



12 March 2026

20-22

**Atchison Street
St Leonards, NSW**

Department Letter Response

Our ref: Shop Top Housing – 20-22 Atchison Street (SSD-87486461)

Ms Cynthia Chau
Setia Sydney Pty Ltd
Level 1, 155 Franklin Street
Melbourne VIC 3000

28 January 2026

Subject: Department's Key Issues

Dear Ms Chau,

I refer to the Department's letter dated 17 December 2025 requesting a written response to the issues raised in submissions under section 59(2) of the *Environmental Planning and Assessment Act 1979*.

The Department has undertaken a preliminary assessment of the application and requests that you provide a response to the key issues in **Attachment A**.

The Department requests that you incorporate your response to the Department's key issues, Council and public submissions and all agency advice in your submissions report. Please ensure your submissions report has regard to the *State Significant Development Guidelines*.

If you have any questions, please contact Charley Wells on (02) 8275 1444 or via email at charley.wells@dpie.nsw.gov.au.

Yours sincerely,



Brent Devine
A/Director
Key Sites and TOD Assessments

as delegate for the Planning Secretary

ATTACHMENT A

Key Issues

1. Gross floor area

The fixed glass louvres included throughout the residential levels of the building allow for fully enclosed balconies and are therefore considered residential gross floor area (GFA) in accordance with the North Sydney Local Environmental Plan 2013. The balcony balustrades on Levels 2 and 3 also exceed 1.4 metres in height, potentially contributing to additional GFA.

The total GFA of the development must be confirmed taking into account these matters. Any exceedance of the maximum floor space ratio (FSR) control for the site must be addressed in a clause 4.6 variation request.

2. Urban design

- a) Consider alternative design options or removal of the fixed glass louvres to reduce the bulk and scale of the development and ensure compliance with the FSR control.
- b) Street activation along the Atchison Street and Mitchell Street frontages should be further explored to accord with the Crows Nest TOD Precinct Design Guide.
- c) Consider improved street activation and/or landscaping of the through-site link along the western boundary of the site to screen the inactive facade.

3. Other issues

- a) The proposal involves a significant variation to the non-residential FSR development standard and is a key concern raised by Council. Consider increasing the provision of non-residential FSR to more closely align with the standard.
- b) Consider increased setbacks for the residential podium Levels 2 and 3 to more closely align with the building separation distances recommended in the Apartment Design Guide (ADG).
- c) Confirm that the apartments identified as achieving natural cross ventilation can achieve this, as recommended in the ADG. Particularly the apartments on Levels 2 and 3 given the western elevation of building is a solid wall.
- d) Confirm that the development has been designed to enable on-site waste collection by Council's waste collection fleet, including adequate access and manoeuvring space.
- e) Prepare a Reflectivity Report to assess reflectivity impacts from the extensive use of glass panels and louvres, including any mitigation measures to minimise such impacts.
- f) Ensure a comprehensive response is provided to Sydney Metro in its advice on the application including the additional information requested.

C O X

1

Gross Floor Area

1 Gross Floor Area

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Response

Setia Sydney Pty Ltd
20-22 Atchison Street, St Leonards
CFD Wind Assessment

6 March 2026
SLR Project No.: 610.031561.R02
SLR Ref No.: 610.031561.00016-R02-v1.0 20260306

Executive Summary

SLR Consulting Pty Ltd (SLR) has been commissioned by Setia Sydney Pty Ltd to conduct a quantitative wind assessment for the balconies of the proposed mixed-use development located at 20-22 Atchison Street, St Leonards.

SLR has previously undertaken a qualitative wind assessment for this site, providing tailored recommendations to improve wind comfort on upper-level balconies. The findings and associated design advice are documented in SLR Report 610.041561.RO1-v1.0, dated 15 September 2025, following a qualitative review of the elevated corner balconies.

In the current phase of assessment, Computational Fluid Dynamics (CFD) modelling has been employed to identify specific zones within the development where enhanced wind mitigation, beyond proposed balustrade specifications, may be warranted, particularly if balconies and terraces are intended for year-round use.

Particular interest has been given to the wind microclimate surrounding the balconies, with wind speeds now quantified through CFD analysis to support design decisions and ensure occupant comfort.

St Leonards Wind Climate

Using long-term wind records obtained from nearby Bureau of Meteorology stations at Bankstown Airport and Sydney Kingsford Smith Airport, SLR has determined that St Leonards has local winds characteristics somewhat closer to Sydney (KS) Airport than Bankstown Airport, given the project site's distance inland from the coast. Accordingly, key prevailing wind directions of interest are the northeast, southeast and south for summer and mainly west quadrant winds for winter.

The Design Process and Evolution of Wind Mitigation Recommendations

SLR has been involved in the assessment of wind effects for the development throughout the design process to date. Recommendations to maximise the single aspect balconies or increase the height for selected balconies or include louvres, were put forward to ameliorate these and the recommendations have been implemented in the latest design scheme.

Wind Accessibility Criteria

The criteria used in the evaluation of the user level winds at the private open spaces are based on the so-called "Lawson" criteria which couple the probability of exceeding winds at given statistical levels with wind speed magnitudes and associated impacts originally related to the Beaufort Wind Speed Land Scale.

Future Development Environment – Base Case Scenario

The following conclusions can be reached from an analysis of the CFD results:

Safety Criteria Levels

- NO areas will experience winds which may pose an actual hazard to the users regardless of the activity; and
- ALL assessed locations remain at the "S2" level (suitable for all-weather use).

Comfort Criteria Levels

- All areas are suitable for standing; and



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Setia Sydney Pty Ltd
20-22 Atchison Street, St Leonards
CFD Wind Assessment

6 March 2026
SLR Project No.: 610.031561.R02
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- The current design satisfies the C4 Lawson standard for ideal seated use for all units except the southwest-corner balcony on Level 37. At this location, the seated criterion is exceeded 7.54% of the time, compared with the 5% exceedance allowance under the adopted criterion.

Recommendations

- SLR recommends implementing winter gardens on the southwest-corner balconies from Levels 31 to 38.

Overall Conclusion

On the basis of the above, the Lawson Comfort and Safety thresholds established through the wind CFD modelling analysis, all balconies meet the C4 Lawson Comfort Level, which represents the ideal criterion for seating.



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Response

1100mm Solid Balustrade



Podium Typical Plan Level 2 & 3
1:200

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Response

- 1400mm Glass Balustrade with Fixed Louvres Above
- 1400mm Glass Balustrade



Tower Typical Plan Level 6-14
1:200

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- 1400mm Glass Balustrade



Tower Typical Plan Level 15-29
1:200

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Response

- 1400mm Glass Balustrade with Fixed Louvres Above
- 1400mm Glass Balustrade
- 1400mm Glass Balustrade with Operable Louvres Above



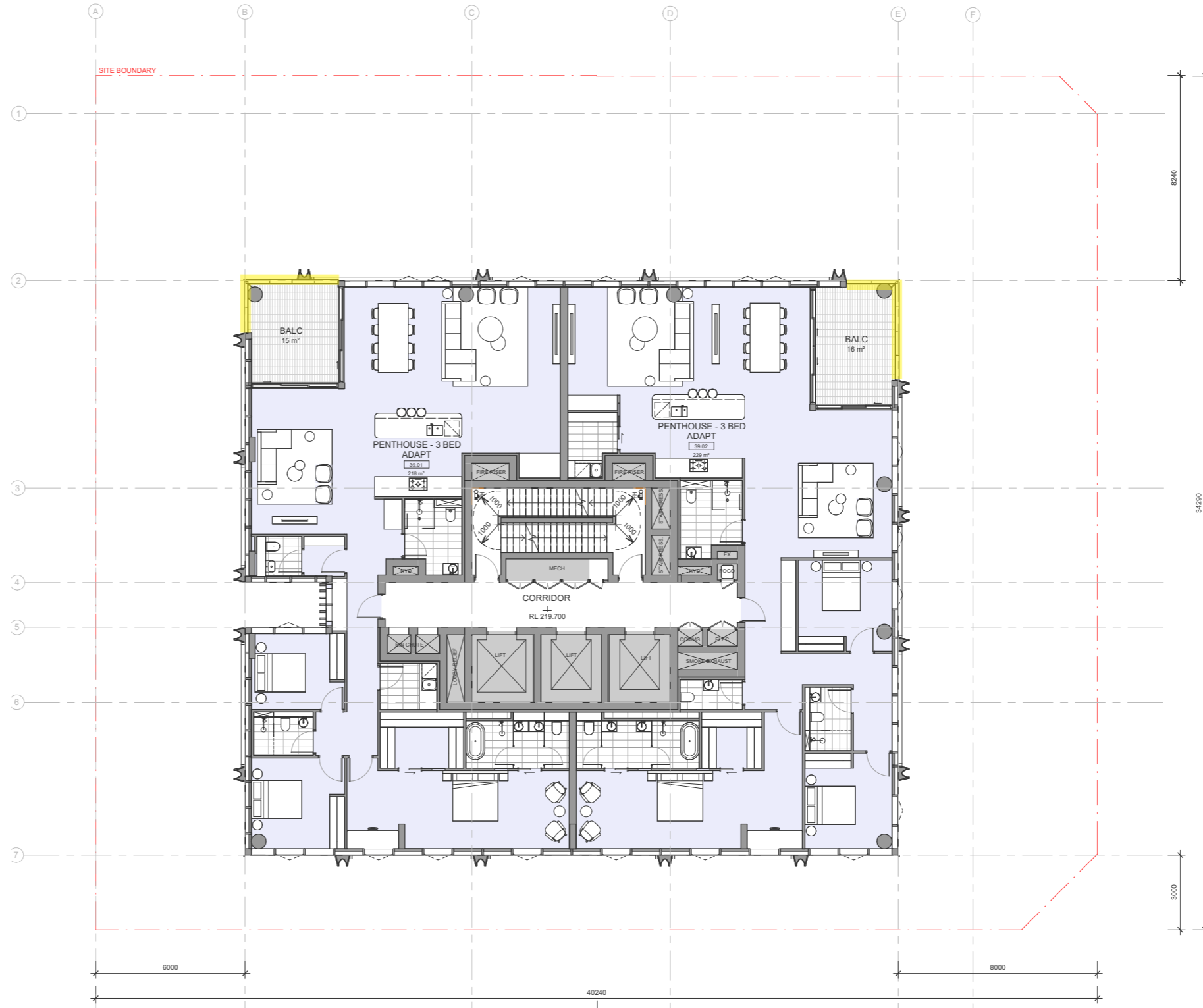
Tower Typical Plan Level 30-38
1:200

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Response

1400mm Glass Balustrade with Fixed Louvres Above



Tower Plan Level 39
1:200

1 Gross Floor Area

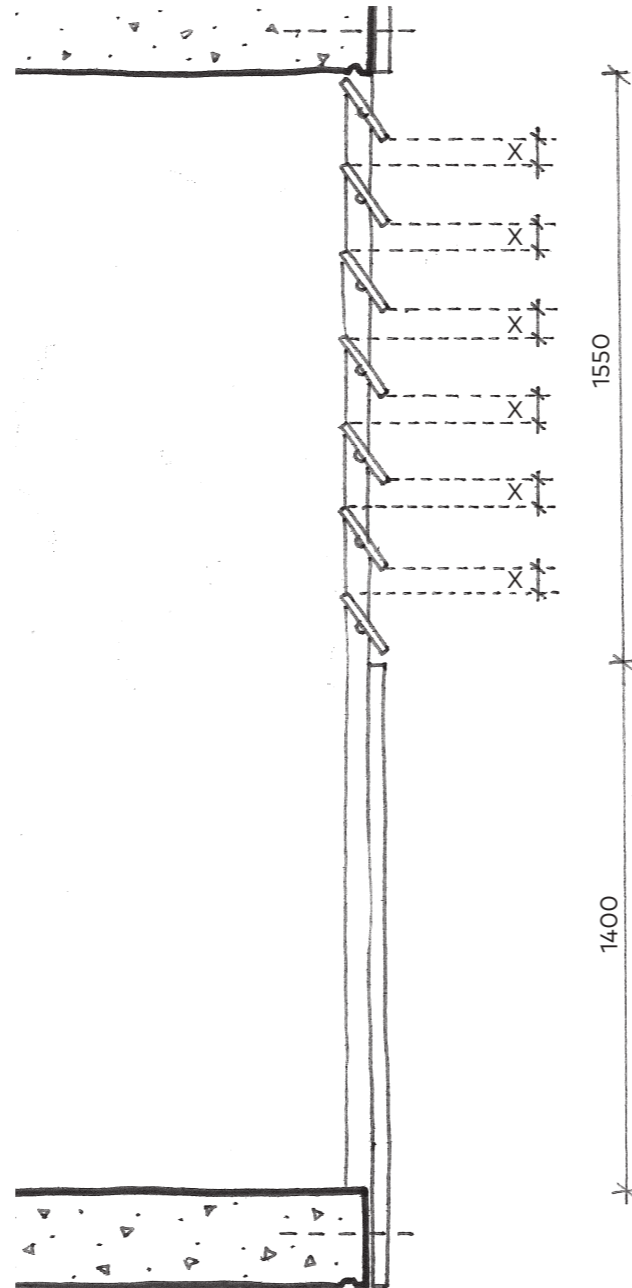
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Response

Tower Louvres

Louvres fixed open as to not fully enclose/ weather protect external balconies, with 30% openings.

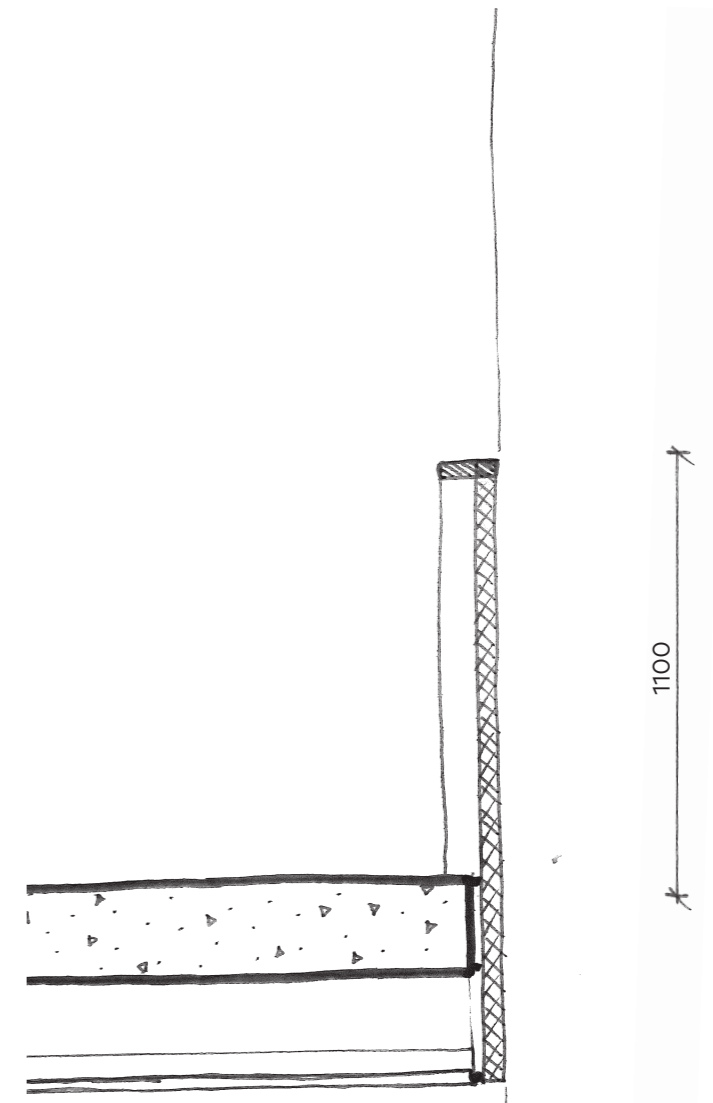
NOTE: Wind Report findings were tested with the assumption that louvres were retained on all balconies.



Tower Balcony Louvres
1:20

Level 2 & 3 Balustrade

The Department letter dated 28 January 2026, incorrectly states that the Level 2 & 3 balcony balustrades are above 1400mm high. As shown in the section these balustrades are 1100mm AFFL, with the balustrade continuing below FFL to conceal the slab edge below, making the balustrade appear up to 1800mm high.

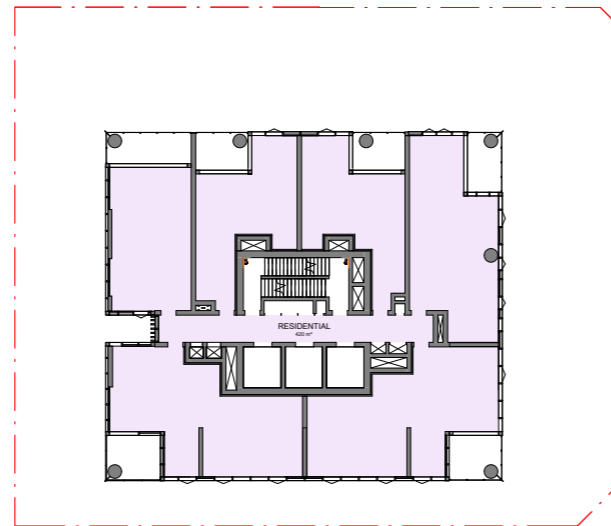


Podium Balcony Balustrade
1:20

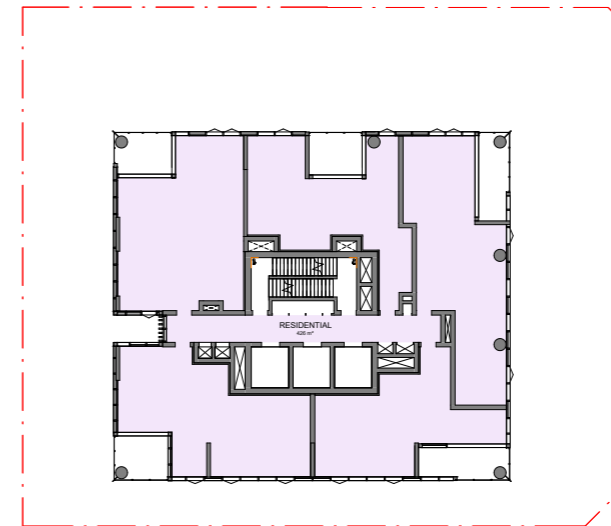
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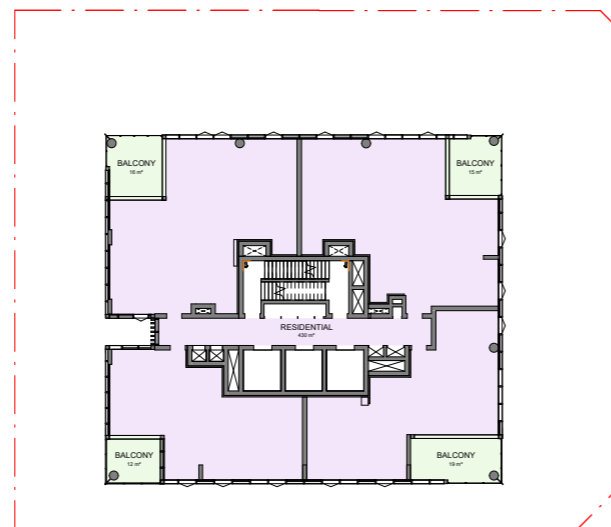
Response



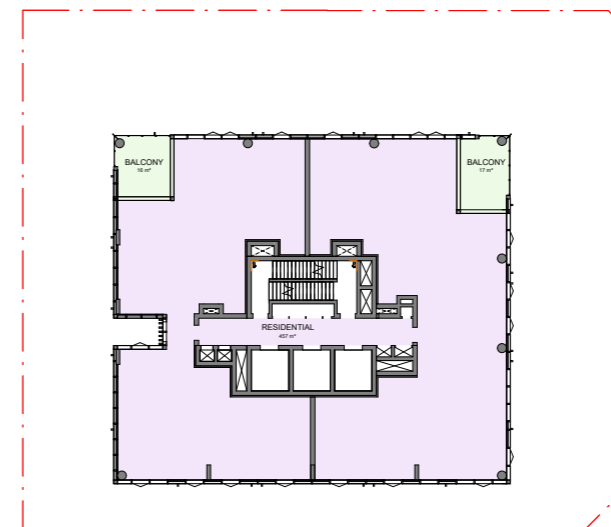
Level 6-14 GFA Plan
1:500



Level 15-29 GFA Plan
1:500



Level 30-38 GFA Plan
1:500



Level 49 GFA Plan
1:500

AREA SCHEDULE - TOTAL GFA	
AREA TYPE	AREA
BALCONY	602 m ²
COMMERCIAL	1938 m ²
RESIDENTIAL	16450 m ²
TOTAL	18990 m²

PERMISSIBLE GFA: 18,961m²
NON-COMPLIANCE: 29m²

NOTE: There are no proposed GFA changes to the podium levels.

2

Urban Design

- a. Balcony Louvres
- b. Street Activation
- c. Through-Site Link

2 Urban Design

- a. **Consider alternative design options or removal of the fixed glass louvres to reduce the bulk and scale of the development and ensure compliance with the FSR control.**
- b. Street activation along the Atchison Street and Mitchell Street frontages should be further explored to accord with the Crows Nest TOD Precinct Design Guide.
- c. Consider improved street activation and/ or landscaping of the through-site link along the western boundary of the site to screen the inactive facade.

Response

As per design changes shown in previous section, and the below updated SSDA Architectural Sheets:

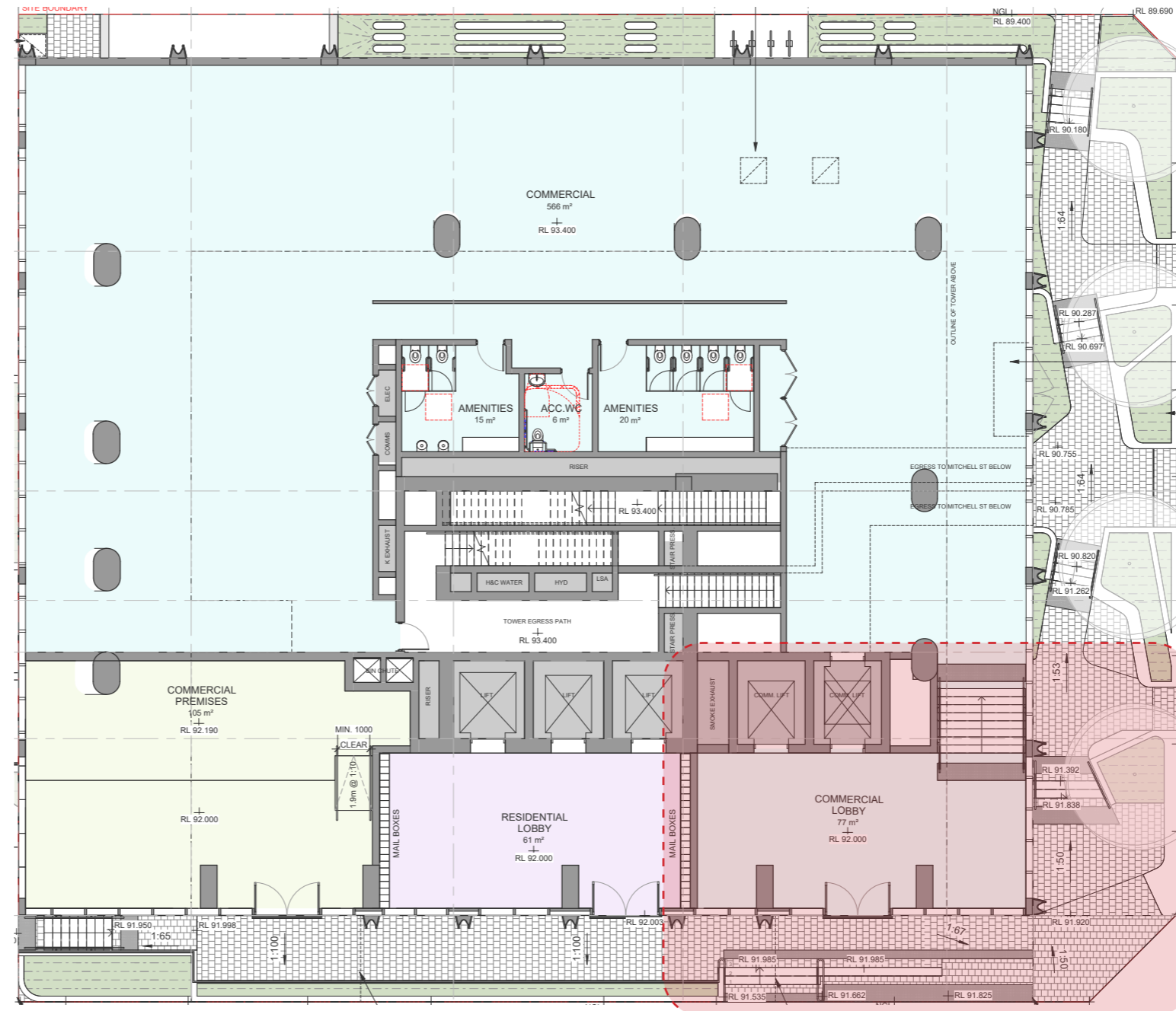
A-DA-3100-BUILDING ELEVATIONS - NORTH & EAST
A-DA-3001-BUILDING ELEVATIONS - SOUTH & WEST
A-DA-9100-DEVELOPMENT CALCULATIONS GFA - SHEET 1
A-DA-9101-DEVELOPMENT CALCULATIONS GFA - SHEET 2

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Response

- Cafe can operate within the Commercial Lobby, servicing staff internally, and the public through a take away window opening onto the Mitchell Street green link.
- Cafe customers can utilise and activate the landscaped seating of the Mitchell Street green link.



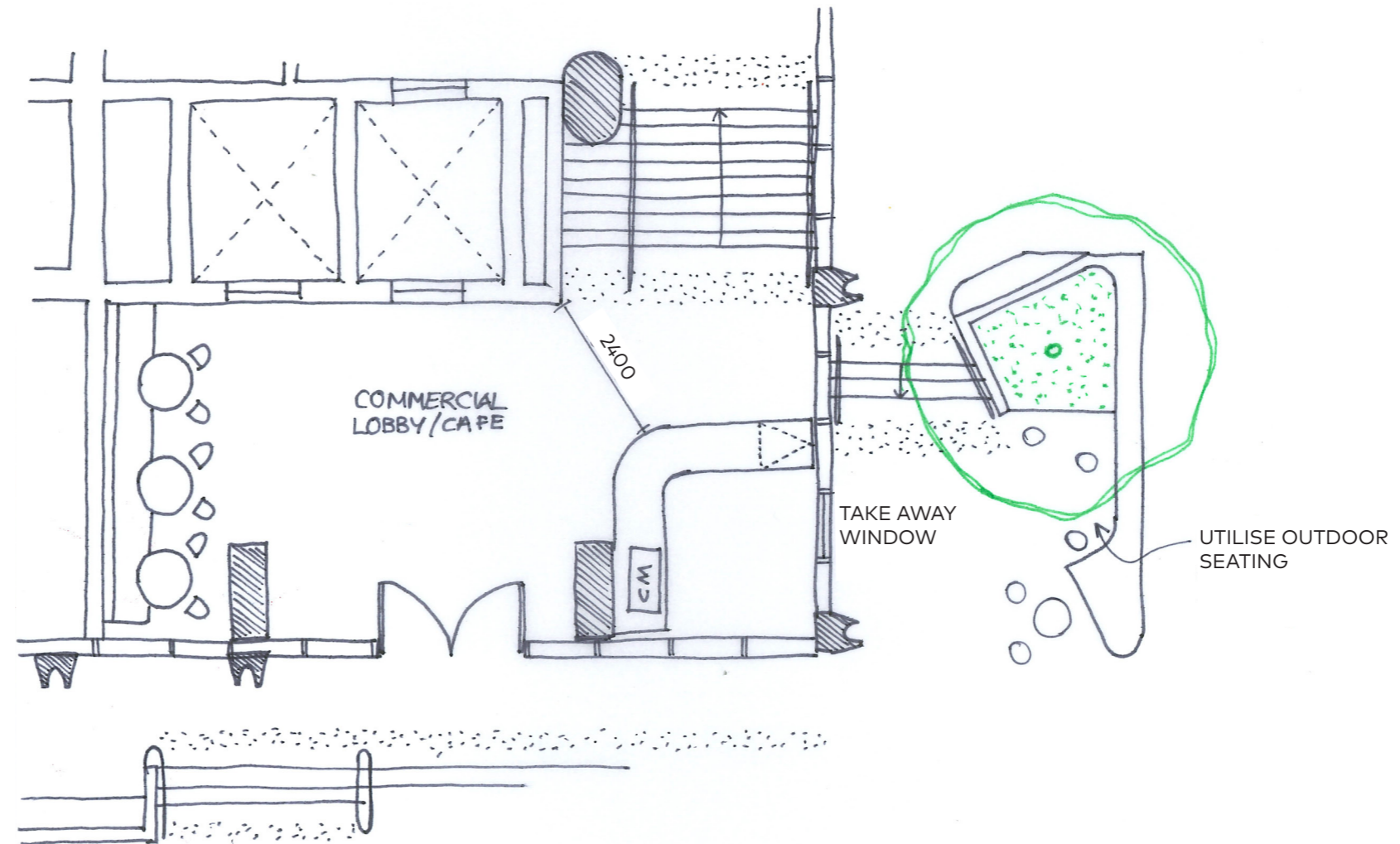
Ground Floor Plan
1:200

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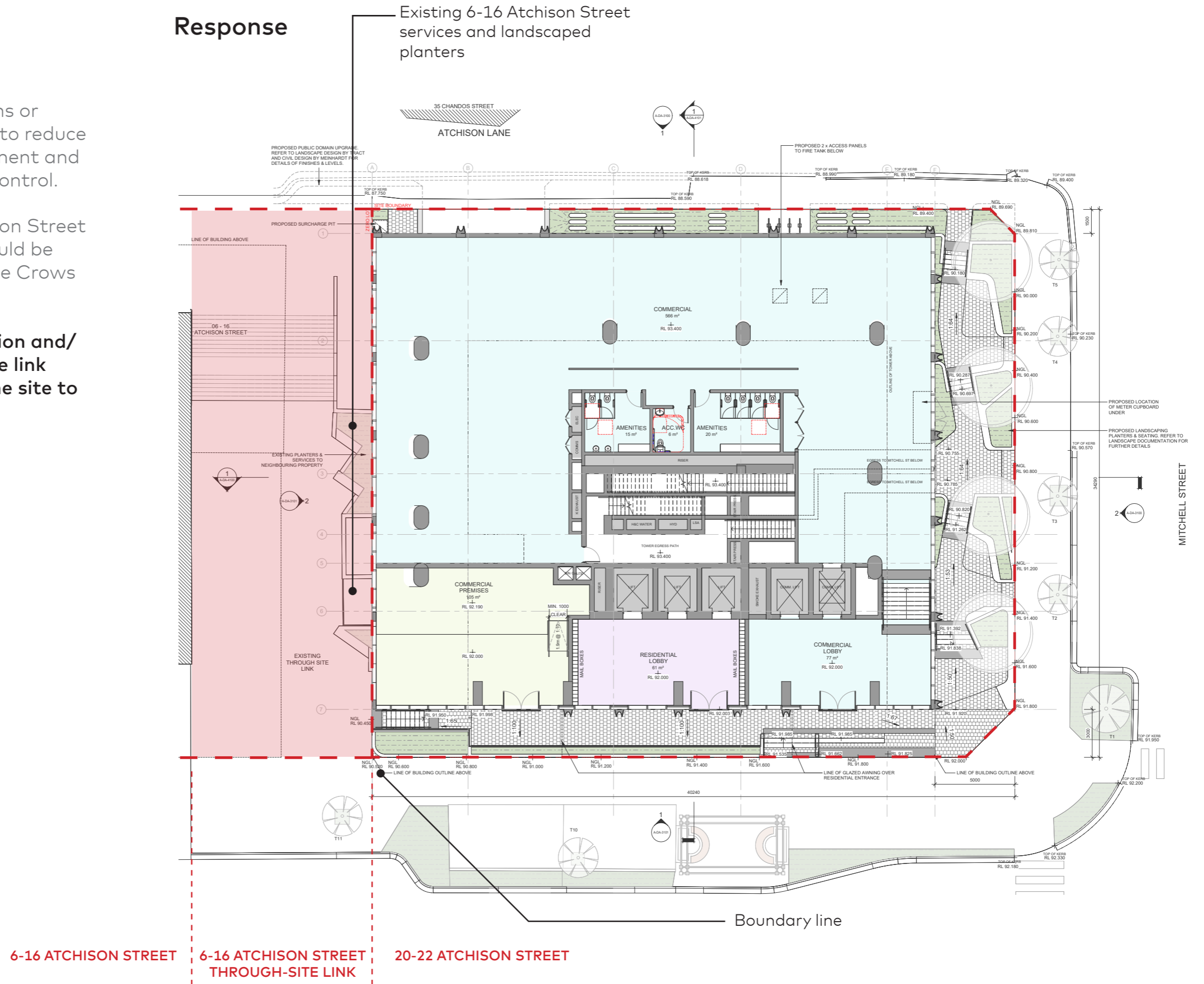


Ground Floor Cafe Activation Plan
1:100

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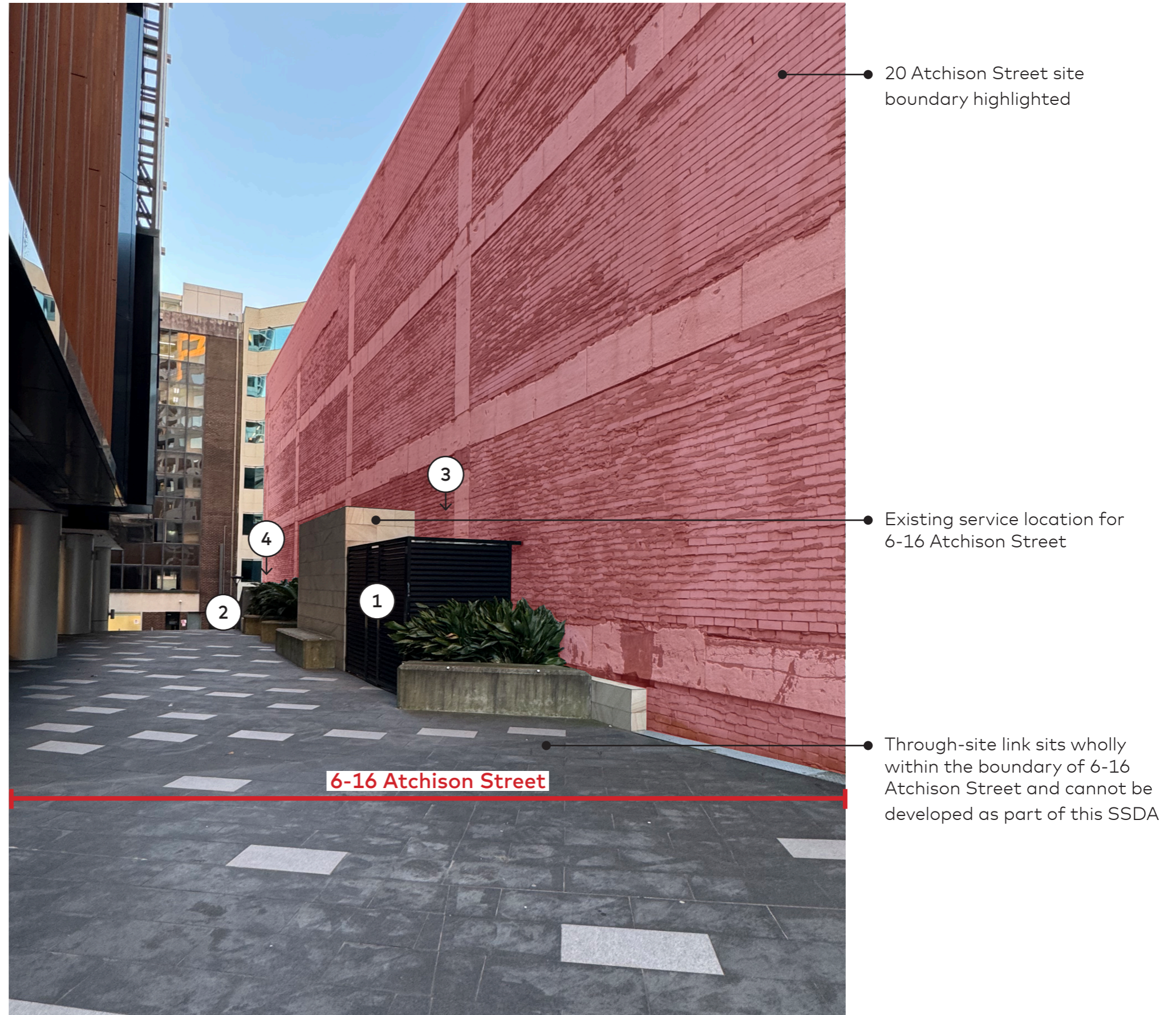


Existing Through-Site Link Plan
NTS

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Response



Existing Through-Site Link Site Photos

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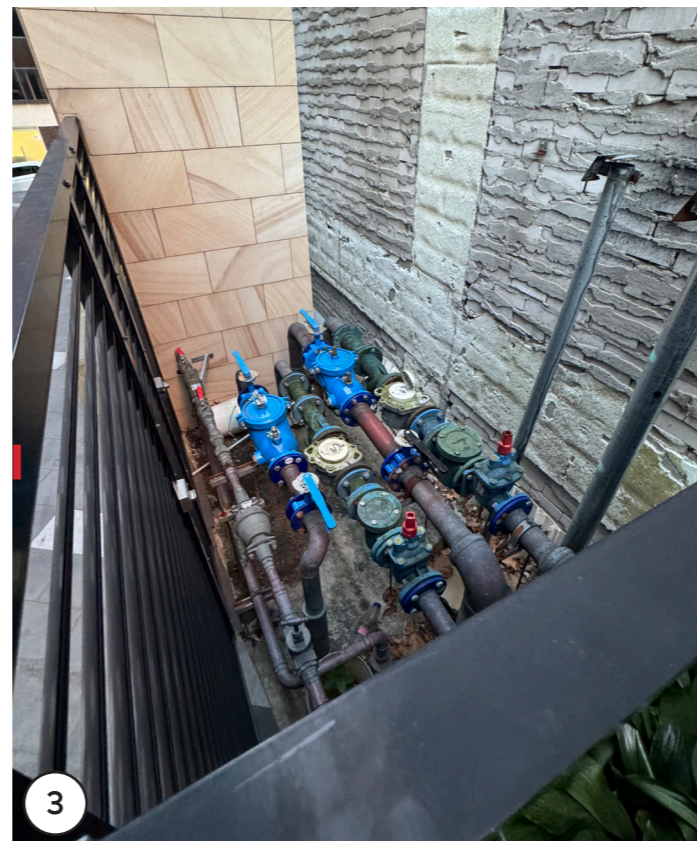
Response



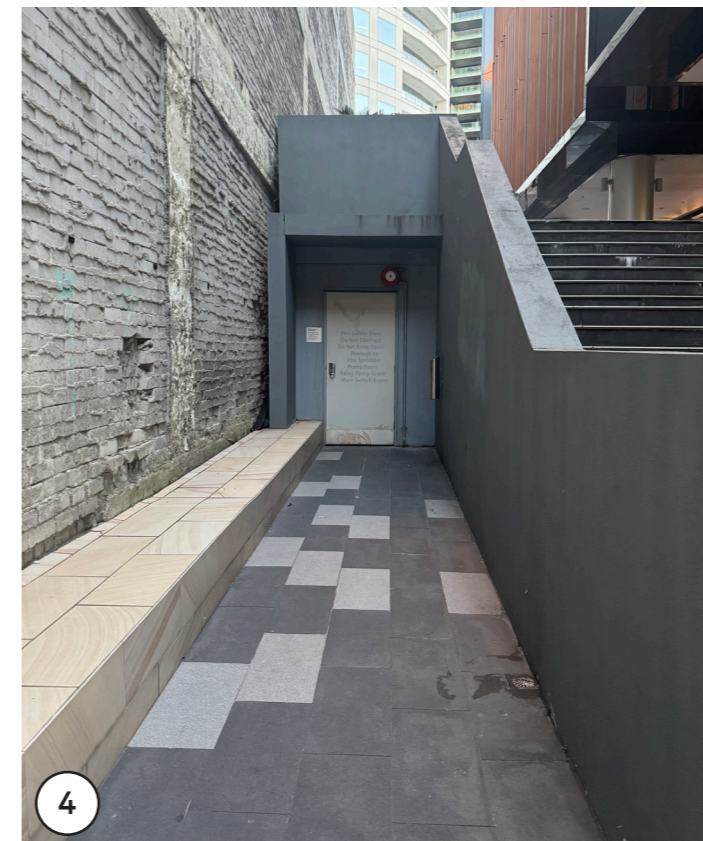
6-16 Atchison Street Services



6-16 Atchison Street Services



6-16 Atchison Street Services



6-16 Atchison Street Basement Egress Door

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Response

Tract

Peter Avramopoulos
Assistant Manager, Project Planning & Development
Setia (Melbourne) Development Company Pty Ltd
Wurundjeri Country
Level 1, 155 Franklin Street
Melbourne VIC 3000
via email: p.avramopoulos@spsetia.com

17 February 2026

Dear Peter

20–22 Atchison Street, St Leonards, NSW – Response to Comment on Landscaping Opportunities along the Western Boundary

We refer to the Department's request for consideration of additional street activation and/ or landscape treatment along the western boundary of the site, specifically the potential for a green wall or similar planting measure to screen the inactive facade. We appreciate the intent of the comment and have undertaken a detailed review of opportunities within this interface. Based on prevailing environmental conditions, site geometry, and comparable local precedents, we provide the following advice regarding the feasibility of implementing a successful green wall or significant landscaping treatment in this location.

Our assessment identifies the western facade is subject to a significantly unfavourable microclimate due to:

- Severe lack of natural light due to overshadowing from adjacent built form
- Persistent wind exposure and downdraft effects, typical within narrow through-site links and high-rise urban environments
- Temperature fluctuations that create plant stress and reduced survivability

These conditions are not conducive to sustaining either facade-based planter systems or vertical greening installations. Shade-tolerant species still require minimum daylight thresholds that are not available in this location and are characteristically defined as having larger surface area to the leaves for improved photosynthesis. These large leaves are highly susceptible to wind damage.

A comparable green wall installation located within Mitchell Street Plaza—less than 100 metres from the site—provides a relevant precedent. Despite being positioned with greater solar access and a less extreme microclimate than the subject site, the planting system in Mitchell Street Plaza has failed to establish long-term viability. The deterioration of this installation demonstrates the inherent difficulty of maintaining facade-based greening within the St Leonards centre, even under more favourable environmental conditions than those present at 20–22 Atchison Street.

Tract Consultants Pty Ltd
ACN: 055 213 842

ATF Tract Consultants Unit Trust
ABN: 75 423 048 489

Quality Endorsed Company
ISO 9001: Licence No. 2095

2 Urban Design

- a. Consider alternative design options or removal of the fixed glass louvres to reduce the bulk and scale of the development and ensure compliance with the FSR control.
- b. Street activation along the Atchison Street and Mitchell Street frontages should be further explored to accord with the Crows Nest TOD Precinct Design Guide.
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Response



Mitchell Street Square – failed greenwall with westerly aspect

Given that the Mitchell Street example benefitted from superior growing conditions yet was unable to remain viable, it is reasonable to conclude that a new green wall on the proposed development's western façade—within a harsher environment—would face an even higher risk of failure.

Introducing a green wall in an environment unlikely to support plant health presents a high probability of:

- Patchy plant loss
- Long-term aesthetic degradation
- Increased maintenance burden and unsustainable replacement cycles
- Secondary impacts on the visual amenity of the through-site link

Such outcomes would be contrary to the Departments objective to enhance activation and improve the pedestrian experience.

While the environmental constraints make façade landscaping unviable, there is a strong opportunity to elevate the interface through high-quality architectural and cultural design responses aligned with the project's broader narrative. For example, the western façade can integrate a 'Connecting with Country' overlay, drawing on local cultural themes and stories developed through ongoing engagement with Traditional Custodians.

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Response

In this example, the proposed approach would not only offer a durable and long-lasting outcome but would also provide a meaningful cultural layer to the through-site link. The façade treatment could visually reference and extend the podium-level soffit artwork, which similarly incorporates a 'Connecting with Country' narrative and expresses the project's overarching design theme of *'Connection to Sky'*. Aligning these elements across vertical and horizontal surfaces creates a cohesive visual identity throughout the pedestrian experience, reinforcing Country-aligned patterns, textures, and symbolism in lieu of planting that would struggle to survive.

The combined use of culturally informed artwork, refined materiality, architectural articulation, and integrated lighting would achieve a consistent, resilient, and engaging interface that enhances pedestrian amenity within the through-site link while reflecting the project's commitment to Country-led design thinking.

Due to the zero-lot boundary condition, highly unfavourable microclimate, and demonstrated failure of a nearby green wall exposed to less harsh conditions, the installation of a green wall or additional landscaping along the western façade is not considered feasible or likely to achieve a successful long-term outcome. Alternative activation strategies are recommended to better satisfy the intent of the Department's comment without incurring substantial risk of planting failure.

Please feel free to contact us should further clarification or supporting documentation be required.

Yours sincerely

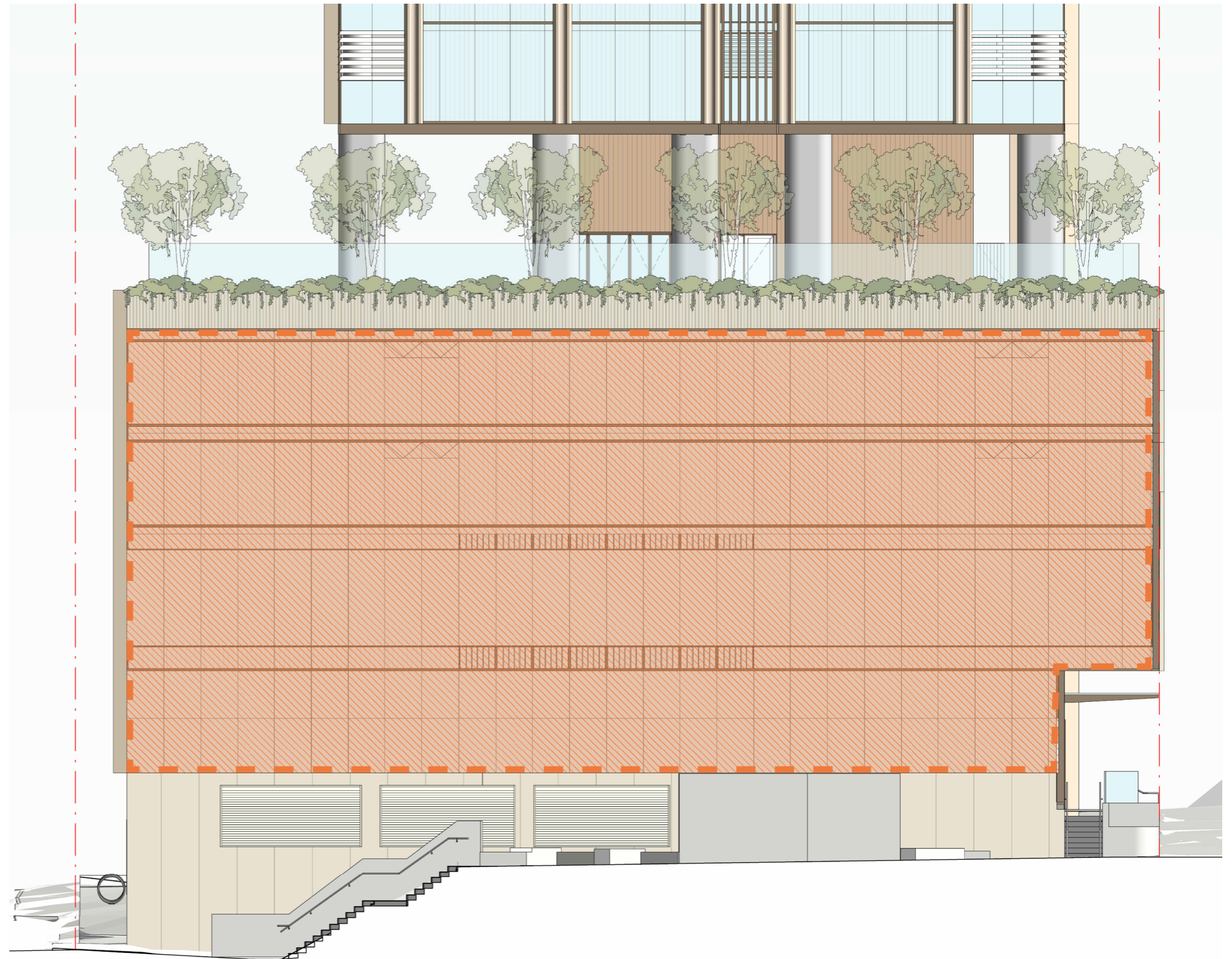


Ben Moorcroft
Associate Landscape Architect
Tract
bmoorcroft@tract.net.au

2 Urban Design

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Response



The proposed public art zone (hatched orange) along the western boundary provides opportunity to activate the blank edge of the podium facing the existing through-site link. Unlike greenwall planting, the art work is able to be viable long term and provide continued and visually pleasing activation.

Western Elevation - Public Art Zone NTS

3

Other Issues

- a. Non-Residential FSR
- b. Podium Setbacks
- c. Natural Cross Ventilation
- d. On-Site Waste Collection
- e. Reflectivity Report
- f. Sydney Metro Response

3 Other Issues

- a. The proposal involves a significant variation to the non-residential FSR development standard and is a key concern raised by Council. Consider increasing the provision of non-residential FSR to more closely align with the standard.
- b. Consider increasing setbacks for the residential podium Levels 2 and 3 to more closely align with the building separation distances recommended in the Apartment Design Guide (ADG).**
- c. Confirm that the apartments identified as achieving natural cross ventilation can achieve this, as recommended in the ADG. Particularly the apartments on Level 2 and 3 given the western elevation of building is a solid wall.
- d. Confirm that the development has been designed to enable on-site waste collection by Council's waste collection fleet, including adequate access and maneuvering space.
- e. Prepare a Reflectivity Report to assess reflectivity impacts from the extensive use of glass panels and louvres, including any mitigation measures to minimise such impacts.
- f. Ensure a comprehensive response is provided to Sydney Metro in its advice on the application including the additional information requested.

Response

COX Architecture have considered three options for the podium along the western boundary fronting the through-site link at 6-16 Atchison Street. The first, and preferred option, is the existing arrangement, which is thought to be the best design outcome for the following reasons:

- Achieves a four level podium to west, south and east elevations as per the Design Guide.
- Zero setback from western boundary as per the Design Guide.
- Maximises Communal Open Space to Level 4 on top of podium, and usability of this communal space.
- The proposed solid wall/ non-habitable spaces along western boundary ensure no privacy issues created to 6-16 Atchison Street, which is predominantly services apartments and amenity space at podium level.
- Proposed built form proportions are well balanced, and consistent across elevations.
- Western boundary apartments have equal amenity to other podium level apartments in the proposal, 70% of which have a single aspect arrangement.

The second option considered setting back Levels 2 and 3 from the western boundary to provide a consistent 6m offset from boundary for all residential spaces. This option is not preferred for the following reasons:

- Inconsistent podium height to other elevations, 2 storey on western elevation, 4 storey on south and east.
- Western podium not in line with 4 storey podium requirement as per the Design Guide.
- An isolated notch out in podium looks unintentional.
- Level 2 windows are over 12m above the adjacent existing ground level, western wall of Levels 2 and 3 required to be retained as solid to meet ADG separation requirements, meaning there is no increase to amenity of the units in this location.
- Reduction in residential storage space on Levels 2 and 3 result in this needing to be made up elsewhere in the proposal.
- Reduction in Level 2 and 3 floor plate results in the creation of 2x studio apartments and 2x four bedroom apartments in the podium which are inconsistent with the developments unit types.

The third option considered setting back the podium a consistent 6m from the western boundary, this option is not preferred for the reasons above, as well as:

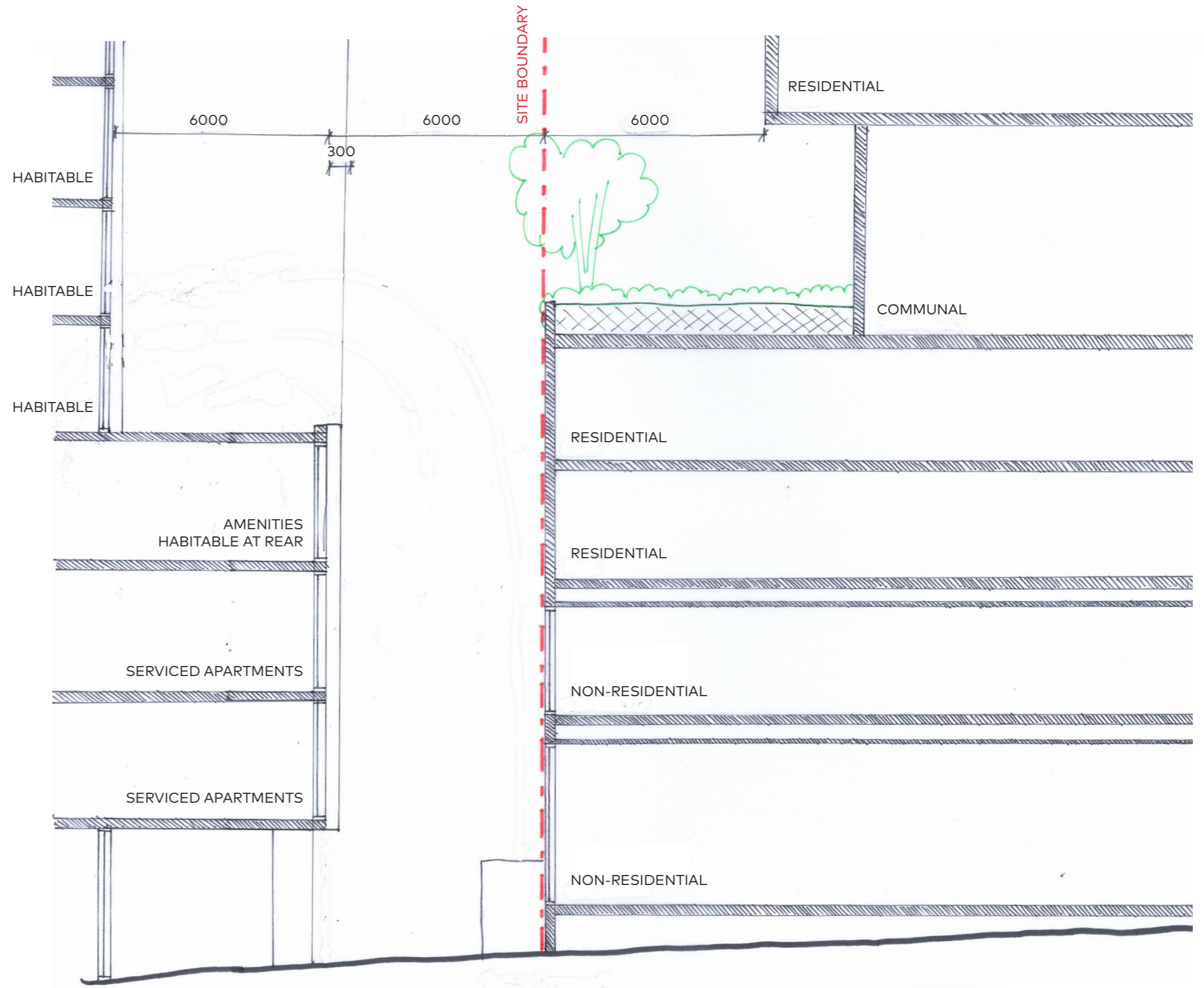
- Bringing the tower form to the ground along the western elevation is inconsistent with the other three podium elevations and with the Design Guide constraints.
- Further reduces non-residential GFA by reducing the floor plate at Ground Floor and Level 1, exacerbating the existing variation to the non-residential FSR control.
- 6-16 Atchison Street existing services would be floating in the middle of the widened through-site link.
- Lower Ground Floor vehicle entry and loading dock heights are impacted by the lower ground level of the 6m setback zone. The Lower Ground Floor will be will not function in its current arrangement and require re-planning the already tight space.

	Option 1 (Existing)	Option 2	Option 3
Ground GFA	855m ²	855m ²	678.9m ²
Level 1 GFA	964m ²	964m ²	769.9m ²
Level 2 GFA	800m ²	639.3m ²	639.3m ²
Level 3 GFA	800m ²	639.3m ²	639.3m ²
Level 4 COS	640m ²	496.2m ²	496.2m ²
Total GFA Reduction	-	-321.4m ²	-691.6 m ² (-370m ² Non-Residential)

3 Other Issues

- a. The proposal involves a significant variation to the non-residential FSR development standard and is a key concern raised by Council. Consider increasing the provision of non-residential FSR to more closely align with the standard.
- b. Consider increasing setbacks for the residential podium Levels 2 and 3 to more closely align with the building separation distances recommended in the Apartment Design Guide (ADG).**
- c. Confirm that the apartments identified as achieving natural cross ventilation can achieve this, as recommended in the ADG. Particularly the apartments on Level 2 and 3 given the western elevation of building is a solid wall.
- d. Confirm that the development has been designed to enable on-site waste collection by Council's waste collection fleet, including adequate access and maneuvering space.
- e. Prepare a Reflectivity Report to assess reflectivity impacts from the extensive use of glass panels and louvres, including any mitigation measures to minimise such impacts.
- f. Ensure a comprehensive response is provided to Sydney Metro in its advice on the application including the additional information requested.

Response



Existing Section
NTS

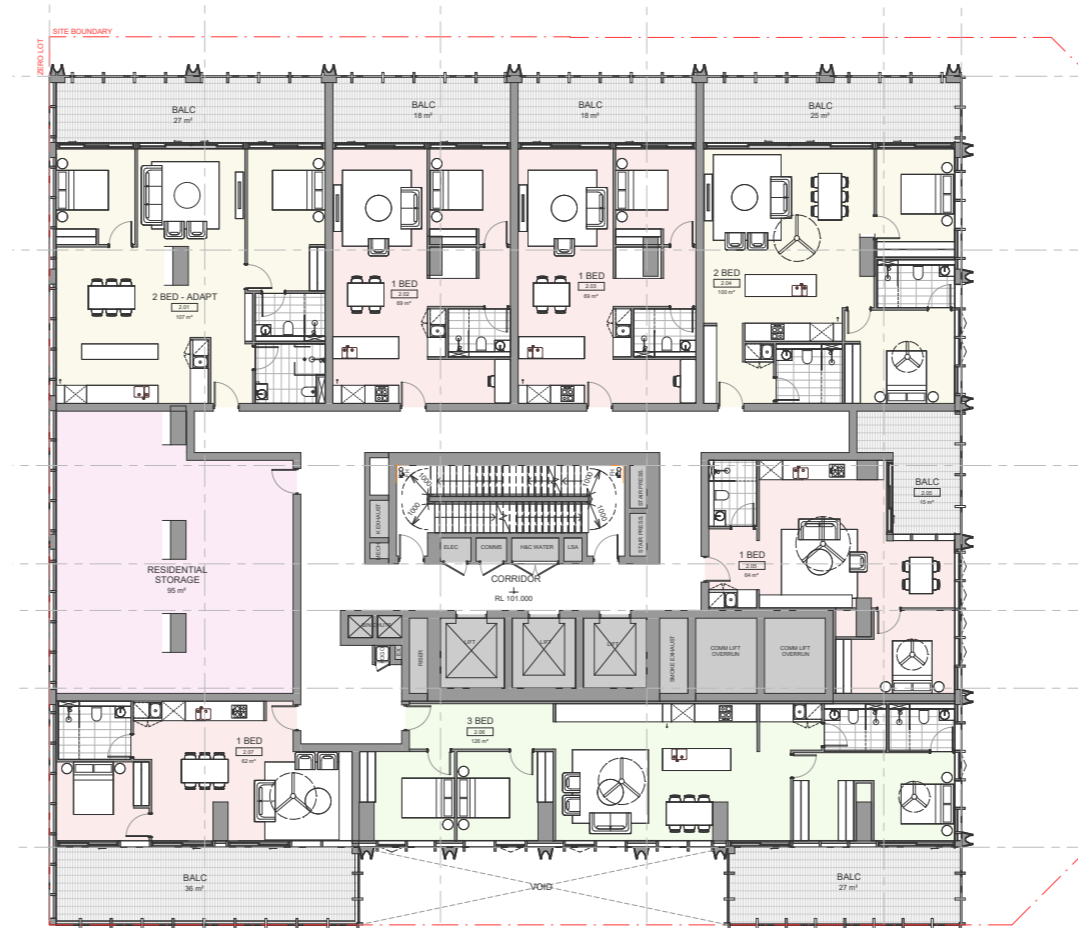
3 Other Issues

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Response



South Elevation
NTS

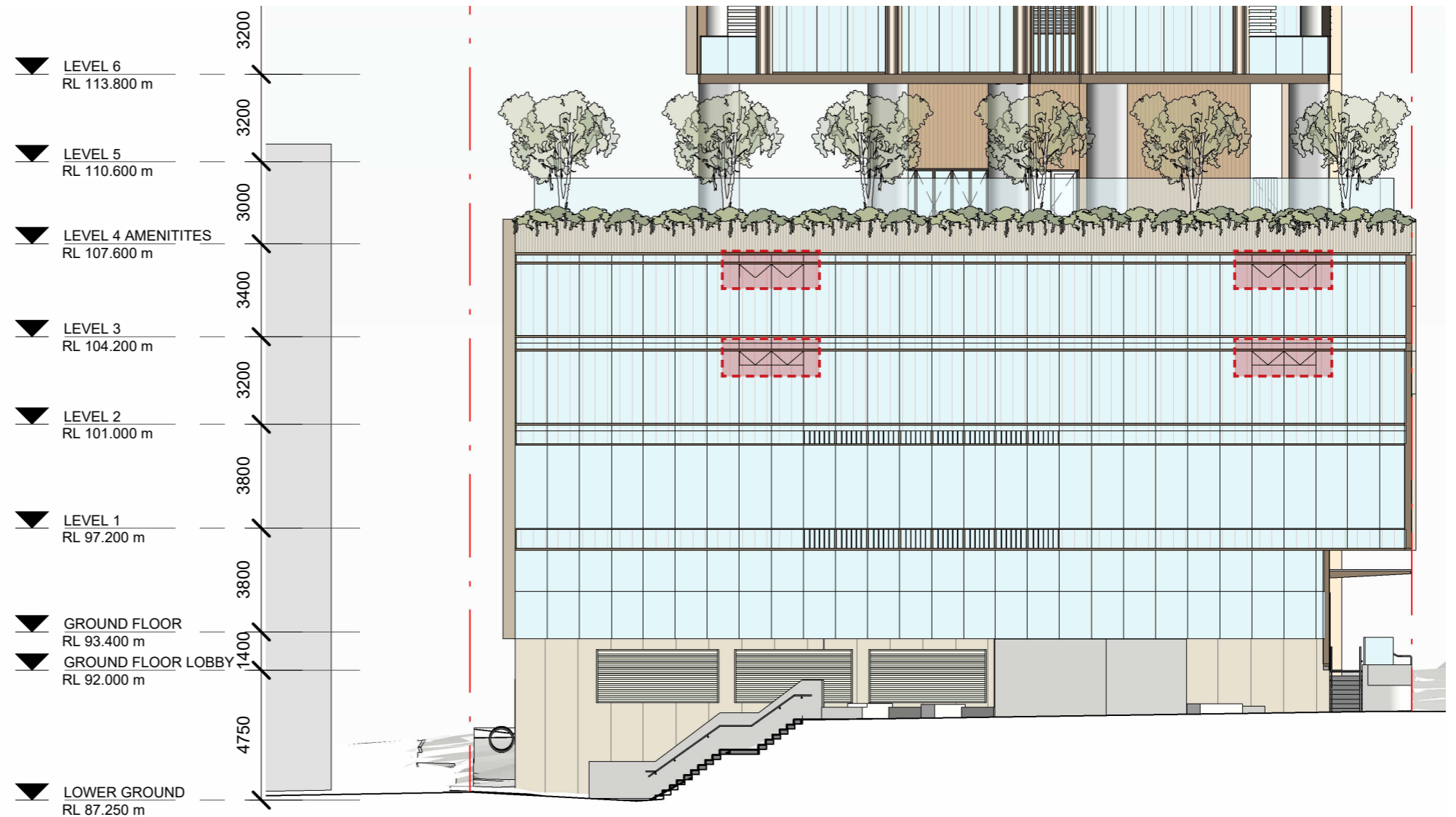


Level 2-3 Plan
NTS

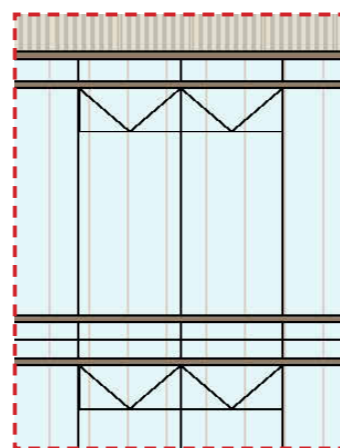
3 Other Issues

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- f. Ensure a comprehensive response is provided to Sydney Metro in its advice on the application including the additional information requested.

Response



West Elevation NTS



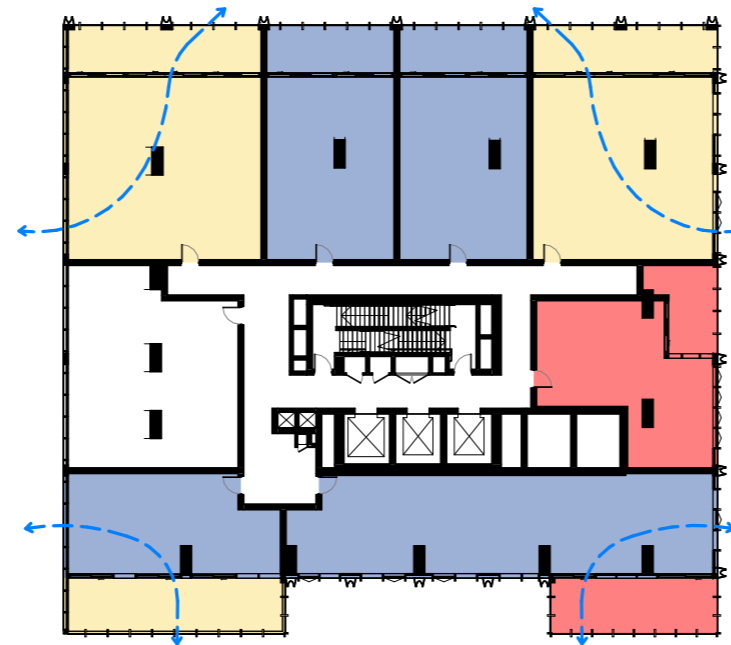
As per SSDA submission, the cross ventilation approach is to have operable awning panels at high level to facilitate cross ventilation while not providing views to neighbouring building.

Elevation Callout NTS

3 Other Issues

- a. The proposal involves a significant variation to the non-residential FSR development standard and is a key concern raised by Council. Consider increasing the provision of non-residential FSR to more closely align with the standard.
- b. Consider increasing setbacks for the residential podium Levels 2 and 3 to more closely align with the building separation distances recommended in the Apartment Design Guide (ADG).
- c. **Confirm that the apartments identified as achieving natural cross ventilation can achieve this, as recommended in the ADG. Particularly the apartments on Level 2 and 3 given the western elevation of building is a solid wall.**
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- f. Ensure a comprehensive response is provided to Sydney Metro in its advice on the application including the additional information requested.

Response



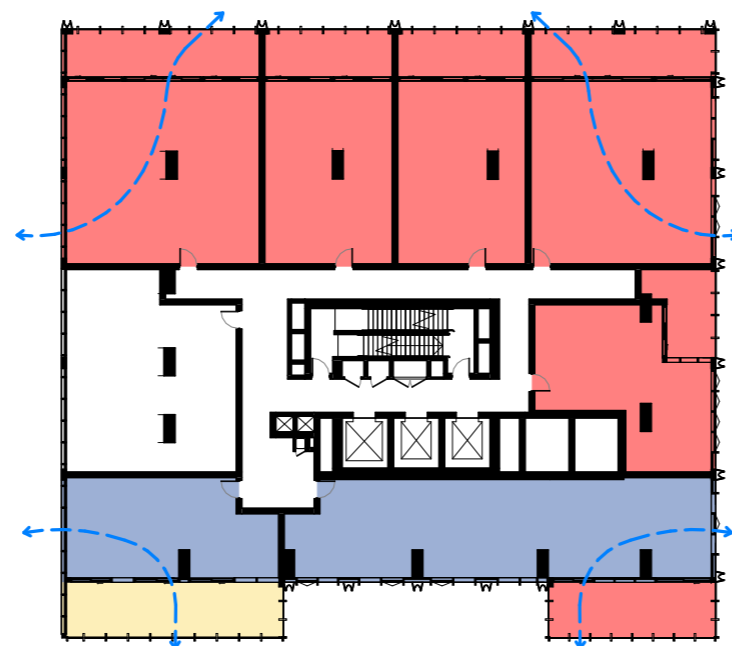
Level 2 Cross Ventilation Plan
NTS

CALCULATIONS FOR 21ST JUNE, 9AM - 3PM UNITS

● MIN. 2 HOURS OF DIRECT SOLAR ACCESS	1
● BETWEEN 0 & 2 HOURS OF DIRECT SOLAR ACCESS	2
● NO DIRECT SOLAR ACCESS	4
TOTAL NO. OF UNITS	7

NATURAL VENTILATION (FIRST 9 STOREYS) UNITS

↔ NATURAL CROSS VENTILATION	4
TOTAL NO. OF UNITS	7



Level 3 Cross Ventilation Plan
NTS

CALCULATIONS FOR 21ST JUNE, 9AM - 3PM UNITS

● MIN. 2 HOURS OF DIRECT SOLAR ACCESS	5
● BETWEEN 0 & 2 HOURS OF DIRECT SOLAR ACCESS	0
● NO DIRECT SOLAR ACCESS	2
TOTAL NO. OF UNITS	7

NATURAL VENTILATION (FIRST 9 STOREYS) UNITS

↔ NATURAL CROSS VENTILATION	4
TOTAL NO. OF UNITS	7