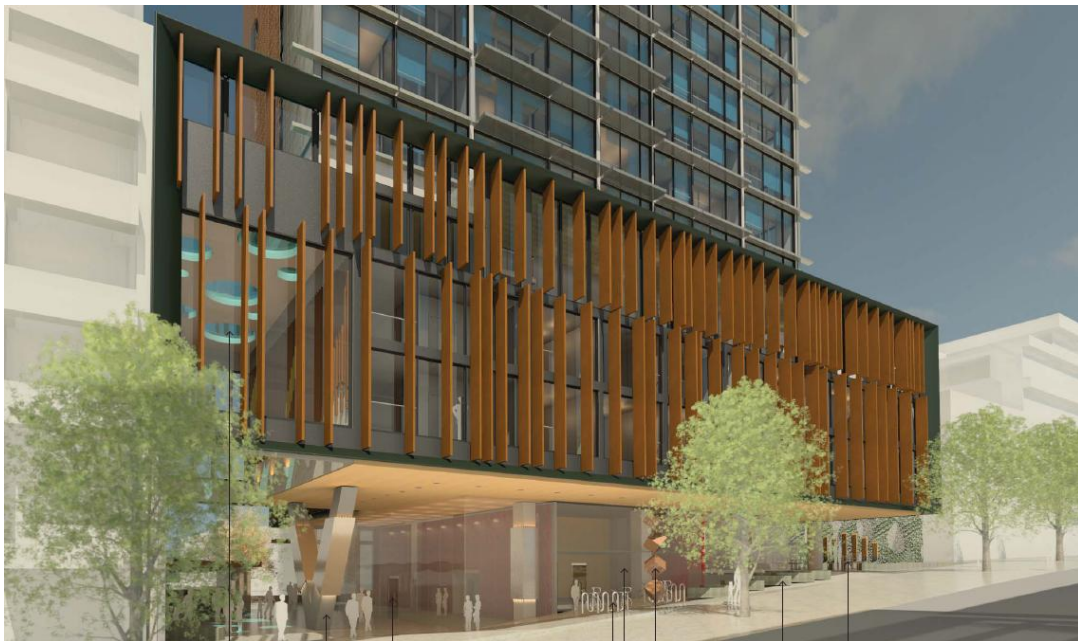




Section 75W Application to Modify Major Project MP09_0187

Nos. 6-16 Atchison Street, St Leonards

On Behalf of Holdmark Property Group

June 2013

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APPENDIX	DOCUMENT	PREPARED BY
1	Architect's Design Statement Photomontages Architectural Plans Indicative Merged Apartment Sketch Layouts SEPP 65 & RFDC Compliance Table	Robertson + Marks Architects
2	Landscape Plans and Landscape Design Report	Site Image Landscape Architects
3	Traffic and Parking Assessment Report	Varga Traffic Planning
4	BCA Report	Vic Lilli
5	Access Review	MGAC
6	Revised Wind Effects Statement	SLR Consulting
7	Assessment of Natural Ventilation	SLR Consulting
8	BASIX Certificate and BASIX Compliance Report ABSA Stamped Plans and ABSA Certificate	Cundall
9	Revised Draft Statement of Commitments	Holdmark Property Group
10	Waste Management Report	Elephants Foot Recycling Solutions
11	CBRE Apartment Mix Recommendation	CBRE
12	Correspondence from Sydney Water dated 3 May 2013 confirming acceptance of the location of the Water Meter	Sydney Water
13	Assessment of Solar Access Solar Access Analysis Solar Access Assessment	CPSD Robertson + Marks Architects Windtech
14	Storage Analysis of Approved Scheme	Robertson + Marks Architects
15	Project Approval MP09_0187 and Modified Project Approval MP09_0187 MOD 1	-

Job No / Document No	Description of Issue	Prepared By / Date	Reviewed by Project Manager / Director	Approved by Project Manager / Director
13027	Draft	HP/20.05.13	SF / 20.05.13	 Sue Francis, Executive Director
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	Final	HP/07.06.13	SF / 07.06.13	
Note: This document is preliminary unless it is approved by Director of City Plan Strategy and Development Pty Ltd.				

1 INTRODUCTION

This Report has been prepared by City Plan Strategy and Development (CPSD) on behalf of Holdmark Property Group for an amendment to Project Approval MP09_0187 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”). MP09_0187 permits the construction of a mixed use development at Nos. 6-16 Atchison Street, St Leonards, including: -

- *“6 levels of basement, containing 168 car spaces, 4 spaces for disabled drivers, and 16 motor bike spaces;*
- *a cafe, residential and hotel lobbies and public plaza at the ground floor level;*
- *a 4 level hotel (76 serviced apartments);*
- *24 levels of apartments (173 apartments); and*
- *1 level of roof top plant and equipment.”*

The application is for modifications to the approved scheme in response to conditions of consent in MP09_0187, to improve the quality and presence of the ground floor plane for the benefit of the occupants and general public, and the enhance the amenity and liveability of the residential units for the benefit of the future occupants. This application demonstrates that this proposal is fundamentally the same development as approved, and provides a design scheme which is architecturally a superior design outcome which is responsive to current market demand.

Further details of the modifications are outlined in **Section 3** of this report.

The purpose of this report is to describe the above amendments in detail; review the applicable planning regime relating to the proposal; assess the degree of compliance; and where impacts are identified, propose appropriate measures to mitigate any harm to environmental amenity.

Section 2 of this report provides a detailed description of the site and background information in relation to the existing approval for the site.

Sections 3 and 4 outline the proposed modifications to the approved Project Application.

Section 5 assesses the environmental impacts of the proposal, addressing where relevant the applicable statutory context.

Section 6 concludes that the proposed modifications are reasonable and appropriate and it is recommended that the application be approved.

This report has been prepared in conjunction with the Architect’s Design Statement and architectural drawings prepared by Robertson + Marks Architects which can be found at **Appendix 1**.

2 BACKGROUND

2.1 The Site

The site is located within the St Leonards Centre and is approximately 100m east of St Leonards Railway Station as shown in **Figure 1**. The site is in close proximity to the Royal North Shore Hospital and Crows Nest shopping / restaurant area.

The subject site is located on the northern side of Atchison Street between Mitchell Street and Christie Street. The site is rectangular in shape with frontages of 50.29m to Atchison Street and Atchison Lane respectively, and a depth of 34.32m to the western boundary and 35.8m to the eastern boundary. The site which comprises three existing lots, has a total site area of **1,740.6m²**. The site has a fall of 3.9m from east to west along Atchison Street and across fall of 2.7m to Atchison Lane. An aerial photo of the site is provided at **Figure 2**. The site area is located on a ridgeline with the peak located at approximately 14 –16 Atchison Street. The land falls at a steep angle to the west from the peak.

Atchison Street is a one way street (eastbound) within a road reserve of approximately 20 metres, which has recently been the subject of road and public domain improvement works by Council. Atchison Lane on the north side of the site is a two way laneway within a road reserve varying in width from approximately 6.0m to 8.0m.

Existing on the site are two (2) x 3 storey commercial buildings (Nos. 14 & 16 Atchison Street) and a one (1) x 4 storey commercial/retail building (No. 6-12 Atchison Street) with basement parking for 60 car spaces (see **Photos 1-3**). These buildings have a combined gross floor area of approximately 5,000m². The buildings occupy 100% of the site and as such there is no vegetation or open space on the site, however there are some street trees within the footpath in front of the site.

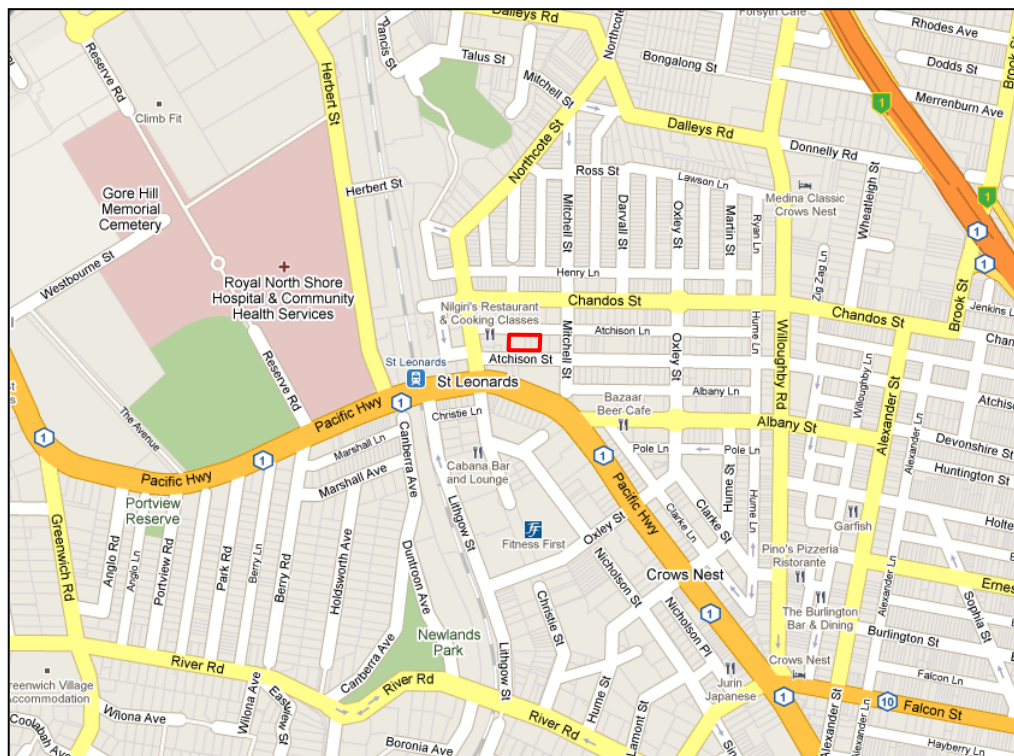


Figure 1: The locality (subject site outlined in red) (Source: Google Maps)

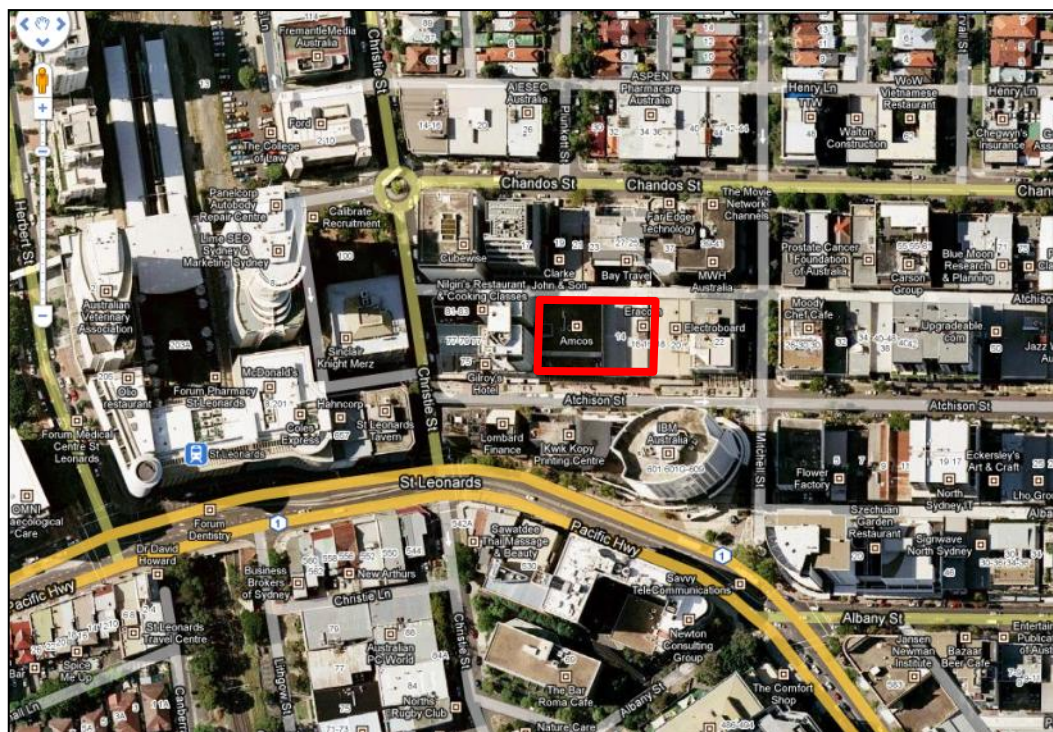


Figure 2: Aerial view of the site (subject site outlined in red) (Source: Google Maps)



Photo 1: Atchison Street frontage looking west



Photo 2: View of the rear of the site (Atchison Lane) looking west



Photo 3: View of the site from Mitchell Street

2.2 Surrounding Land Uses

Adjoining the site to the west is a 17 level mixed-use development at No. 2-4 Atchison Street known as “Linea Building” (see **Photo 4**).

Adjoining the site to the east is a 3 storey commercial building at No. 20 Atchison Street.

To the north of the site on the opposite side of Atchison Lane are: -

- 11 storey mixed use development No. 11 Chandos Street known as “Habitat”,
- 2 x 3 storey commercial buildings Nos. 21 and 23 Chandos Street, and
- 7 storey commercial development No. 33 Chandos Street (see **Photo 4**).

South of the site on the opposite side of Atchison Street are 2 storey and 7 storey commercial buildings at No. 617A Pacific Highway, and a prominent 17 storey commercial building at Nos. 601-609 Pacific Highway known as the “IBM” building (see **Photos 6 & 7**).

Further to the south-east is an 18 storey mixed use development known as “Abode”. Further to the west within the St Leonards Railway Station precinct is a 38 storey mixed use development known as the “Forum” (see **Photo 8**).



**Photo 4: No. 2-4 Atchison St,
Linea Building**



**Photo 5: Atchison Lane to the north of the
site**



Photo 6: IBM open space across the subject site in Atchison Street
(Source: Google Maps)



IBM Building

Photo 7: IBM tower at No. 601 Pacific Highway (Source: Google Maps)



The Forum

IBM Building

Photo 8: Atchison Street looking west (Source: Google Maps)



Photo 9: Atchison Street looking east (Source: Google Maps)

St Leonards Precinct

St Leonards is identified within State policy (Metropolitan Strategy and Draft Inner North Sub-regional Strategy) as a *Specialised Centre* due to the regional-scale health and education campuses of the Royal North Shore Hospital and North Sydney College (part of TAFE NSW–Northern Sydney Institute). These assets compliment the centre’s existing commercial office space which makes it the third ranked suburban office market in Sydney.

The centre has experienced a recent surge in high rise, mixed use development near the station, which benefits from good public transport and the high amenity of the surrounding area, including the Willoughby Road restaurant strip/night economy at Crows Nest.

The centre is split between three local government areas: North Sydney, Willoughby and Lane Cove Councils, which have prepared the St Leonards Strategy to strengthen St Leonards economic role. This Strategy identifies an employment capacity target for St Leonards of 8,000 and a target of 2000-5000 new dwellings for 2031.

Unfortunately the precinct lacks identifiable nodes and gateways. In addition, the buildings styles, forms and design elements have contributed little to the visual character of the area and have significant impact on the microclimatic conditions (such as overshadowing, solar access and wind).

The St Leonards precinct urban quality is characterised by: -

- arbitrary building scales which has led to a fractured skyline profile;
- shaded public spaces due to the east west development grid;
- intense traffic conditions at the peaks;
- significant wind effects due to the east west orientation of the street grid and topography;
- and
- limited interblock cross site connectivity.

2.3 APPROVED SCHEME

The approval the subject of this application is the Project Application MP09_0187 approved by the Planning Assessment Commission on 1 May 2012. MP09_0187 permits the construction of a mixed use development at Nos. 6-16 Atchison Street, St Leonards, including: -

- *“6 levels of basement, containing 168 car spaces, 4 spaces for disabled drivers, and 16 motor bike spaces;*
- *a cafe, residential and hotel lobbies and public plaza at the ground floor level;*
- *a 4 level hotel (76 serviced apartments);*
- *24 levels of apartments (173 apartments); and*
- *1 level of roof top plant and equipment.”*

As a result of the recommendations from the Department of Planning and Infrastructure, the Major Project Approval was approved by the Planning Assessment Commission subject to conditions of consent, including, inter alia, the following: -

- the reduction of the height of the building by a further 14 metres (approximately 4 storeys) to a maximum height of RL 167.3 (82.5 metres) (refer to Condition B3). The approved development provides 5 levels of hotel and 22 level of apartments; and
- additional privacy screening to the eastern and western facades to prevent overlooking of the neighbouring properties. The additional privacy screening is to prevent overlooking between the two towers of the proposed building.



Figure 3: Photomontage of the approved development as viewed from the south west
(Source: PPR approved in MP09_0187)

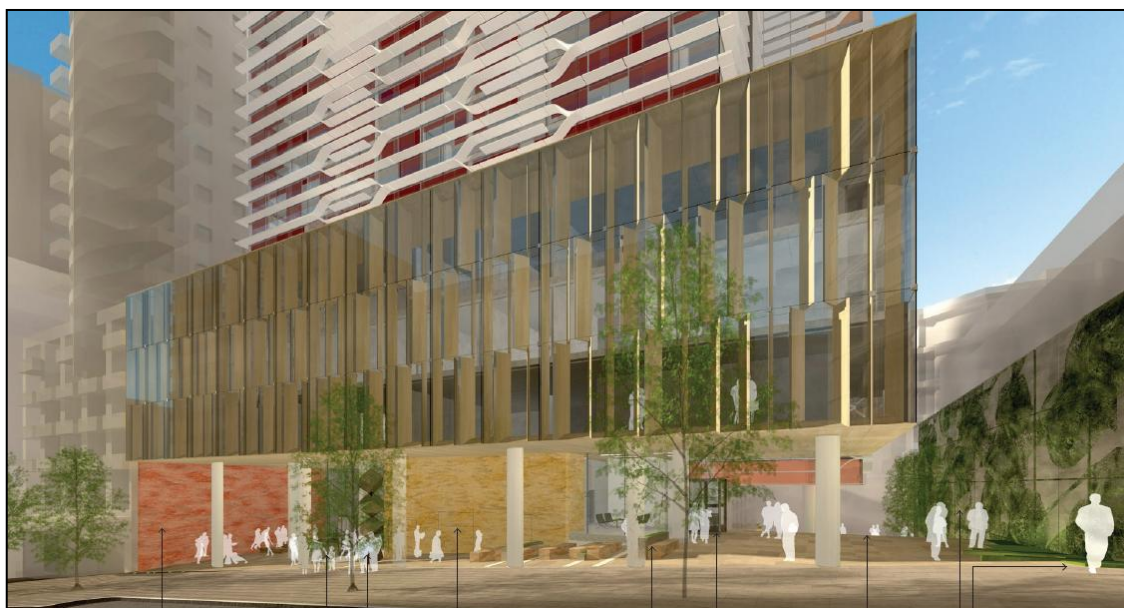


Figure 4: Photomontage of the approved development as viewed from Atchison Street showing the Hotel Lobby and Public Domain Area (Source: PPR approved in MP09_0187)

2.4 APPROVED MODIFICATIONS UNDER S75W

On 27 February, 2013, the PAC approved Modification Application MP09_0187 MOD 1 to amend several conditions of consent to facilitate the staged construction and occupation of the development and to modify the affordable housing provision mechanism.

In detail, this modification application enables the development to be undertaken in a manner which facilitates 'inter alia' the following: -

- i. Undertaking the demolition, bulk excavation works and construction of the basement levels exclusive to the construction and associated contributions of the residential and non-residential components of the development;
- ii. Providing the necessary Affordable Housing contribution to North Sydney Council via an appropriate alternative mechanism rather than the Voluntary Planning Agreement identified in the Statement of Commitments; and
- iii. Where necessary, amendments to the wording of conditions of consent to enable the staged construction and occupation of the development.

This modification application did not modify or alter the built form of the development or the relevant contributions as approved.

The following conditions were amended: -

- i. Condition A1. Development in accordance with plans and documentation;
- ii. Condition B3. Building Height;
- iii. Condition B5. Affordable Housing;

- iv. Condition B11. Section 94 Contributions;
- v. Condition B38. BASIX Commitments; and
- vi. Condition E2. Dedication of Affordable Housing Units.

Refer to **Appendix 15** for a copy of this modified approval.

3 PROPOSED MODIFICATIONS

3.1 REASONING FOR THE PROPOSED MODIFICATIONS

During the course of the creation of detailed construction plans it became apparent that, the plans approved in MP09_0187 did not provide for appropriate construction techniques. It also became evident that improvements to the floor plan layout and usability of the public domain space could be made. The modifications to the architectural plans reflect the proponent's desire to improve the quality and amenity of the development both internally and externally.

Opportunities to improve the quantum and type of retail space and recreation facilities were also identified. The proposal now introduces a swimming pool, Spa and Wellness Centre, larger gym and conference room spaces and additional and re-orientated retail space at ground level. These improvements are considered to provide the mixed use development with substantial benefits to the built form and the resulting amenity and functionality of the services provided to the residents of the building and the general public.

The proposed modifications increase the quantum of public domain area and recreation facilities, whilst also improving the quality of these spaces. The development maintains the approved building envelope.

Furthermore, modifications satisfy relevant Conditions of Consent of the Project Approval (MP09_0187) in relation to building height (Condition B3) and loading facilities (Condition B6).

3.2 SUMMARY OF MODIFICATIONS

The application seeks to modify the approved Project Application MP09_0187 to provide an improved development scheme including: -

- Rearrangement of the floor plan layouts including rationalising and re-orientation of the lift core and access stairs to provide a more efficient layout of the corridors and circulation spaces;
- Rearrangement of the layout of the site at street level to improve the relationship of the facades of the building to the public domain, including extending the cafe and seating area towards Atchison Street, and introducing retail space which directly fronts Atchison Street;
- Modifications to the public domain layout to improve the level of equitable pedestrian access and passive areas;
- Modifications to the landscaping to further integrate natural features into the public domain areas;
- Provision of a loading bay with direct access off Atchison Lane to accommodate medium rigid vehicles and the temporary holding of waste. This area has direct access to the building via the underground service area and access to lifts at the lower ground level;
- Modifications to the ground floor layout, including to provide one consolidated lobby area;
- The provision of kiosk style substations located near the northern boundary along Atchison Lane to enable direct access for servicing. The main switch room has also been relocated to Level B1 and has resulted in increasing the retail floor area;

- Modifications to the layout of the recreational facilities including increasing the gross floor area for recreational facilities and the addition of a swimming pool and Spa and Wellness Centre to improve the quality of these services;
- Modifications to the layout of the residential levels to provide a more efficient arrangement of space and improved amenity; and
- Modifications in response to Condition B4 to reduce the overall building height.

The following table provides an analysis of how the proposed scheme compares to the Project Approval: -

Table 1: Comparative Table

	APPROVED SCHEME	PROPOSED MODIFICATION
Height	Maximum height of RL 167.3 (82.5 metres)	Height of RL 167.3 26 storeys
Gross Floor Area	20,819m ² *	19,634m ²
Non-residential Floor Area	4,683m ² * 22.7%	3,566m ² 18.2%
Residential Floor Area	16,136m ² * 77.5%	16,068m ² 81.8%
Public Domain Area	970m ²	1,005m ² Increase of 35m ²
Access	All vehicular access via Atchison Lane.	Vehicular access via Atchison Lane, the introduction of a loading bay at-grade off Atchison Lane with access to the service level at Lower Ground Level.
Services	Located wholly within the building form and occupying a large proportion of the building fronting the street boundaries.	Relocated to the Lower Ground Level and within the landscaped setback area to Atchison Street to maximise the portions of the building facade which are directly used for lobby and retail areas to maximise street activation and visual interest.
Number of Apartments	173 over 25 levels*	200 over 22 levels
Number of Serviced Apartments	76 over 5 levels*	38 over 2 levels
Car Parking Spaces	168 car spaces over 6 levels 4 spaces for disabled drivers 16 motor bike spaces	168 car spaces over 6 levels 4 spaces for disabled drivers 19 motor bike spaces

Note: * = figure does not consider Condition B3 *Building Height* of the Major Project Approval MP09_0187 to reduce the building height.

The proposed modifications incorporate the requirement to reduce the overall building height by 14 metres (approximately 4 storeys) to a maximum height of RL 167.3 (82.5 metres) (refer to

Condition B3). As can be seen in the figures above, the proposed modifications will decrease the total GFA of the development by 1,185m². This proposed GFA satisfies Condition B3.

Furthermore, we note that the proposed modifications will result in minor changes to the references in the Statement of Commitments approved in Project Approval MP09_0187 MOD 1. A revised draft Statement of Commitments is submitted in support of this application to ensure the appropriate details are referenced (refer to **Appendix 9**).

This report has been prepared with regard to the architectural drawings prepared by Robertson + Marks Architects, which accompany the application at **Appendix 1**. The proposed changes are within the approved building envelope of the development and achieve the purpose of improving the functionality and liveability of the serviced apartments and residential units. In addition, the aspects of the development at the public domain level have been modified to improve this relationship with the public areas.

This application is accompanied by the following supporting documentation: -

- Architect's Design Statement, Photomontages, Architectural Plans
- Indicative Merged Apartment Sketch Layouts
- SEPP 65 and RFDC Compliance Table
- Landscape Plans and Landscape Design Report
- Traffic and Parking Assessment Report
- BCA Report
- Access Review
- Revised Wind Effects Report
- Assessment of Natural Ventilation
- BASIX Certificate and BASIX Compliance Report
- ABSA Stamped Plans and ABSA Certificate
- Revised Draft Statement of Commitments
- Waste Management Report
- CBRE Apartment Mix Recommendation
- Correspondence from Sydney Water dated 3 May 2013 confirming acceptance of the location of the Water Meter
- Solar Access Comparison
- Storage Analysis of Approved Scheme

3.3 DETAILED DESCRIPTION OF THE PROPOSED MODIFICATIONS

3.3.1 BUILT FORM

Public Domain Area at Street Level and Circulation

The public domain area has been modified to improve the accessibility throughout the site in a manner which enables the pedestrian, retail and vehicular components of the development to operate in harmony. The approved development features several area of blank walls and service areas which lack the ability to activate the street. It has been identified that opportunities to reorganise the location and provision of services including the lift core, will substantially improve the relationship of the development to the public domain. The redesign of the lift core allows the four egress passages to open to Atchison Lane, which thereby enables the emergency exits and services on Atchison Street to be replaced by retail activities. The proposed development minimises the amount of blank walls or service areas and maximises areas to retail and lobby areas.

This is also achieved by replacing the internal chamber substation with kiosk style substations located along the northern boundary to Atchison Lane, and relocating the main switch room to the Basement 1 Level. This has allowed for increased foyer and retail spaces and has maximised the physical openness between the front and rear of the site in keeping with the general concept for the public domain which will satisfy North Sydney Council's objective to activate Atchison lane.

Given the conditions of the site, it was not possible to locate loading facilities for medium rigid vehicles (MRV) within the basement parking levels. In particular, given such an arrangement would require the opening above the ramp at ground level to be substantially open to achieve access for a MRV, and insufficient grades for the site, which is considered to adversely impact on the presentation of the public domain. To remedy this, a reversing bay for MRV is provided at the north eastern corner of the site with direct access to Atchison Lane. This location is considered have minimal impact on the presentation of the public domain and pedestrian circulation, and satisfies the requirements in the Project Approval. The overall area dedicated as public domain has been increased by 35m² to 1,005m². As such, the quality and quantity of the public domain area as approved in the Concept Approval are both increased by this proposal.

The public domain area facilitates appropriate thoroughfare access for pedestrians, passive recreation areas and appropriate management of conflict with cyclists and vehicles. The arrangement of the site at street level provides effective circulation space to the benefit of the local community.

Landscaping

The landscape design has been amended to suit the architectural modifications to the site, whilst simultaneously improving the experience for pedestrians travelling through the site. As discussed in the Public Domain / Landscape Design Report prepared by Site Image and provided at **Appendix 2**, the revised scheme provides a larger public domain space, responds to the architectural changes and improves the activation of the space. In particular, the rearrangement of the floor plans to front Atchison Street together with the public domain design

will ensure a lively and activated area. The trellis and climbing structures create a rationalised 'green wall' feature which simplifies the ongoing maintenance commitment of the site. And the design elements, such as diagonal planters and seating elements, aide in giving the public domain area a sense of place and arrival.

The inviting nature of the public domain area is preferred, in particular when compared to the concrete built form of nearby IBM building and surrounding street which are cold and desolate. Overall, the public domain area offers an equitable and inviting design approach with a high level of accessibility. The combination of materials, lighting and plants complements the built form.

Building Height

The overall building height has been reduced to RL 167.3 which satisfies the maximum permitted building height of RL 167.3 in line with Condition B3 *Building Height* of the Concept Plan (MP09_0187). The proposal seeks to maintain the general mix of residential and non-residential floor area, and the approved provision of 168 car parking spaces.

Building Setbacks

The building envelope as approved in the Major Project MP09_0187 has been generally maintained. This proposal seeks the addition of a balcony off the bedroom located towards the centre of the western facade between the north and south tower forms (refer to the Figure below). Upon review of the approved plans, it was considered that the addition of a balcony in this location would afford the future occupants of the residential units superior amenity in terms of natural ventilation, a sense of openness and an additional private open space area dedicated to the bedroom. In order to protect the visual privacy of the adjoining "Linea Building" at No. 3-4 Atchison Street, this balcony features a privacy screen (**Figure 5**). This bedroom balcony is proposed from Level 3 to 23 and does not result in any additional overshadowing or amenity impact on neighbouring properties or the public domain. The distance between these balconies to the adjoining Linea building is 12 metres. The separation distance and implementation of privacy screening devices satisfy the requirements of Condition B4 *Privacy Screening* of the Project Approval MP09_0187.

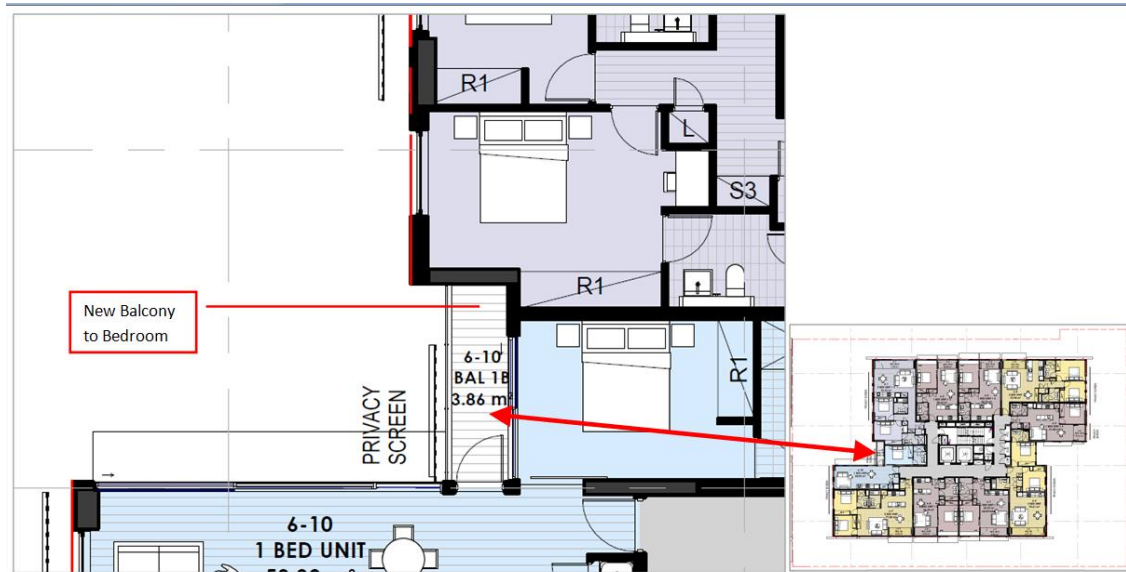


Figure 5: Extract of the proposed floor plans (left) and site plan (right) demonstrating the location of the additional balcony for the residential units. The balcony is located off the bedroom located towards the centre of the western facade between the north and south tower forms. This balcony features a privacy screen to protect the privacy of occupants of the adjoining building at neighbouring units at the “Linea Building” at No. 3-4 Atchison Street.

External Facade

This proposal maintains the setbacks and building envelope of the mixed use development as approved in Project Application (MP09_0187), however to simplify the presentation of the development. The louvre system in the approved development is not considered to achieve a suitable means of managing solar impacts. As a result, it was considered to replace these external structures with fixed screening devices and operable louvres. The combination of which are designed to create an interesting shadow effect on the facades of the building which forms part of the architectural features in combination with the mixture of colour and materials. The high quality architectural form when viewed from the public domain, while also providing effective measures to improve the amenity and liveability of the development. Refer to the Architect’s Design Statement for further explanation (**Appendix 1**) and the Schedule of External Finishes and the Indicative External Privacy Sample (**Appendix 1**) for demonstration of the external materials which are proposed.

The proposal seeks to modify the external presentation of the development with the use of an appropriate mix of colours and materials with the objective of providing a built form which creates visual interest whilst also providing functional sun control devices (**Figure 6**).

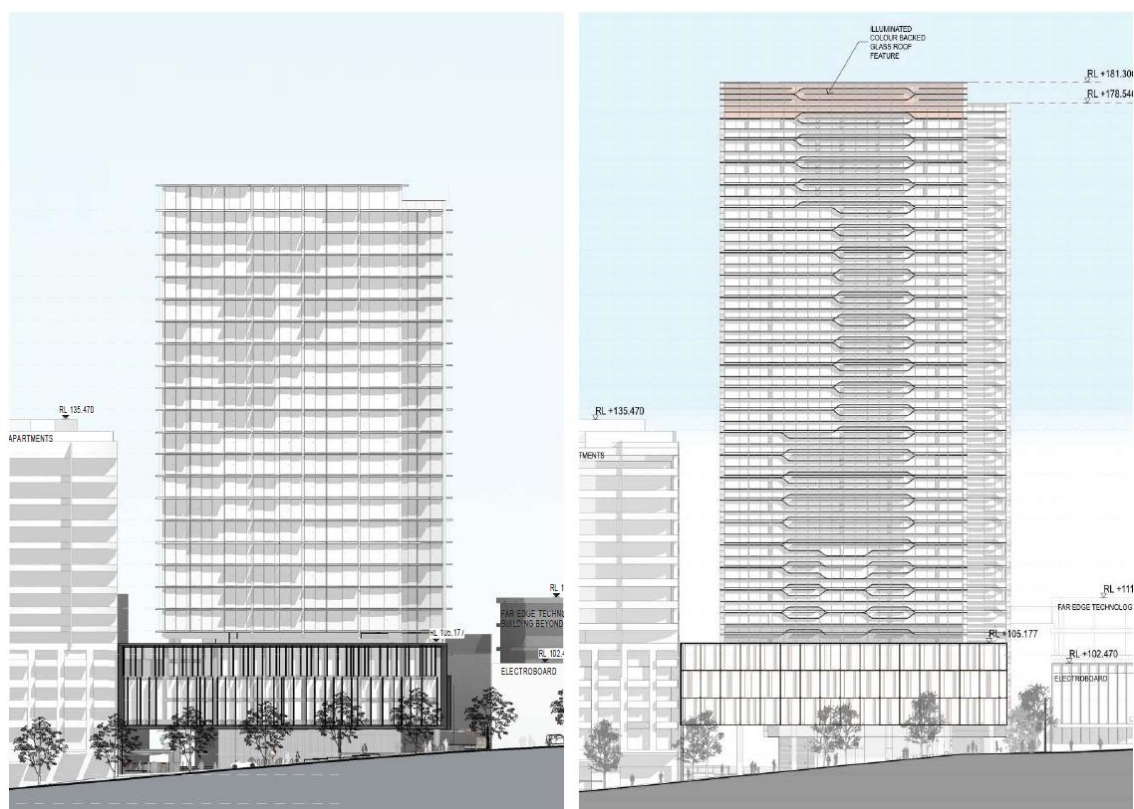


Figure 6: Comparison of the South Elevation as approved in Project Application (MP09_0187) (right) and the proposed South Elevation (left)

In addition, the treatment of the north and south facades are generally maintained as approved effective sun control and satisfying Condition B4 *Privacy Screening* which requires the introduction of privacy screens on those facades. Given horizontal sun control devices are largely ineffective on the east and west facades, the proposal is for façade treatments which adopt a screen approach which is effective both as a sun control device and as a privacy screen. Refer to the Photomontages entitled 'Pedestrian View from Atchison Street East' and 'Aerial View from Atchison Lane West' for an indication of the presentation of the screening devices to the east and west facades. These screens are required to be erected to satisfy the BASIX requirements thereby ensuring thermal comfort for the residential units, whilst also allowing solar access and natural ventilation to penetrate the units. These screens provide a superior level of amenity to the units. The material proposed for these screens is demonstrated in the 'Schedule of External Finishes' and 'Indicative External Privacy Screen Plan' provided at **Appendix 1**, and also features random circular spaces to create visual interest in the facade.

The treatments to the north and south facades remain largely similar as horizontal sun control devices are effective in maintaining views and sight lines to the north and south. These facades are provided with large sized windows to the winter gardens, bedrooms and living spaces to maximise the opportunity for occupants to benefit from obtaining views and to maximise natural ventilation. The location and design of the winter gardens which feature operable inner and outer doors allow for an effective physical connection of the interior spaces to the external environment when desired.

Basement Levels

The basement levels have been reconfigured in response to the deletion of the loading dock on the Basement 1 Level, the rearrangement of the lift core, locating the service rooms at the Basement 1 Level where possible, the removal of small car spaces, locating storage areas adjacent to their associated car spaces where possible, and redistribution of the bike storage areas which are now always accessible by lift.

Podium Levels

The podium level was approved to present as 4 levels (including recessed ground floor) consistent with the Linea Building (see **Figure 7**). This application seeks to retain the scale and form of the podium level. This is achieved by maintaining the approved building setbacks and levels (see **Figure 8**). The relationship of the proposed podium element has been designed to create a positive relationship with the neighbouring buildings in their current form, while also allowing for the future development of neighbouring sites, in particular No. 20 Atchison Street to the east, to be redeveloped in a manner which complements the proposed development. This consideration allows for the transitioning streetscape of St Leonards to provide a cohesive and architecturally interesting scheme and to create a sense of connection and openness.

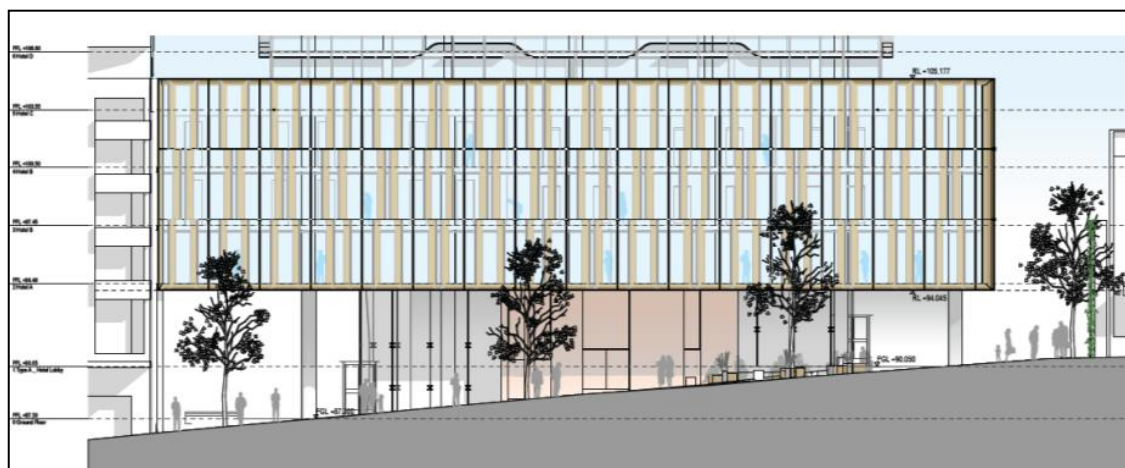


Figure 7: Approved podium as viewed from Atchison Street (Source: Architectural plans approved with the PPR)

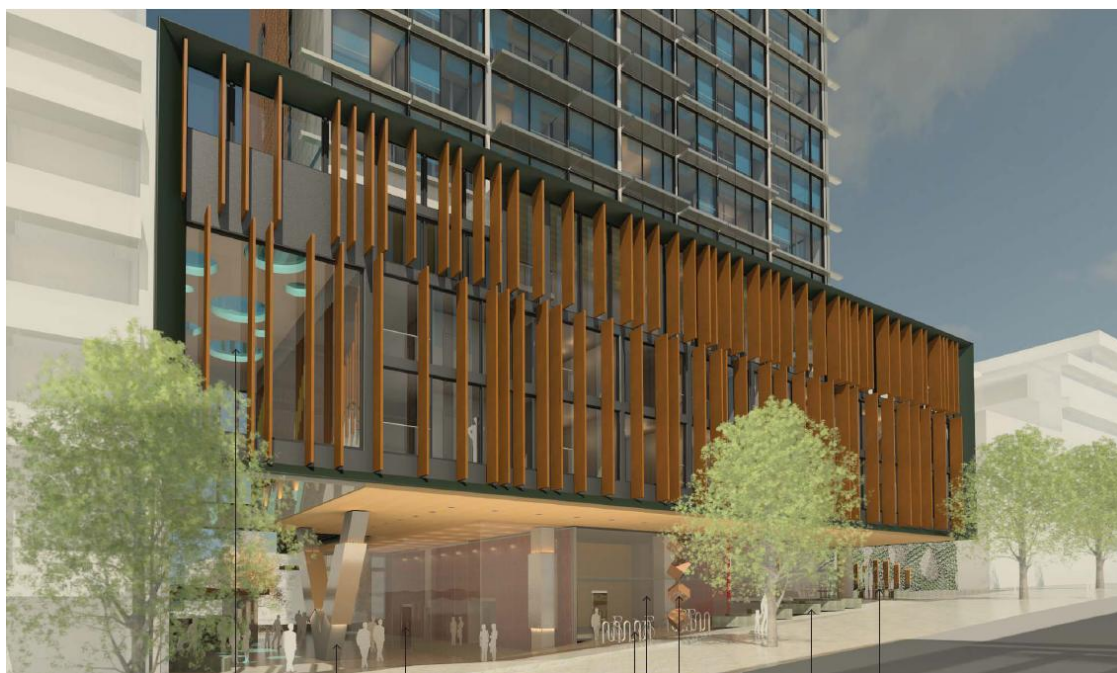


Figure 8: Photomontage of the proposed podium as viewed from Atchison Street

The recreation facilities approved in the Project Approval MP09_0187 provided for a conference room and gym on Hotel Level A. The total floor area of the approved recreational facilities is 297m². This proposal seeks to increase the availability of recreation facilities and improve the services offered. This is achieved by providing extensive recreational facilities including a conference room, gymnasium, swimming pool and amenities on Level 3, and a 'Spa and Wellness Centre' on Level 4 (refer to **Figures 9 and 10** below). The overall floor area of the recreational facilities has been increased by 596m² to a total area of 893m². The podium levels are considered to provide a suitable and beneficial range of uses which are available for the use of the residents, guests of the services apartments and the general public.

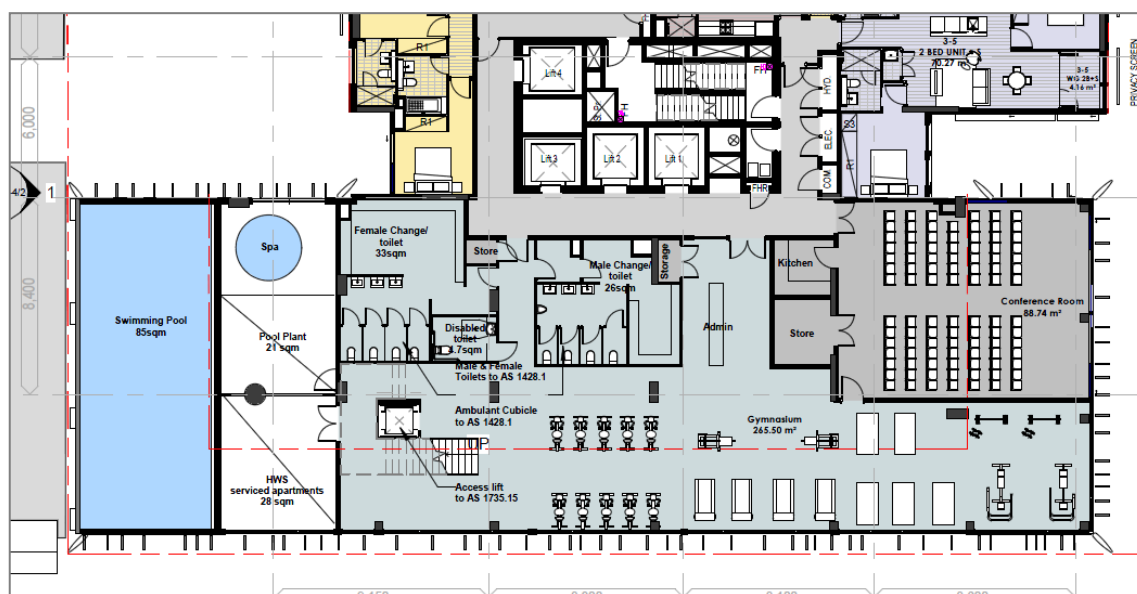


Figure 9: Extract of the Level 3 Plan demonstrating the proposed recreational facilities

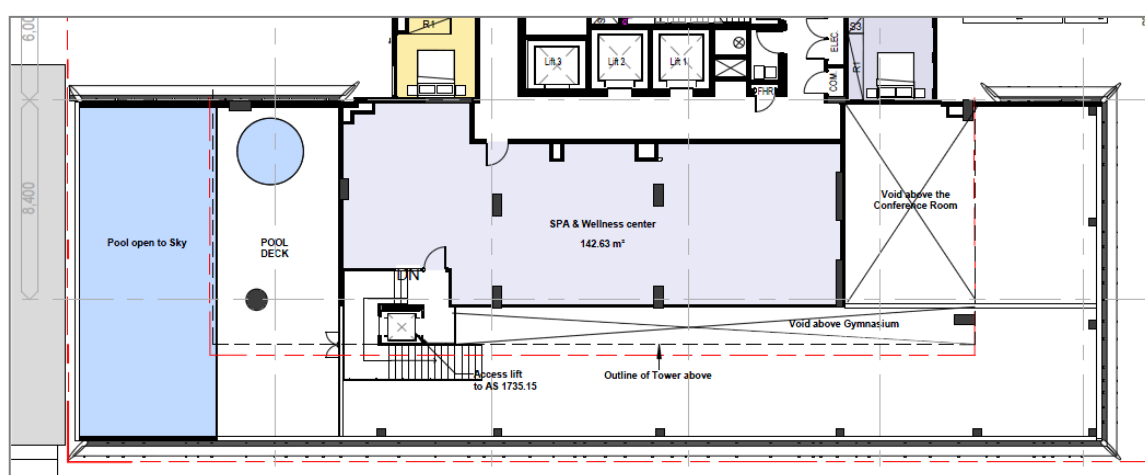


Figure 10: Extract of the Level 4 Plan demonstrating the proposed recreational facilities

Upper Residential Levels

The tower form comprises Levels 5 to 24 and 200 residential units. The layout of the residential units has been altered to provide 1 Bed, 1 Bed and Study, 2 Bed and 3 bed apartments. This apartment mix and resulting layout is driven by the current market demands as discussed by the correspondence provided CBRE dated 14 May 2013 and provided at **Appendix 11**. The justification for the apartment mix is further discussed below.

The design of the apartments and floor plan layouts optimise the level of amenity for the future residents while also respecting the privacy and amenity of neighbouring properties. The units achieve a high level of solar penetration, natural ventilation, privacy and liveability. Further consideration of the design of the apartments is provided below, and discussed in the SEPP 65 Compliance Table and RFDC Analysis provided at **Appendix 1**.

It is noted that the layout of the proposed apartments differ to the approved scheme, which generally has small studio style apartments at the lower levels and quite large apartments at the upper levels. The proposed scheme seeks to provide an even spread of apartments throughout the residential levels. Levels 23 and 24 comprise 4 x split level apartment 'shells,' the fitout of which are not included in this application, and will subject to the preference of the future housing market. Although this is not a traditional strategy, these apartments have the potential to be fitted out with 3 or more bedrooms to the particular design desired by purchasers. The floor area within each of the apartments has also been increased through rationalisation of the corridor and circulation areas. Where possible, the winter gardens have been made full width with fully opening doors and the floor finish kept flush to enable the living areas to extend into the winter garden space when the doors are open. This design enables both the internal and external spaces to be used more flexibly, which is a desirable attribute in the eyes of future occupants.

3.3.2 LAND USE AND FLOOR AREA

Gross Floor Area

The Concept Plan approved 20,819m² of gross floor area.

The subject proposal seeks to reduce the overall gross floor area by 1,185m² to 19,634m². This reduction is due to the reduction of the overall building height, in response to Condition B3 *Building Height*. The proposed GFA is not considered to have a material impact on the environmental impact of the development on the site and surrounds and is appropriate for this level of development.

The gross floor area figures have been calculated, to be consistent, in accordance with the definition within the North Sydney Local Environmental Plan 2001 (NSLEP 2001).

Residential Units

Notwithstanding the reduced height, the modification seeks to increase the number of residential units to 200 to respond to the demand for housing in the St Leonards Town Centre. The residential units are located on Levels 3 to 24.

The following table provides an analysis of the proposed mix of the residential apartments: -

Table 2 – Analysis of the Residential Apartment Mix

Unit Type	Approved in MP09_0187		Proposed	
Studio	30	17.3%	2	1.0%
1 Bedroom	64	37%	113	56.5%
2 Bedroom	66	38%	80	40.0%
3 Bedroom	13	7.5%	5	2.5%
Total	173	100%	200	100%

The proposal seeks to provide a mixed use development which is responsive to current market demands. As identified by marketing and real estate specialists CBRE in their correspondence dated 7 May 2013 and provided at **Appendix 11**, medium density developments on Sydney's Lower North Shore within the local St Leonards / Crows Nest area experience a high level of market demand for units which comprise 1 Bed, 1 Bed and Study and 2 Bed apartments. CBRE have provided the following advice to create a development which is responsive to the local market: -

- *"The target market is driven by a younger demographic; mainly young professionals, many of whom will be First Home Buyers.*
- *Given the recent government introduction of increased incentives to First Home Buyers to purchase new homes, CBRE has experienced a significant increase in demand from this market segment seeking new apartments up to \$650,000. This will form a large segment of our target market.*

- *There will be little demand for small studio apartments (i.e. sub 50m²) without parking as they prove very difficult to finance due to mortgage insurance restrictions.*
- *There will also be minimal demand for 3 Bed apartments as Empty Nesters generally seek smaller boutique buildings in less built up areas or have bespoke requirements, satisfied by individual negotiation involving amalgamation of strata units.*
- *We therefore strongly believe that studio and 3 Bed apartments will be extremely difficult to sell within this local market.*
- *Further, the ideal net internal areas for the various product types are 1 bedrooms – 50-55m² net internal, and 2 bedrooms 70-80m² net internal.”*

In light of the above, this proposal seeks to provide a development which is responsive to the current and changing needs of the market and to increase the flexibility of dwelling types. The potential for apartments to be ‘amalgamated’ is demonstrated in the *Indicative Sketch Layout of Typical Merged Apartments* as further discussed in Section 6 below. The proposed dwelling mix is generally consistent to the Concept Approval and objectives of the Council’s relevant development controls, to provide residential dwellings in close proximity to public transport and services, and provide a mix of dwelling types. The mix of housing types allows a choice consistent with more single/lone person households and single professional people within the area as well as oversized apartments if this is the desire of future owners, and is considered an appropriate response to market trends.

Non-residential Floor Area

The Project Application (MP09_0187) approved 4,683m² of non-residential floor area. This application decreases the quantum of non-residential floor area by 1,117m² to 3,566m². The components of the non-residential floor area are discussed below.

Serviced Apartments

The development is for 38 serviced apartments located on Levels 1 and 2. The floor plan layout of the serviced apartment has been revised to accommodate the relocation and change in shape of the lift core and improvements to the layout of the serviced apartments and the supporting services.

The number of serviced apartments has been reduced, partly due to the expansion of the recreation areas and inclusion of voids below the pool and above the public domain. The apartments are more uniform in size and the rationalisation of the corridor / circulation space increases the useable space within the serviced apartments.

Recreation Facility

The recreation facility operates as a stand-alone facility and is available for use for the shared benefit of the residents, guests of the serviced apartments and the local community. The recreation facility comprises a conference room, gym, pool, changing rooms and amenities on Level 3, and a ‘Spa and Wellness Centre’ on Level 4.

The open air swimming pool has been carefully designed to be an architectural feature of the development, with glass panels underneath which enable sunlight to penetrate through to the public domain space below and provide a unique visual feature day and night.

Retail Areas

The cafe and seating area has been relocated towards the south-eastern portion of the site towards Atchison Street. The revised outdoor seating areas is considered to be more appropriate as it has a more direct relationship with Atchison Street and improves the activation and level of interest in this tenancy. This has resulted in relocating the egress stairs to the lane to the rear, and modifying the layout of the cafe, kitchen area and amenities. The proposal also includes the introduction of a retail space directly fronting Atchison Street for the purpose of providing retail space which will service the needs of the residents and local community. The ground floor retail areas will assist in injecting activity into the St Leonards economy.

3.3.3 BASEMENT LAYOUT, PARKING, SERVICES AND DELIVERY VEHICLES

The proposal generally maintains the traffic and parking arrangement as approved. All parking is provided on the basement levels with vehicular access provided off Atchison Lane. The proposal seeks to locate the loading area at grade with direct access off Atchison Lane.

Basement Layout

The basement levels have been reconfigured in response to the deletion of the loading dock on the Basement 1 Level, the rearrangement of the lift core, locating the service rooms at the Basement 1 Level where possible, the removal of small car spaces, locating storage areas adjacent to their associated car spaces where possible, and redistribution of the bike storage areas which are now always accessible by lift. The following table provides an analysis of the proposed amendments to the parking arrangement.

Table 3: Comparison of Approved and Proposed Parking

PARKING	PPR		PROPOSED	
	USE	SPACES	USE	SPACES
Basement Mezzanine / Lower Ground	Residential storage cages; mechanical & plant rooms	-	Retail parking Access to MRV Loading Bay	-
Basement loading dock / Basement 1	Loading area, garbage room; hotel parking; motor bike spaces; lift lobby	15 car spaces 2 disabled spaces 2 motor bike spaces	Serviced apartment spaces retail spaces disabled spaces car share spaces	13 non-residential uses 2 retail disabled spaces 2 residential disabled spaces 2 car share spaces
Basement B2	Residential parking; motor bike spaces	32 car spaces 2 disabled spaces 4 motor bike spaces	Residential parking	29 car spaces
Basement B3-B6	Residential parking; motor bike spaces	117 car spaces 12 motor bike spaces	Residential parking	120 car spaces
Total		168 spaces		168 spaces

The subject site significantly benefits from existing and future public transport in the immediate vicinity and vehicular access responds to the one way traffic east on Atchison Street whilst the proposed bike racks integrate with the existing bike lane.

The following table demonstrates the carparking requirements pursuant to North Sydney DCP Section 9 for the proposed development.

Table 4: Analysis of Car Parking Requirements in Accordance with the NS DCP

Use	Rate	GFA or number	Max. Spaces Required	Spaces Proposed
Residential	Studio & 1 bed units @ 0.5 Spaces	115	57.5	151 spaces (incl. 2 disabled spaces)
	2 + bed @ 1 space / unit	85	85	
Hotel	1 space per 5 units / rooms	38	7.6	15 spaces (incl. 2 disabled spaces) *plus 2 car share spaces
Refreshment Room / Café	1 space / 50 m ²	414.5m ²	3.7	
Shops	1 space / 400m ²	227.5m ²	0.6	
Total			154.4	168
Motorcycles	1 space per 10 cars or part thereof (residential)	168	17	19

The proposed development seeks to maintain the number of car parking spaces approved in the Major Project (MP09_0217), being 168 spaces. The parking provision and basement layout allow for appropriate areas for the provision of car parking, car share spaces, motorcycles and bicycle spaces to service the transport needs of the site.

Services

Following further analysis of the capabilities of the lift core and associated services, and in response to Condition B3 *Building Height* which requires the removal of the equivalent of 4 storeys, the lift core has been reduced in size. In addition, the majority of services have been located within Basement Level 1, and the substation is now provided in a kiosk style and located along Atchison Lane to the rear. The main switch room has also been relocated to Level B1 and has resulted in increasing the retail floor area. The provision of services is supported in the Access Review prepared by MGAC and provided at **Appendix 5**.

The proposed Ground Floor layout and revised location of the Water Meter has been endorsed by Sydney Water. Refer to the correspondence from Sydney Water dated 3 May 2013 and provided at **Appendix 12**.

Delivery Vehicles

Given the conditions of the site, it was not possible to locate loading facilities for medium rigid vehicles (MRV) within the basement parking levels. In particular, given such an arrangement would require the opening above the ramp at ground level to be substantially open to achieve access for a MRV, and insufficient grades for the site, which is considered to adversely impact on the presentation of the public domain. To remedy this, a reversing bay for MRV is provided at the north eastern corner of the site with direct access to Atchison Lane. This location is considered have minimal impact on the presentation of the public domain and pedestrian circulation, and satisfies the requirements in the Project Approval. This parking arrangement is

considered suitable, given the reversing bay provides a dedicated loading zone for the shared use of the retail and residential occupants of the development, which has direct access to the service area and lift on the Lower Ground Level and facilitates efficient access to the servicing area. Refer to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning and provided at **Appendix 3**.

3.3.4 ESD

The proposed development seeks to generally maintain the level of environmental commitments as specified in the Revised Draft Statement of Commitments dated October 2012 approved in the modified Project Approval MP09_0187 MOD 1. The proposal provides for the utilisation of materials and services which provide an energy efficient design.

BASIX applies to the “*apartment building*” component of this proposal. An amended BASIX Certificate and BASIX Compliance Report prepared by Cundall in support of this Modification Application is attached at **Appendix 8**. A Revised Draft Statement of Commitments is provided at **Appendix 8** which reflects the current BASIX commitments.

3.3.5 Safety and Security

The proposal has been designed with the key consideration of providing the future occupants of the site and the general public with a sense of security. This is achieved in the public domain area in particular by ensuring that all spaces are benefitted by casual surveillance and are appropriately lit. Appropriate security measures are implemented for the occupants of the site, with secure access to the basement levels, management of lift access to ensure that the general public and patrons of the recreation facility are not able to gain access to the serviced apartments and the residential units. The arrangement of the public domain area provides direct paths of travel for pedestrians throughout the site whilst simultaneously providing designated areas for cafe patrons, customers to the ground floor retail unit, and residents and guests who enter the site via the lobby areas which are all open to the public domain with full length glass walls.

The visual permeability across the site contributes to satisfying the principles of the Crime Prevention Through Urban Design (CPTED) and creating a safe and welcoming atmosphere.

3.4 PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT

To give effect to the amendments identified in Section 3 above, the following modifications to the consent are proposed. Words proposed to be deleted are shown as ~~strike through~~ and works to be inserted are shown in **bold**.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Development in accordance with plans and documentation

A1. The Proponent shall carry out the project generally in accordance with the:

- (a) Architectural drawings numbered ~~PA-100-01 to PA-100-18 inclusive, PA-200-01 and 200-02, PA-210-01 to PA-210-07 (inclusive), and PA-300-01 to PA-300-04 (inclusive) all dated April 2011 and all drawn by Francis Jones Morehen Thorp Pty Ltd~~ **PA-100-01 to PA100-30 inclusive, PA-200-01, PA-200-02, PA-210-01 to PA-210-06 inclusive, PA-300-01 to PA-300-4 inclusive all dated 5 June 2013 and all drawn by Robertson + Marks.**
- ~~(b) Preferred Project Report prepared by City Plan Services Pty Ltd, dated April 2011;~~
- (c) Stormwater drainage concept plans numbered 3532 H-100 to H-117 (inclusive) all issue 01, all dated March 2010, and all drawn by Warren Smith & Partners Pty Ltd; and
- (d) The Revised Draft Statement of Commitments ~~contained in the Preferred Project Report~~ **submitted with the Section 75W Modification Application** prepared by City Plan Services Pty Ltd, dated **June 2013** ~~April 2011~~.

except for:

- Any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- Otherwise provided by the conditions of this approval.

PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Car Park

B6. The proposed car park must be designed to satisfy the following requirements:

- (a) All vehicles must enter and exit the basement in a forward direction;
- (b) The site must be capable of accommodating all service vehicles up to an including medium rigid vehicles as defined by and in accordance with *Australian Standards AS2890.02 – 2002 Off-street commercial vehicle facilities*, or its latest version;
- (c) The layout of the proposed car parking areas, loading docks and driveway associated with the subject development (including grades, turn paths and parking bay requirements) shall comply with *Australian Standard AS/NZS 2890.1-2004 Parking Facilities – Off Street Car Parking* and *AS2890.2 – 2002* for large vehicles;

- (d) The location of any boom gate or other vehicular access control for driveway entry to the car park should be located to provide for the queuing of at least three (3) cars within the property;
- (e) The intercom for the visitor parking access and/or security access point for residents is to be installed at least 6 metres into the property from the boundary line;
- (f) ~~The number of parking spaces allocated to each apartment shall comply with the maximum requirements specified in the North Sydney Development Control Plan 2002.~~ **The maximum number of parking spaces is 168.**

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the relevant Construction Certificate. Details shall be approved by the Certifying Authority prior to issue of the relevant Construction Certificate.

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Deed of Agreements – Public Space

E1. Prior to completion and issue of any interim Occupation Certificate, the Proponent shall enter into a Deed of Agreement with Council with regard to the proposed public area at the ground level of the site including the through-site pedestrian link to the rear lane, and the widened footpath area at Atchison Street as shown on drawing numbered PA-100-01 titled **'Proposed Site Plan'** ~~'Public Domain Plan'~~ prepared by ~~Francis Jones Morehen Thorp~~ **Robertson + Marks Architects** submitted with the application, which achieves the objectives of: -

- Enabling the public to use that area for the purpose of public access at all times, for the life of the building (not in perpetuity), and
- Binds all successors in title and ensures the rights are not subject to change or variation except with the prior consent of Council.

The Proponent shall be responsible for the maintenance of the area and public liability insurance for a policy in the amount of not less than \$20 million in respect of any property damage, personal injury and loss of life caused by or in connection with the provision and use of the area. The Deed of Agreement shall include details on the design and finishes of materials, levels of light and security.

The Deed must also make provision for a Covenant on title to be registered with NSW Department of Lands prior to the issue of any Occupation Certificate for the building. The Covenant must note the matters contained in the Deed to ensure that the area is maintained as public space for the life of the building.

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

4 CONSULTATION

4.1 DoPI

On 17 September 2012, the proponent met with Mark Schofield from the Department of Planning and Infrastructure (DoPI) to discuss a preliminary design of the proposed modifications in relation to modifying the public domain area and relocating the loading area at grade, the application process and lodgement requirements. The DoPI expressed their general support for the proposal and any comments are addressed in this report.

The existing Director General Requirements (DGRs) are assumed to be relevant for this application, and therefore the proposed modifications are appropriate to be assessed against those where appropriate.

4.2 North Sydney Council

The preliminary public domain scheme was also presented to the North Sydney Council's senior officers Geoff Mossemeneer and Emma Booth on 15 April 2013.

Council's officers generally supported the direction of the proposed plans, and made some preliminary comments to improve the contribution of this development to the future built form and urban design of the St Leonards town centre.

The architects have considered and addressed the aspects of the development identified for further improvement and the final design addresses each as follows: -

- Relocation of the car park supply air vent along the eastern boundary to approximately 3 metres from the Atchison Street boundary.
- The design of the public domain area which adjoins the eastern boundary to No. 20 Atchison Street which provides an allowance for connecting and the public domain area of the subject site with the public domain area of the future development of the adjoining site. Refer to the Architectural Drawings at **Appendix 1** and the Concept Landscape Plans at **Appendix 2**.

5 STATUTORY CONTEXT

5.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (*the Act*), Section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. As the DGR's were issued in respect of this project prior to 8 April 2011 (issued on 1 December 2010), the project is considered to be a transitional Part 3A project.

To this end, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and approval may be granted under Section 75W of the Act.

5.2 Modification of the Minister's Approval

The modification application is lodged with the Director General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval"*.

In accordance with Section 75W the proponent seeks approval for the modification of Major Project MP09_0187. The modification is considered to comfortably be considered as an application to which 75W applies for the following reasons: -

- The principal use of the building, being primarily residential with lower level retail and serviced apartment uses, remains the same.
- The modification is the result of improved construction and access issues which improve the amenity of the development and public domain area.
- The building remains generally in accordance with the approved building envelope and any additional floor area has been the result of design and engineering efficiencies.
- The proposal does not introduce any new adverse amenity impact upon the surrounding area.
- It is noted that, to the best of our knowledge, there are no parameters against which the degree of modification need be assessed.

It is considered that the proposed modification includes changes to the terms and conditions of the existing approval and that it can comfortably be considered as modification under 75W of the Environmental Planning and Assessment Act 1979. Approval to modify the application is required.

5.3 Environmental Assessment Requirements

We consider that sufficient information has been provided with this application to enable assessment to be undertaken. The application remains consistent with the key assessment requirements addressed in the original DGR's for MP09_0187.

5.4 Relevant Strategies

The Project Application (MP09_0187) and this application have been prepared with due regard for relevant strategies including the Metropolitan Strategy: City of Cities, the NSW State Plan, The Metropolitan Review, Draft Inner North Subregional Strategy, St Leonards Strategy and the Draft North Sydney Residential Development Strategy 2008. It is noted that the Draft Metropolitan Strategy has also recently been released. This application maintains the approved mixed use development and contributes to supporting the development of St Leonards as a specialist centre through the provision of non-residential floor space, residential dwellings and public domain benefits. The proposal is considered to provide a positive contribution to the transitioning character of St Leonards which satisfies the objectives and directions of the relevant policies and strategies.

5.5 State Environmental Planning Policies

The Project Application (MP09_0187) and this application have been prepared with due regard for relevant State Environmental Planning Policies (SEPPs) including SEPP (Major Projects) 2005, SEPP 55 – Remediation of Land, SEPP 65 Design Quality of Residential Flat Development, SEPP Infrastructure and SEPP (BASIX) 2004. It is considered that this application continues to satisfy the objectives and requirements of the relevant SEPPs.

5.6 North Sydney Local Environmental Plan 2001

The proposal continues to satisfy the objectives of the North Sydney Local Environmental Plan (LEP) 2001 and the objectives of the Mixed Use zoning.

Clause 31 Floor Space of the NS LEP 2001 requires non-residential floor space to be provided within the range of 3.0:1 (5,220m²) – 4.0:1 (6,960m²). Major Project Approval (MP09_0187) was approved with a total of 4,683m² of non-residential floor space which did not meet the requirement of the NSLEP 2001, however this quantum of non-residential floor space was considered to provide an appropriate mix of uses and was supported by the DoPI and the consent authority. The subject proposal seeks to decrease the total non-residential floor space by 1,117m² to 3,566m². The proposal continues to which does not satisfy the requirements of the NSLEP 2001. The continued variation to this requirement and the provision of non-residential floorspace is considered to satisfy the objectives of Clause 31 Floor Space by providing a diverse mix of uses with minimal traffic impacts on the site and surrounding locality.

5.7 North Sydney Development Control Plan 2002

On 3 December 2009, the Minister authorised a Project Application for the subject site. Council's DCP is not applicable to this application. However, both the Project Application (MP09_0187) and this application have been prepared with due regard for the relevant sections of North Sydney Council DCP and is considered that the application is consistent with the DCP provisions and in particular satisfies the objectives of the applicable provisions.

5.8 North Sydney Draft Local Environmental Plan 2009

At the time of preparing this report, the Draft NS LEP 2009 is yet to be gazetted by the DOPI under Section 65. Accordingly, there is no statutory document to consider. The proposal has been considered with respect to the Draft NS LEP 2009 and is considered to generally be in accordance with the objectives and requirements of this EPI.

6 ENVIRONMENTAL ASSESSMENT

6.1 Overview

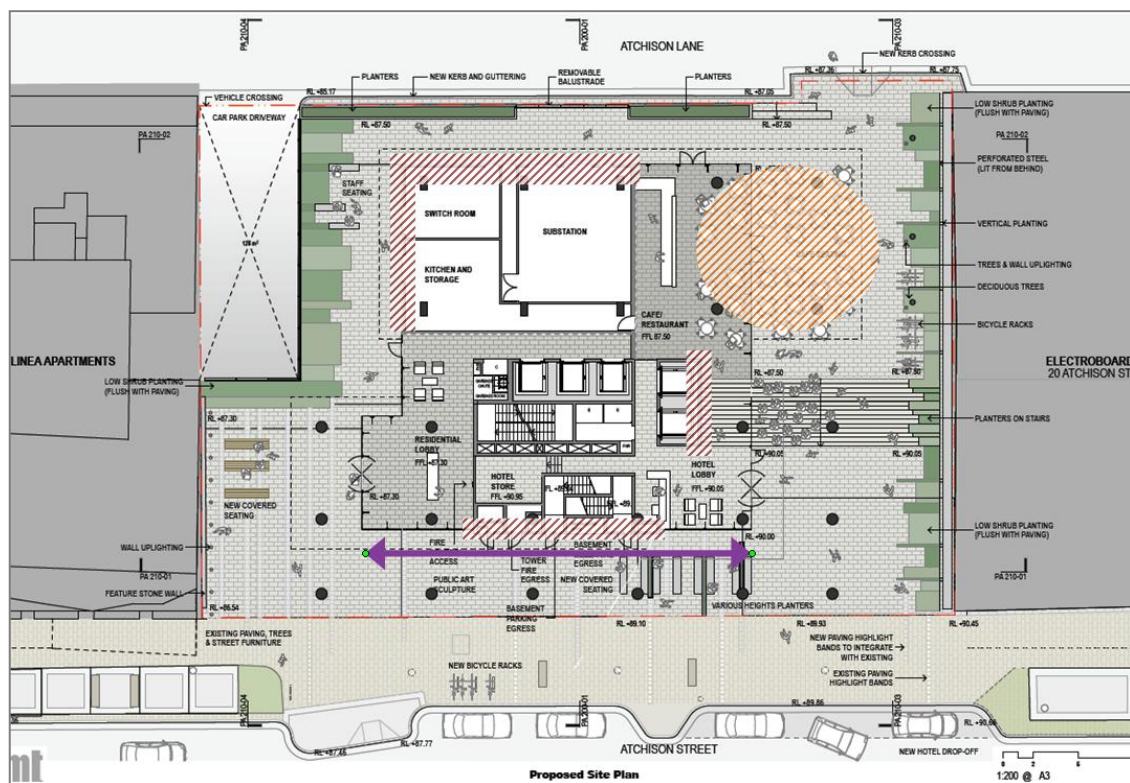
The relevant statutory context addressed in MP09_0187 and the Director General's assessment report remains largely unchanged. The fundamental elements of the approved mixed use development are maintained, in particular in relation to the building envelope and separation to neighbouring sites, the land uses, the provision of a public domain area and car parking. As such, the proposal results in similar environmental impacts. The modifications to the layout of the public domain area and floor plan layouts are marginal, and provide a more efficient and rationalised layout which provide a positive contribution to the amenity and quality of the development. As further discussed below, the proposal provides benefits in terms of the contribution of the built form to the St Leonards locality and is not considered to result in any adverse impact.

Where any changes to the assessment undertaken are relevant, discussion is provided in the following sections of this report. We consider that the following outlines the key issues for the proposed modifications: -

- Improvements to the Public Domain;
- Private Open Space / Balconies;
- Built Form Presentation and Contribution to the Streetscape;
- Unit Mix;
- Assessment Against the RFDC Rules of Thumb; and
- Parking.

Improvements to the Public Domain

As discussed above, the public domain area has been modified to improve the accessibility throughout the site in a manner which enables the pedestrian, retail and vehicular components of the development to operate in harmony. The approved development features several area of blank walls and service areas which lack the ability to activate the street as demonstrated in **Figure 11** below.



Key:

	= areas of the ground floor plane which present as service areas or blank walls
	= outdoor restaurant area is disconnected with the busier street side to the south, Atchison Street, and has a poor outlook to Atchison Lane
	= there are no retail shops fronting Atchison Street to attract life and retail activity to the site.

Figure 11: Extract of the Site Plan approved in the Concept Plan MP09_0187 demonstrating various aspects of the development which were considered to have a negative impact on the amenity of the development.

In light of the deficiencies of the approved public domain plan identified above, this application seeks to improve the amenity and functionality of this public space by reorganising the location and provision of services including the lift core and loading area, which will substantially improve the relationship of the development to the public domain. As demonstrated in **Figure 12** below, the facades of the proposed development result in minimal blank walls or service areas and predominantly feature retail and lobby areas which create a sense of physical connectivity and activation to the streets.

The overall area dedicated as public domain has been increased by 35m² to 1,005m² and is complemented by landscaping and architectural features which enhance the quality and quantity of the public domain area.

The public domain area facilitates appropriate thoroughfare access for pedestrians, passive recreation areas and appropriate management of conflict with cyclists and vehicles. The arrangement of the site at street level provides effective circulation space to the benefit of the local community.



Figure 12: Extracts of the Site Plan and Proposed Landscape Plan. The proposal maximises the active frontages of the built form at the public domain level and provides passive recreation and retail areas throughout the site.

Moreover, the proposed public domain area has been designed to enhance the streetscape character of the locality and provides opportunities for the urban design space and associated landscaping to be continued to neighbouring sites, should they be developed in the future. The proposal provides a public domain area with a high level of functionality and aesthetically pleasing elements for the benefit of the local community. Refer to the Public Domain / Landscape Design Report prepared by Site Image and provided at **Appendix 2** for further discussion.

Private Open Space / Balconies

The residential floor plans approved in the Major Project Approval (MP09_0187) feature 'pocket' winter gardens for each residential unit which are generally located at the corners of the building as demonstrated in **Figure 13** below: -

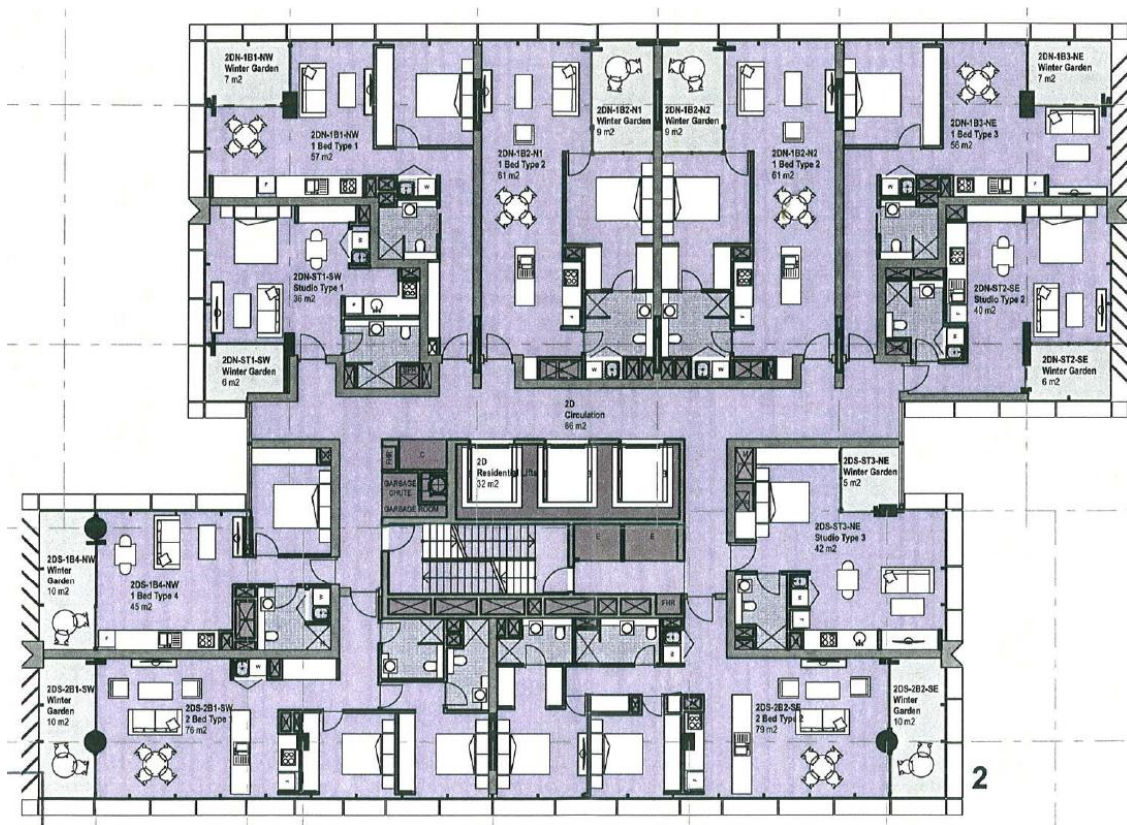


Figure 13: Extract of Typical Residential Type 2D Plan approved in Project Approval MP09_0187 demonstrating a typical floor plan with winter gardens (highlighted in light blue) with areas ranging from 6m² to 10m².

The approved winter gardens are considered to provide poor amenity given their square shape which encroaches into the internal living areas of the units and creates a disconnected private open space area.

The subject proposal seeks to improve the usability and amenity of the residential apartments by providing an alternative balcony design in line with the design guidelines of Part 3 *Building*

Design of the RFDC which encourages a balcony design which provides private open space and extends the living spaces of the apartments.

Given the climactic conditions of the St Leonards area and potential wind effects the design of the proposed apartments and their private open spaces seek to emphasise the potential to provide a connected internal and external living area which is responsive to the environmental conditions. Refer to the Revised Wind Effects Report prepared by SLR Consulting and provided at **Appendix 6**. This has been achieved by basing the design of the balcony area on Option C of the guidelines for balconies in the RFDC as demonstrated in **Figure 14** below.

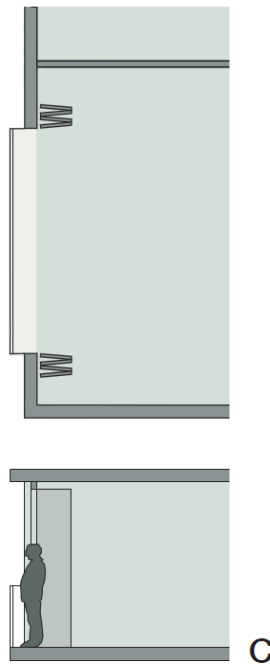


Figure 14: Extract from Part 3 Building Design for Balconies of the RFDC demonstrating Option C for operable walls.

As demonstrated in **Figure 15** below, the proposed balconies are accessible via operable inner and outer doors which separate the winter garden area from the living room. This creates a flush and continuous internal / external living area which integrates the internal and external spaces of the unit. The outer most facade of the winter gardens feature a mix of fixed cantilevered sunshades to allow future occupants to manage the level of solar access and natural ventilation to their apartments. The east and west elevations also provides privacy screens / sun control devices.

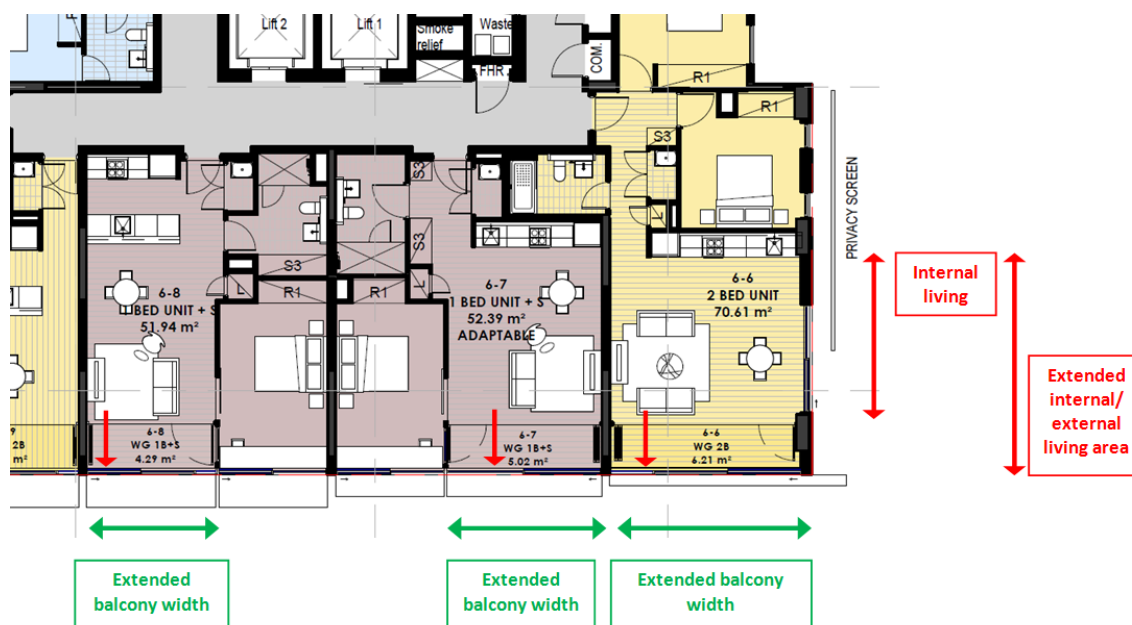


Figure 15: Extract from a typical floor plan demonstrating the dimensions of the proposed winter gardens. This plan shows the apartments in the south-east corner of the building. The winter gardens are accessed by bi-fold doors which create a continuous flush internal / external living area.

The proposed winter gardens have been designed to satisfy Option C of the RFDC in relation to balconies. The objectives of Part 3 Building Design for Balconies of the RFDC are as follows: -

Objectives

- “To provide all apartments with private open space.
- To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.
- To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.
- To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.”

The proposal satisfies the objectives for balconies in the RFDC, in that each apartment is provided with a private open space area which is functional and responsive to the environmental impacts of the tower form of the development. The balconies form part of the architectural presentation of the building and incorporates a mix of high quality materials and colours to create visual interest and a pattern on the external facade which is inspired from the semi-random pattern drawn from a portion of a Mondrian painting, as discussed in detail in the Architects Design Statement prepared by Robertson + Marks Architects and provided at **Appendix 1**. The balconies also provide a direct relationship with the surrounding locality and contribute to casual surveillance of the streets. Overall, the proposed winter gardens provide a high level of amenity and usable living conditions which satisfy the objectives of the RFDC.

The balconies range in size between 3m² to 8m² with all balconies having a minimum depth of 1m. The non-compliance with the NSDCP is considered minor as the balcony design allows for

a usable private open space consistent with the intent of the RFDC. Refer to the RFDC Table of Compliance prepared by Robertson + Marks Architects and provided at **Appendix 1** for further detail and justification.

Similarly, the approved 'pocket' winter gardens for the serviced apartments were considered to result in a poor level of functionality and amenity. This is particularly the case for the serviced apartments located within the podium levels. In response, the proposal seeks to provide serviced apartments on Levels 1 and 2 of the amended buildings, which is located within the podium levels, with a nil setback to Atchison Street to the south and a 3m setback to Atchison lane to the north. Given the revised location of the serviced apartments, winter gardens were not considered appropriate and have been removed.

Built Form Presentation

As detailed above, the external presentation is proposed to be modified to improve the interface between the private and public spaces and generate an interesting and visually appealing built form. The colours and materials of the proposed external facade are detailed in the Schedule of External Colours and Finishes prepared by Robertson + Marks Architects and provided at **Appendix 1**. The facades are designed to contribute to the transitioning character of the streetscape and skyline of the St Leonards town centre. Refer to the Plans and Photomontages prepared by Robertson + Marks Architects and provided at **Appendix 1**.

Any environmental impact, given the provides suitable separation to neighbouring buildings and maintains the approved setbacks and building envelope, privacy screens are provided to protect the privacy of neighbouring properties as required by Condition B4 *Privacy Screening* of the Project Approval (MP09_0187) and the built form provides a suitable level of amenity for its future occupants and the general public. The development also provides for the utilisation of materials and landscaping which provide an energy efficient design.

Dwelling Mix

As discussed above, the proposal seeks to increase the number of residential units by 27 units to 200 to respond to the demand for smaller units in the St Leonards centre. The residential units are located on Levels 3 to 24 and comprise 2 x studio apartments (1%), 113 x 1 bedroom units (56.5%), 80 x 2 bedroom units (40%) and 5 x 3 bedroom apartments (2.5%).

The proposal seeks to provide a mixed use development which is responsive to current market demands. As identified by marketing and real estate specialists CBRE in their correspondence dated 14 May 2013 and provided at **Appendix 11**, medium density developments on Sydney's Lower North Shore within the local St Leonards / Crows Nest area experience a high level of market demand units which comprise 1 Bed, 1 Bed and Study and 2 Bed apartments. CBRE have provided the following advice to create a development which is responsive to the local market: -

- *"The target market is driven by a younger demographic; mainly young professionals, many of whom will be First Home Buyers.*
- *Given the recent government introduction of increased incentives to First Home Buyers to purchase new homes, CBRE has experienced a significant increase in demand from this*

market segment seeking new apartments up to \$650,000. This will form a large segment of our target market.

- There will be little demand for small studio apartments (i.e. sub 50m²) without parking as they prove very difficult to finance due to mortgage insurance restrictions.
- There will also be minimal demand for 3 Bed apartments as Empty Nesters generally seek smaller boutique buildings in less built up areas or have bespoke requirements, satisfied by individual negotiation involving amalgamation of strata units.
- We therefore strongly believe that studio and 3 Bed apartments will be extremely difficult to sell within this local market.
- Further, the ideal net internal areas for the various product types are 1 bedrooms – 50-55m² net internal, and 2 bedrooms 70-80m² net internal.”

In light of the above, this proposal seeks to provide a development which is responsive to the current and changing needs of the market and to increase the flexibility of dwelling types. Our client's focus is to provide a mechanism to respond to current market demands whereby future owners may amalgamate two or more smaller apartments to create larger apartments and take advantage of preferred locations within the building and to achieve desired district views. The potential for apartments to be ‘amalgamated’ is demonstrated in the *Indicative sketch layout of typical apartments* prepared by Robertson + Marks and provided at **Appendix 1**. An extract of this plan is provided in **Figure 16** below. This approach demonstrates that the floor plan layout of the residential levels provides layouts which are readily adaptable and which are not constrained by the standard design requirements such as minimum unit size and creates unique and one-off apartments with a high level of residential amenity.

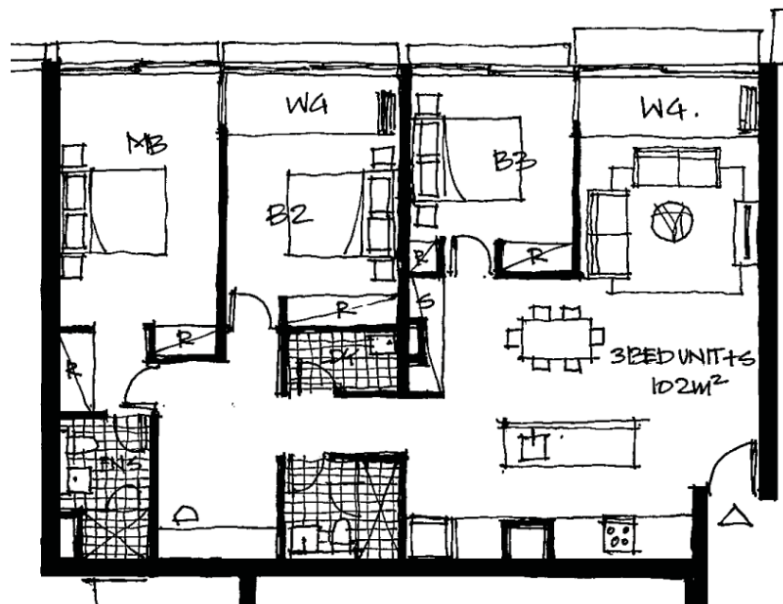


Fig 1 - INDICATIVE SKETCH LAYOUT OF MERGED 3 BED APARTMENT WHEN COMBINING UNIT 2 & UNIT 3 ON TYPICAL LEVEL:

Figure 16: Extract of the Indicative Sketch Layout merging 2 smaller units to suit the personal needs of individual owners (Source: Architectural Plans R+M)

This strategy is responsive to the housing market trend for future occupants to design their homes to their personal needs. Although the dwelling mix as demonstrated on the architectural plans does not strictly comply with the requirements in Council's Development Control Plan, the proposed dwelling mix is generally consistent to the Concept Approval and objectives of the Council's relevant development controls, to provide residential dwellings in close proximity to public transport and services, and provide a mix of dwelling types. The mix of housing types allows a choice consistent with more single/lone person households and single professional people within the area as well as oversized apartments if this is the desire of future owners, and is considered an appropriate response to market trends.

By providing a dwelling mix with smaller apartments, the development offers a more flexible type of housing stock for the benefit of the dynamic housing market and the local community. This arrangement recognises that the market desires housing opportunities which are adaptable and capable of suiting their needs.

Assessment against the RFDC Rules of Thumb

A detailed assessment of the residential component of the proposal against the RFDC Rules of Thumb has been prepared by Robertson + Marks Architects and is provided at **Appendix 1**. The proposal demonstrates satisfaction the Rules of Thumb and affords the future occupants of the residential dwellings a high level of amenity. Consideration of items which do not strictly adhere to the RFDC Rules of Thumb are considered in detail below.

RFDC - Storage for the Residential Units

The proposed development provides storage facilities for each apartment which satisfy the minimum requirements of the RFDC, being 6m³ for studio and 1 bedroom apartments, 8m³ for 2 bedroom apartments and 10m³ for 3+ bedroom apartments. However, given the preference to provide maximum usable space within the apartments, and provide designated storage space in the basement levels, only 136 of the 200 apartments (68%) achieve the minimum requirement of providing 50% of the minimum required storage space within the unit. Despite 64 of the apartments not achieving this requirement, it is noted that only 16 out of 172 units (9%) approved in the development scheme in the Project Application (MP09_0187) achieved at least 50% of the required storage area within the units.

Although the subject scheme does not satisfy the RFDC Rules of Thumb in relation to storage area within units, it is a significant improvement to the previous arrangement (refer to **Appendix 14** for a detailed analysis of the internal storage areas of the approved scheme).

The proposed storage arrangement results in the majority of apartments having internal storage space, and all units are provided with designated basement storage areas, each bedroom features a built-in wardrobe and bicycle racks which are also located in the basement. In addition, each of the residential units are provided with storage space in the basement levels which exceed the minimum storage areas required by the RFDC with a total of 658m³ of storage area provided within the apartments and 1,676m³ provided within the basement levels. The total storage area provided within the development is 2,334m³. The overall storage arrangement is considered satisfactory to respond to the needs of the future occupants of the site and which

are easily accessible and are capable of storing large items and bicycles to suit the everyday needs of residents.

RFDC - Natural Ventilation

The extent of natural ventilation achieved for the residential units is detailed in the RFDC Rules of Thumb has been prepared by Robertson + Marks Architects and is provided at **Appendix 1**. This application is also supported by a Natural Ventilation Report prepared by SLR Consulting and provided at **Appendix 7** which demonstrates that the residential units achieve a high level of amenity and suitable natural ventilation measures.

RFDC – Daylight Access

Refer to the detailed assessment of the daylight access provided at **Appendix 13** and the detailed analysis of the RFDC Rules of Thumb prepared by Robertson + Marks Architects and provided at **Appendix 1**.

Parking

The proposed development seeks to maintain the number of car parking spaces and general basement layout approved in the Major Project (MP09_0217), being 168 spaces. The parking provision and basement layout allow for appropriate areas for the provision of car parking, car share spaces, motorcycles and bicycle spaces to service the transport needs of the site. Refer to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning and provided at **Appendix 3** for further discussion.

Potential Wind Impact

A Revised Wind Effects Statement has been prepared by SLR Consulting and is provided **Appendix 6**. The potential wind impacts of the proposed development have been considered in this Statement which provides the following comments: -

“... the building has essentially retained a similar floor plate design (footprint) above ground but has reduced its height by 7 storeys overall compared to the original DA design.

On this basis, the following can be concluded: -

- *There is still potential for previously identified adverse conditions to occur, e.g. channelling of winds between the proposed development and adjacent buildings for northerly and southerly winds.*
- *The magnitude of previously identified adverse conditions, especially at ground level, will almost certainly **decrease** (albeit modestly), compared to the previous building geometry, due to the decrease in overall building height.*
- *The “winter gardens” for all floors from Level 6 are fully enclosable and hence, these areas can be protected during high wind occurrences.*
- *No public access areas have been identified at roof level and hence, the previous recommendation for consideration of windbreaks is not required - unless they are included for structural reasons, e.g. for wind load reduction on the proposed solar panels to be located on the north half of the roof.”*

*We have reviewed the revised ground level layouts, where **considerable additional landscaping** has been provided for the 75W design proposal, including **landscaped pergolas** to enhance wind comfort conditions in public seating areas (refer Figure 1 in the statement).*

It is expected that wind mitigation recommendations will be reviewed and further refined (i.e. specific dimensions for landscaping, any vertical screening, etc) during the detailed design stage of the development (following 75W approval) to ensure that wind comfort goals are achieved."

The proposed design will perform satisfactorily with regard to potential wind effects.

7 REVISED DRAFT STATEMENT OF COMMITMENTS

The potential environmental impacts identified at **Section 5** of the Environmental Assessment report, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that have informed this report.

As a result of the modified design, a revised draft Statement of Commitments has been prepared in response to changes to the elements of the design including environmental sustainability, BASIX commitments and the Waste Management Plan. The revised draft Statement of Commitments is provided at **Appendix 9** and is considered to mitigate any significant adverse impacts to the satisfaction of the Minister as the consent authority.

8 SUMMARY AND CONCLUSION

The proposed modification to the mixed use development approved in Project Application MP09_0187 at **Nos. 6-16 Atchison Street, St Leonards** includes a number of clear improvements upon the existing approved scheme.

Included in the improvements are: -

- A visually and physically open and inviting commercial / public domain area at ground level with excellent pedestrian through-site accessibility and opportunity for use all year round;
- Improved relationship to the public domain by the reduction of dead spaces which has been achieved by rearranging the lift core and services;
- The improved activation of Atchison Street by locating the cafe and outdoor dining area towards the southern portion of the public domain area, and the introduction of a retail space which directly fronts Atchison Street;
- More direct paths of travel through the public domain, including the removal of any 'pinched' circulation areas;
- Highly valuable non-residential floor space in the form of serviced apartments and recreational areas which are responsive to the needs of the public;
- Redesigned private open space areas for the residential units which provide the opportunity for an integrated internal and outdoor living arrangement;
- Residential units with an efficient floor plan layout and mix which suits the current market demands. The units have the potential to be amalgamated to create larger units with 3 or more bedrooms to suit the desire of future occupants;
- Residential units with improved amenity which achieve a balance between solar access and natural ventilation, with privacy and thermal comfort needs;
- Superior overall ESD performance;
- An elegant architectural expression; and
- Allows for development on adjoining sites consistent with the character of the centre.

The proposal does not have an effect on the environmental impacts of the mixed use development as approved. In particular, the proposal maintains the setbacks of the approved development and does not result in impacts in relation to overshadowing, views or privacy impacts. The commitment to provide affordable housing units within 150m of the St Leonards Railway Station is maintained, and the approved parking provision of 168 spaces is also maintained, thereby maintaining the impact on the surrounding road network.

Consultation has been undertaken with Council's senior officers who provided favourable feedback for the proposed amendments including creating an opportunity to connect to the future public domain area of the adjoining site to the east, which has all been incorporated into the final design.

The modified proposal has been assessed against the relevant planning provisions under Section 75W and the issues raised in the Director General's Requirements have been readdressed where necessary. The overall height of the building satisfies the maximum permitted building height as designated in Condition 4 of the Project Approval MP09_0187 and

no additional amenity impact upon nearby residential or open space areas result. The approved building setbacks are maintained and the approved 168 car parking numbers are maintained.

With construction of this building in this central location, opportunity exists for this key part of St Leonards to be more appropriately activated and the aesthetics of the public domain to be enhanced.

The proposed modifications involve relatively minor changes to the approved mixed use development, and ultimately results in a development with improved benefits to the community in terms of the public domain area, the aesthetic presentation of the development and a pool, gym, conference facility and Spa and Wellness Centre which is available for public use. The proposed modifications also significantly improve the liveability and amenity of the residential units through high quality and efficient design of the layout of the units. This report has addressed the potential impacts that may arise from the modifications and it is concluded that no adverse environmental impact will result.

The proposed modifications are generally consistent with the terms of approval, do not change the site's suitability for the development and have been adequately justified in this report in response to the site constraints and practicalities of the construction of the development.

The proposal is consistent with all local regional and state planning objectives. The amended design responds to the key issues identified by the various stakeholders including North Sydney Council, the relevant agencies, the community and the Department of Planning and Infrastructure. In light of the above benefits of this project and in the absence of the any adverse environmental impacts, it is considered that the Project Application contemplates a form of development that will achieve the objects of the EP&A Act. In particular, the proposal represents "*orderly and economic use and development of land*" and provides the opportunity for additional dwelling and employment generating uses. As such, approval is sought for the modified Project Application.