(2) which seeks changes to conditions that were modified by the Panel in its original determination.
<b>APPLICANT:</b>	Legge & Legge Architects Pty Ltd

**Public Submissions**

No persons elected to speak on this item.

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel.

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*This is Page No 11 of the Minutes of the North Sydney Local Planning Panel Meeting held on 3 March 2021.*

Panel Reason:

The Panel is satisfied the modification application relates to the development as originally approved.

The panel endorses the officer's recommendation to allow the dwell time to be reduced to 25 seconds as this is consistent with the relevant guidelines.

However, the Panel considers given the adoption of the St Leonards/Crows Nest Plan 2036, the period of the consent should be limited to 5 years. This does not prevent the applicant from making a further application at that time.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

**PLANNING PROPOSAL****ITEM 8 (considered after Development Applications)**

<b>PROPOSAL No:</b>	3/20
<b>ADDRESS:</b>	20-22 Atchison Street, St Leonards
<b>PROPOSAL:</b>	<p><b>To amend North Sydney Local Environmental Plan 2013 as follows:</b></p> <ul style="list-style-type: none"> <li>• Increase the maximum building height control applying to the site from 49m to 127m;</li> <li>• Establish an overall maximum Floor Space Ratio (FSR) control for the site of 14.9:1; and</li> <li>• Include a site specific provision to permit an additional 1,887 sqm of residential Gross Floor Area (GFA) for winter gardens</li> </ul>
<b>REPORT BY NAME:</b>	Katerina Papas, Strategic Planner
<b>APPLICANT:</b>	Urbis Pty Ltd (on behalf of CVWL Atchison Pty Ltd & Radaca Investments Pty Ltd)

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Stephen White - Applicant

**Panel Recommendation to Council:**

The Planning Proposal seeks to amend NSLEP 2013 to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum Floor Space Ratio (FSR) control 14.9:1; and
- include an additional Local Provision under Part 6 of NSLEP 2013 to permit an additional 1,887sqm of residential gross floor area (GFA) on the site for the purposes of winter gardens.

*This is Page No 12 of the Minutes of the North Sydney Local Planning Panel Meeting held on 3 March 2021.*



Having completed an assessment of the amended Planning Proposal against the DPIE's 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reason:

- It is inconsistent with the Built Form controls (number of storeys and FSR) identified in the *St Leonards and Crows Nest 2036 Plan* and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;

The Planning Proposal if made would create an undesirable precedent and undermine the integrity of the strategic planning policies relating to the site, in particular *St Leonards and Crows Nest 2036 Plan* and the supporting *Special Infrastructure Contribution (SIC) Plan*.

It is also inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals to be consistent with the 2036 Plan or any inconsistencies to be of minor significance.

The Planning Proposal is seeking to maximise height resulting in a most significant variation to the FSR control of 11.5:1 identified in the 2036 Plan (14.9:1). This is further exacerbated by seeking a provision to exclude winter gardens area from GFA.

The indicative scheme accompanying the Planning Proposal is unacceptable in so far as it fails to demonstrate acceptable environmental and community benefits.

It is considered that a scheme that complies with the 2036 Plan would produce an acceptable urban design outcome for the site and be able to largely address the impacts identified, and that an FSR of 11.5:1 assumes greater setbacks and building articulation than currently proposed.

Council has received numerous enquiries for sites within the St Leonards and Crows Nest Precinct seeking to challenge the Height and FSR controls of the 2036 Plan. If the Planning Proposal is approved, it would establish a precedent for significant non-compliances and result in an unanticipated level of demand that cannot be supported by the established or future infrastructure provisions.

The Planning Proposal does not demonstrate acceptable - strategic or site specific merit.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

The public meeting concluded at 4.35 pm.

The Panel Determination session commenced at 5.00pm.

The Panel Determination session concluded at 7.00pm.

Endorsed by Jan Murrell  
Chair North Sydney Local Planning Panel

**3 March 2021**