

**MAJOR PROJECT ASSESSMENT:  
Section 75W Modification  
6 -16 Atchison Street, St Leonards  
(09\_0187 MOD 2)**



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

February 2014

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## EXECUTIVE SUMMARY

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This report provides an assessment of a request to modify the Project Application MP09\_0187 approved by the Planning Assessment Commission (PAC) for the construction of a 28 storey mixed use building comprising:

- 76 serviced apartments, conference room and gymnasium;
- 173 residential apartments;
- basement parking for 168 cars;
- a ground floor café, public plaza and thoroughfare;
- a gross floor area of 20,819 m<sup>2</sup> and a floor space ratio of 12:1.

Condition B3 of the Project Approval requires the building to be lowered to a maximum height of RL 167.3 AHD which represents approximately five storeys. The condition was imposed to reflect a building height consistent with that of surrounding buildings and Council's requirements for building heights to step down significantly towards Willoughby Road.

Atchison St Property Development Pty Ltd has lodged the current application (MOD 2) which seeks to modify the Project Approval in order to permit:

- a 1,125 m<sup>2</sup> reduction in total gross floor area from 20,819 m<sup>2</sup> to 19,694 m<sup>2</sup>;
- a decrease in the number of serviced apartments from 76 to 64 (a 318 m<sup>2</sup> decrease in non-residential gross floor area from 4,683 m<sup>2</sup> to 4,365 m<sup>2</sup>);
- an increase in the number of residential units from 173 to 190;
- a new swimming pool and a 184 m<sup>2</sup> reduction in the size of the gymnasium on level three;
- rearranged floor plan and public domain layouts, reorientation of lift core (number 3) and access stairs, extended cafe seating area, and new retail floor space fronting Atchison Street;
- new balconies on the western facade of level four; and
- conversion of the podium rooftop fronting Atchison Street to courtyards for level four serviced apartments and minor consequential changes to the external elevation.

The application was placed on Planning & Infrastructure's (the agency) website on 2 July 2013, adjoining landowners notified and comments were requested from North Sydney Council. Council objected to the application on the basis of the reduced non-residential floor area, combined hotel and residential service areas, and the garbage storage and holding facilities. No public submissions were received.

The proponent submitted a response to submissions report (RTS) to address Council's concerns. Key amendments include:

- increasing the number of serviced apartments from 38 to 64;
- reinstating all loading from basement level one; and
- reinstating separate lobbies and lifts for the residential and serviced apartments.

Council has advised that its remaining concern relates to the proposed non-residential FSR (2.5:1) not meeting Council's minimum requirement of 3:1. This aspect of the proposal remains as the key issue for the agency's assessment.

The agency considers that the proposed amount of non-residential floor space is acceptable as it is consistent with the overall reduction in floor space necessitated by the Project Approval requirement for a reduction in building height. The proponent's compliance with the Project Approval has resulted in the removal of the building's five upper levels, and the reduction in non-residential GFA is proportional to the reduction in residential GFA. The reduced amount (318 m<sup>2</sup> from an FSR of 2.69:1 down to 2.5:1) of non-residential floor space is not of a scale that is likely to have any strategic planning implications and is considered a reasonable adjustment in response to the requirements of the Project Approval.

The agency therefore recommends that the application be approved.

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## 1. BACKGROUND

The site is known as 6-16 Atchison Street, St Leonards. It is located within the St Leonards town centre approximately 150 metres west of St Leonards railway station in the North Sydney Local Government Area (**Figure 1**).

The site is rectangular in shape with its northern (Atchison Lane) and southern (Atchison Street) boundaries being 50.3 m in length, and its eastern and western boundaries being 35.8 m and 34.3 m in length, respectively. The site has an area of 1,740.6 m<sup>2</sup> and slopes from east to west, with a fall of 2.7 m along Atchison Lane and 3.9 m along Atchison Street.



**Figure 1: Project Location: 6 - 16 Atchison Street, St Leonards**

On 1 May 2012, the PAC approved Project Application MP09\_0187 for a mixed use development at 6-16 Atchison Street, St Leonards (see **Figure 2**). The Project Application sought to demolish the existing three x three and four storey commercial buildings and replace them with a 28 storey (plus plant) mixed use building. The Project included:

- a six level basement, including 168 car parking spaces, storage and associated services;
- a ground floor café, public plaza, public thoroughfare and residential and hotel lobbies;
- four storeys of serviced apartment accommodation with a gross floor area of 4,445 m<sup>2</sup>, including 76 serviced apartments, conference room and gymnasium;
- 21 storeys of residential apartments, including 173 apartments comprising 30 x studio apartments, 64 x one bedroom apartments and 66 x two bedroom apartments;
- a gross floor area of 20,819 m<sup>2</sup> and a floor space ratio of 12:1; and
- one level of rooftop plant.

Condition B3 of the Project Approval requires the building to be lowered to a maximum height of RL 167.3 AHD or 14 m which represents approximately five storeys. The condition was imposed to reflect a building height consistent with that of surrounding buildings and Council's requirements for building heights to step down significantly towards Willoughby Road.

On 27 February 2013, the PAC approved modification application number 1 (MOD 1), which sought to modify Schedule 1 of the Project Approval along with seven conditions, in order to permit:

- the staged construction and occupation of the development;
- provision of affordable housing by condition instead of a voluntary planning agreement; and
- submission of documents for relevant construction and occupation certificates.



**Figure 2: Approved project** (Note: The five storeys in bolded red approximate the reduction in building height necessitated by compliance with the Project Approval and as provided for in the current modified plans)

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

Table 1 (at **Appendix A**) sets out the application as lodged, and as subsequently amended by the RTS compared with the Project Approval. Table 2 below summarises the application as per the RTS.

**Table 2: Application key components**

|                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A 1,125 m <sup>2</sup> reduction in total gross floor area from 20,819 m <sup>2</sup> to 19,694 m <sup>2</sup> and in the number of serviced apartments from 76 to 64.          |
| A 318 m <sup>2</sup> decrease in non-residential gross floor area from 4,683 m <sup>2</sup> to 4,365 m <sup>2</sup> .                                                           |
| An increase in the number of residential apartments from 173 to 190 (an 807 m <sup>2</sup> decrease in residential GFA).                                                        |
| A new swimming pool and a 184 m <sup>2</sup> reduction in the size of the gymnasium.                                                                                            |
| Rearranged floor plan and public domain layouts, reorientation of lift core and access stairs, extended cafe seating area, and new retail floor space fronting Atchison Street. |
| New balconies on the western facade of level four.                                                                                                                              |
| Conversion of podium rooftop fronting Atchison Street to courtyards for level four serviced apartments and minor consequential changes to the external elevation.               |
| Rotation of Lift 3 and associated lobby/service items.                                                                                                                          |
| Relocation of the commercial waste services to basement level one.                                                                                                              |
| Rearrangement of ground level lower bathrooms to enable drainage to stay clear of the deep beam below and relocation of the kiosk substations.                                  |
| Increase the extent of pergola over the vehicular entry point to screen the car exhaust and achieve the visual impression of continuing the pergola structure.                  |

Key changes from the application as lodged include the following:

- an increase in the number of serviced apartments from 38 to 64;
- a decrease in the number of residential apartments from 200 to 190;
- reinstatement of all loading arrangements to basement level one, as approved, and deletion of the reversing loading bay off Atchison Lane;
- retention of separate lobbies and lifts for the residential and serviced apartments, as approved;
- a smaller gym and deletion of the spa and wellness centre;
- new balconies on the western facade of level four; and
- provision of private courtyards with low-lying dividers adjoining the four serviced apartments on the southern half of level four.

### **3. STATUTORY CONTEXT**

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#### **3.1 Modification of the Minister's Approval**

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

The application has been lodged with the Director-General pursuant to section 75W of the EP&A Act. The Minister's approval is not required if the project as modified will be consistent with the original approval. However, this application seeks to amend the Project Approval and it therefore requires approval.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the EP&A Act.

#### **3.2 Environmental Assessment Requirements**

In this instance, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to section 75W(3) of the EP&A Act as sufficient information was provided to assess the application.

#### **3.3 Delegated Authority**

On 14 September 2011, the Minister for Planning and Infrastructure delegated his functions under section 75W of the EP&A Act to modify Part 3A approvals to the Planning Assessment Commission (PAC) in cases where:

- the local council has made an objection to the modification;
- a reportable political donation has been made; or
- there are more than 25 submissions by way of objection by members of the public.

The application meets the delegation because the agency received an objection from North Sydney Council, and is therefore referred to the PAC for determination.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

#### Application as lodged:

Under section 75W of the EP&A Act, a request for the modification of an approval does not require public exhibition, however, under section 75X(2)(f) of the EP&A Act, the Director-General is required to make the application publicly available. The agency published the application on its website on 2 July 2013, and notified adjoining landowners, original submitters, North Sydney Council, Sydney Water, and Roads and Maritime Services, and invited comments.

A submission was received from North Sydney Council objecting to the application. Roads and Maritime Services advised it had no objections to the application; and Sydney Water did not make a submission on the application. No public submissions were received.

North Sydney Council made the following comments:

*1. Significant reduction in non-residential floor area*

The Council objects to the reduction of the non-residential floor area (serviced apartments, cafe and retail) component (2:1 FSR) as it does not comply with the minimum floor space ratio (FSR) for non-residential floor area under North Sydney LEP 2001 (of 3:1).

*2. Combined hotel and residential entry lobby and lifts and level four corridor access*

This will provide unacceptable security and amenity and is inconsistent with SEPP 65.

*3. Garbage storage and holding facilities*

The arrangement is inadequate and Council's contractors will not collect waste from the property. A Section 88B instrument is recommended to alert future owners.

#### Proponent's response to submissions:

The proponent addressed the issues raised in Council's submission in its RTS. The RTS was re-notified on 21 August 2013, as per the previous notification arrangements.

The Council reiterated its previous concerns about the application. Council raised an additional concern that the proposed relocation of the sub-station and siting of the loading dock will limit the through-site pedestrian link, making it uninviting and narrow for members of the public unable to use stairs.

The proponent subsequently amended the response to submissions and addressed the Council's and the agency's residual issues, as follows:

- serviced apartments will be retained on level four to increase the total non-residential GFA to 4365 m<sup>2</sup> (equating to an FSR of 2.5:1 and an increase in the number of serviced apartments from 38 to 64);
- separate entry lobbies and lifts for the residential and serviced apartments have been reinstated as per the Project Approval;
- basement servicing and access will be provided as per the Project Approval. This will be modified slightly by the ramp design recommended by the agency's independent traffic expert (see section 5.2 and the recommended instrument of modification);
- balconies to the western facade of level four were incorrectly omitted from the application as lodged, and their reinstatement will ensure a consistent approach for all levels containing residential units and provide a high level of privacy and amenity for occupants and neighbours; and

- adjustment of the rooftop level behind the podium to match the finished floor level of the level four tenancy, and other consequential improvements.

The proposed modifications also necessitate the following consequential changes:

- rotation of lift 3 and associated lobby/service items;
- relocation of the commercial waste services to basement level 1;
- rearrangement of the ground level lower bathrooms to enable drainage to stay clear of the deep beam below;
- relocation of the kiosk substations; and
- extended pergola over the vehicular entry point to screen the basement ventilation opening and achieve the visual impression of continuing the pergola structure.

#### *Council's remaining comment about the application*

The Council's remaining comment about the application (as detailed in the final response to submissions) relates to the non-residential floor space ratio which does not comply with the minimum requirement of 3:1 under the *North Sydney Local Environmental Plan 2013* (the LEP). Council previously noted that the proponent's justification for the proposed reduction in non-residential floor space was inadequate, and that it erroneously argued on the basis of the ratio to the residential floor space instead of the ratio to the site area. Council has no issue with the other proposed modifications.

The agency has considered the issues raised by Council in its assessment of the application as detailed in Section 5 below.

## **5. ASSESSMENT**

The agency considers that the key assessment issues are:

- land use mix;
- access; and
- urban design.

### **5.1 Land use mix**

The application seeks to reduce the approved total gross floor area by 1,125 m<sup>2</sup>. In particular, as detailed at **Table 3**, it seeks to reduce the residential floor space by 807m<sup>2</sup> and the non-residential floor space by 318m<sup>2</sup> (reduction in serviced apartments from 76 to 64).

**Table 3: Details of proposed land use mix**

|                              |                                    | <i>Residential floor space</i> | <i>Non-residential floor space</i> | <i>Total</i>          |
|------------------------------|------------------------------------|--------------------------------|------------------------------------|-----------------------|
| <i>Project Approval</i>      | <i>Floor space (m<sup>2</sup>)</i> | 16,136m <sup>2</sup>           | 4,683 m <sup>2</sup>               | 20,819 m <sup>2</sup> |
|                              | <i>FSR</i>                         | 9.27:1                         | 2.69:1                             | 12:1                  |
|                              | <i>% of total floor space</i>      | 77.5%                          | 22.5%                              |                       |
| <i>Proposed modification</i> | <i>Floor space (m<sup>2</sup>)</i> | 15,329 m <sup>2</sup>          | 4,365 m <sup>2</sup>               | 19,694 m <sup>2</sup> |
|                              | <i>FSR</i>                         | 8.8:1                          | 2.5:1                              | 11:1                  |
|                              | <i>% of total floor space</i>      | 77.8%                          | 22.2%                              |                       |
| <i>Difference</i>            |                                    | -807m <sup>2</sup>             | -318 m <sup>2</sup>                | -1,125 m <sup>2</sup> |

The proponent's justification for the application and response to Council's issues is that:

- the reduction in non-residential GFA responds to Condition B3 of the Project Approval (requiring a 14 m lowering of the building height), and the proposed expansion of the recreation areas with new voids below the swimming pool and above the public domain;
- the pool and gym in lieu of the foregone serviced apartments will provide a valuable service with a high level of amenity and contribute to the development's viability;
- the amount of non-residential GFA will still provide jobs and support accommodation close to the hospital; and
- the application will not materially alter the environmental impacts of the approved development.

Council's concern relates to the amount of non-residential floor space which does not comply with the 3:1 minimum FSR under the LEP. Council considers the proponent's justification is inadequate as the FSR requirement relates to site area not to residential floor space. In this regard, Council notes that the approved residential density and building height exceed the relevant development standards under the LEP.

#### Agency's Assessment:

The proposed reduction in the amount of non-residential floor area is a result of the proponent's compliance with Condition B3 of the Project Approval which required a 14 m reduction in the building height. As a result, five levels have been removed from the building. This has been designed in a proportional manner to pro rata the remaining residential and non-residential GFA.

The agency's assessment of the original application noted that the approved 4,683 m<sup>2</sup> of non-residential floor space (FSR of 2.69:1) was outside the range (3:1 to 4:1) required by the then North Sydney LEP 2001. Notwithstanding, the agency supported the quantum of non-residential floor space for the following reasons:

- local strategic planning identified the provision of commercial floor space in this part of St Leonards to provide for local service businesses, and it is considered that the proposed quantum of non-residential uses would adequately serve the needs of the local community and support the commercial function of St Leonards particularly through the provision of serviced apartment accommodation close to the Royal North Shore Hospital;
- Council's proposal to rezone lands on the Pacific Highway from mixed use to commercial would assist in retaining commercial floor space within this part of St Leonards;
- sub regional planning for a potential enterprise corridor along the Pacific Highway at St Leonards would provide low-cost accommodation for businesses; and
- a number of planned or approved commercial activities and developments at St Leonards would enhance its commercial focus, and the proposal is compatible with such developments.

As outlined in **Table 3**, the proposal maintains the same general proportions of residential and non-residential floor space as the original Project Approval. The Project Approval provided for a land use mix of 77.5% residential and 22.5% non-residential floor space. The proposed modification essentially maintains this proportion, with a land use mix of 77.8% residential and 22.2% non-residential floor space.

The agency considers it appropriate that the overall loss of floor space required to achieve compliance with the 14 m height reduction be apportioned to both residential and non-residential floor space, and supports the proportional land use mix being maintained as originally approved.

Noting the points identified as part of the original assessment, the minor reduction of 318 m<sup>2</sup> of non-residential floor space is not considered to be of a scale likely to result in strategic impacts for the St Leonards commercial centre. The proposed modification does not alter

the basis of the agency's original assessment or materially alter the impacts of the approved development. Accordingly, the agency supports this aspect of the application.

## 5.2 Service access

The application seeks to retain the basement servicing and access as per the Project Approval (**Figure 3**). The vehicular entry point, circulation areas and clearance of the basement levels are proposed to be modified (**Figure 4**). Consequently, the building services have been adjusted to accommodate the revised garbage storage and collection arrangement. This includes adjusting the public domain area RL to allow for the required height clearance.

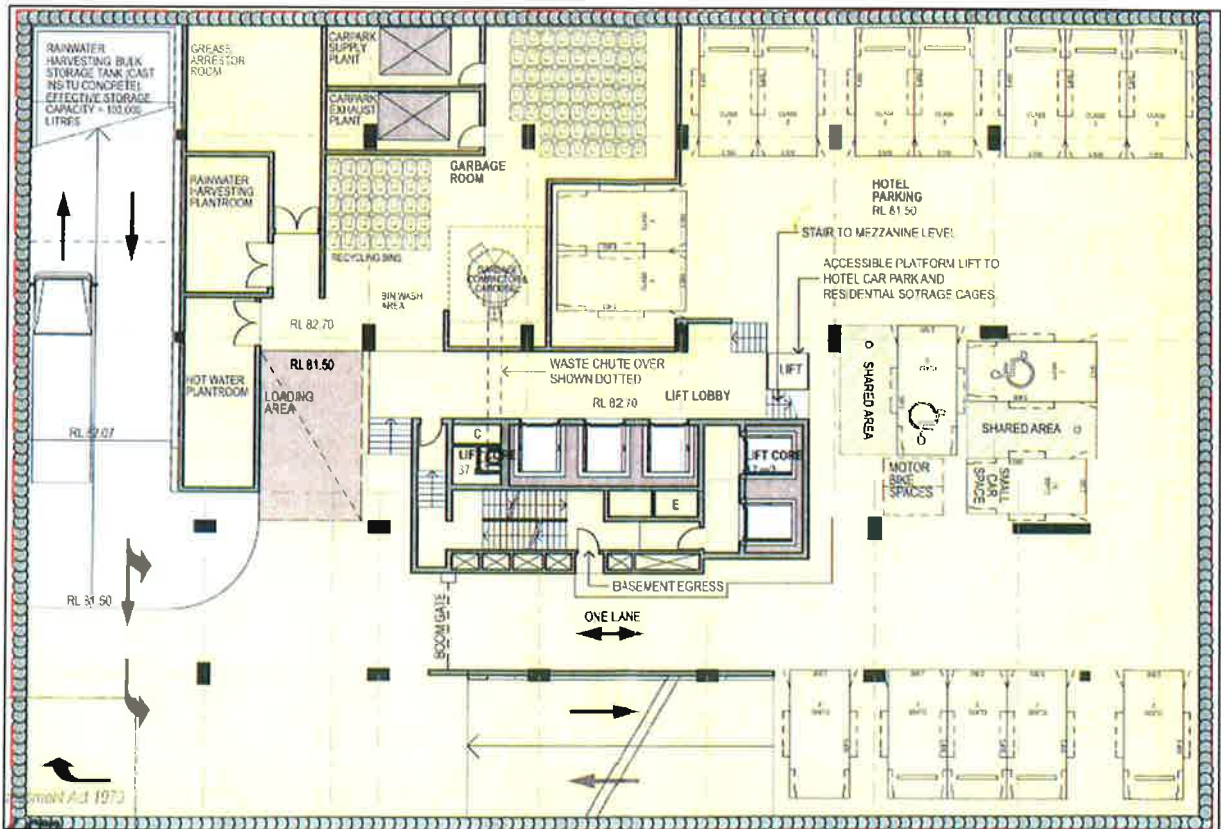


Figure 3: Approved loading area - Basement level 1

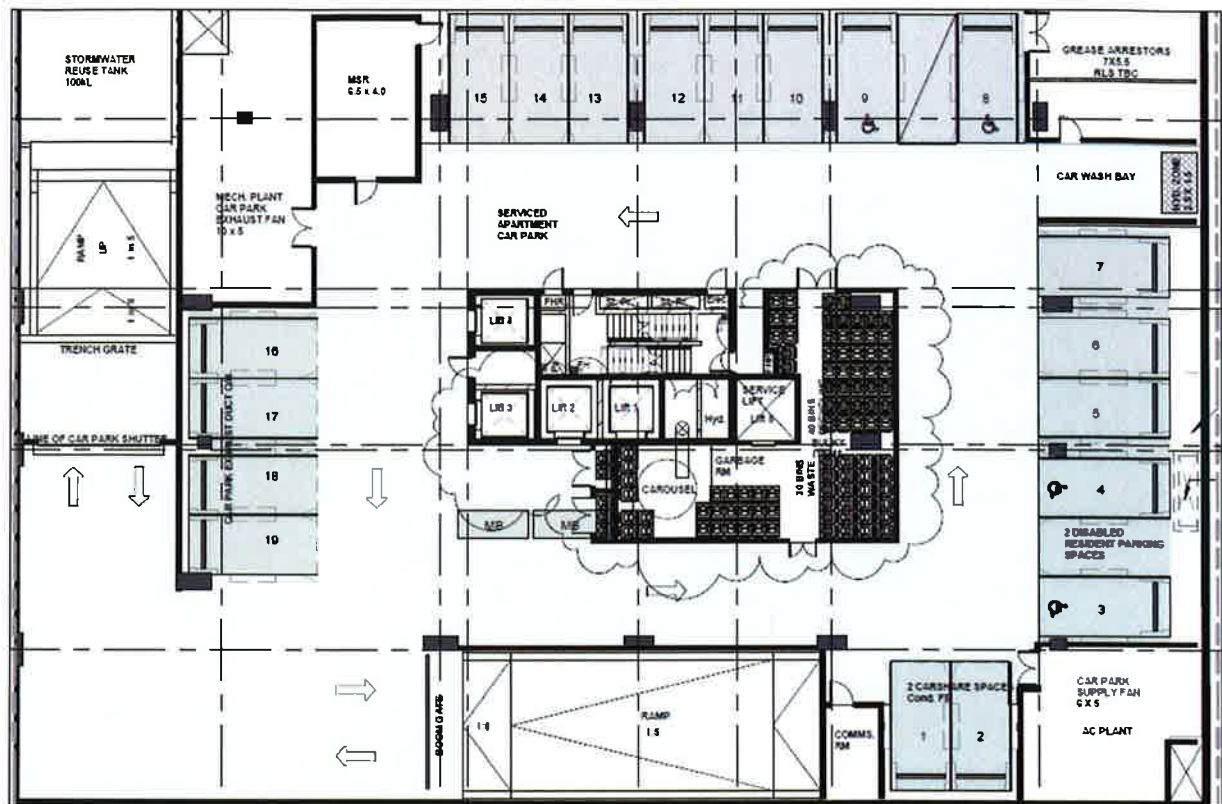


Figure 4: Proposed Basement level 1 as per the traffic expert's recommendations

Following its review of the proponent's response to submissions, Council has no concerns about the servicing and access arrangements.

The agency engaged ARUP, an independent traffic expert, to review the proposed basement layout and provide an assessment of the proponent's justification for an at-grade loading dock on Atchison Lane (as proposed in the application as lodged). ARUP concluded that the basement ramp could be redesigned (to accommodate a Council garbage vehicle to a 3.6 m height clearance). This would significantly reduce the length of the ramp and associated loss of ground level public domain compared with the application as lodged, and is similar to the approved scheme.

The response to submissions incorporates the recommendations of the agency's traffic expert who confirmed the design complies with the Australian Standards, and is satisfactory in terms of internal manoeuvrability and ramp design subject to a minor amendment to ensure adequate vertical headroom clearance (at points 1 and 2 in **Figure 5**). This is reflected in the recommended modification instrument. The agency supports the application and recommends the Project Approval be modified in accordance with the traffic expert's recommendations.

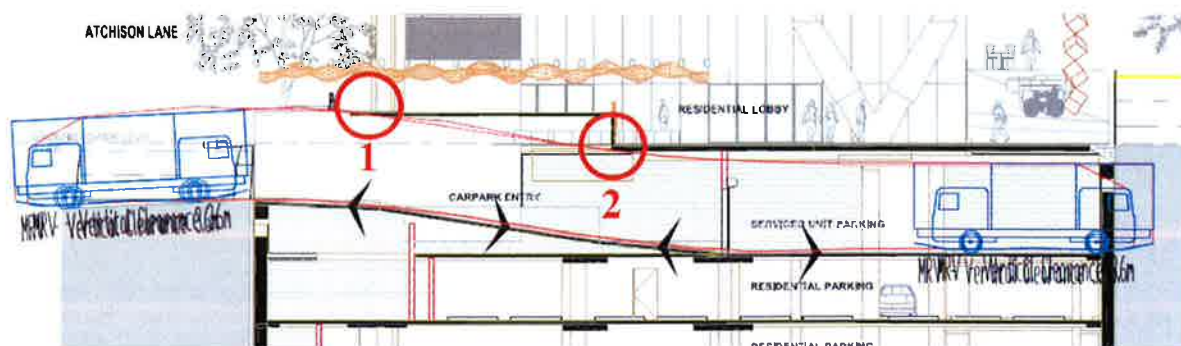


Figure 5: Location of recommended minor amendments to ramp design

### 5.3 Urban design

The application proposes minor changes to the ground plane and the external appearance of the building, as follows:

- replacement of internal sub-station with kiosk-style sub-stations on Atchison Lane;
- the opening of four egress passages to Atchison Lane enabling emergency exits and services on Atchison Street to be replaced by retail activities;
- a larger public domain space;
- replacement of the facade louvre system with fixed screening devices and operable louvres;
- minor shift to the west of the southern half the building at level four to be in line with level five above;
- new balconies on the western facade of level four; and
- minor changes on level four to provide private courtyards with low dividers below parapet level for the serviced apartments.

The agency notes that the proposed changes respond to the detailed design phase of the development. They are considered minor and are unlikely to alter the urban design or visual impacts of the approved development.

The proposed minor changes to level four will improve the amenity of the adjacent serviced apartments. The changes will be visually indistinguishable from the approved development and will be shielded from view by the podium and parapet treatment.

The agency generally supports the proposed modified screening devices and operable louvres as they will provide articulation to the facade. Notwithstanding, the agency recommends a condition to ensure the horizontal louvres are retained on the north and south sides of the building in order to maintain consistent articulation across the development. On balance, the agency considers the proposed changes are satisfactory and are recommended for approval.

## 6. CONCLUSION AND RECOMMENDATIONS

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The modification application seeks changes to the approved mix of serviced and residential apartments, floor plan and public domain layouts, and the building facade. The proposed modifications fall within the scope of section 75W of the Act and do not alter the original assessment as to the site's suitability for the approved development. In assessing the application, the agency has reviewed the proponent's application and subsequent submissions, the agency's expert traffic review, and North Sydney Council's submission.

The key issue for assessment is the non-compliance of the quantum of non-residential floor space with the LEP minimum FSR. Council maintains its concern about this issue. The agency supports the proposed reduction in non-residential floor space as it is a considered, reasonable response to Condition B3 of the Project Approval which required a 14 m reduction in the building height. As a result, five levels have been removed from the building, and the total remaining GFA allocation between residential and non-residential uses is proposed to be adjusted proportionately to pro rata the remaining residential and non-residential GFA. The proposed 318 m<sup>2</sup> reduction in non-residential floor space is considered minor and not of a scale likely to result in any strategic impacts. On balance, the reduction of non-residential floor space is a reasonable response to the Project Approval requirement.

Overall, the agency considers that the application does not alter the agency's original assessment of the development or change the nature of any environmental impacts. Therefore, the agency recommends approval of the application. The application is referred to the PAC for determination noting Council's objection to the amount of non-residential floor space.



Daniel Keary  
**Director**  
**Industry, Key Sites and Social Projects**

1.3.14



Chris Wilson  
**Executive Director**  
**Development Assessment Systems and**  
**Approvals**

## APPENDIX A APPLICATION

See the agency's website at <http://majorprojects.planning.nsw.gov.au/page/>

**Table 1: Application details**

| Schedule & Condition                                                | Project Approval                                                                                                                                                                                                                                                                                                                                                                                                         | Application as submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Application as per final Response to Submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Schedule 1 Project description                                      | Mixed use development, including: <ul style="list-style-type: none"> <li>6 levels of basement containing 168 car spaces, 4 disabled spaces and 16 motor bike spaces;</li> <li>a cafe, residential and hotel lobbies and public plaza at the ground floor level;</li> <li>4 level hotel of 76 serviced apartments;</li> <li>24 levels of 173 apartments; and</li> <li>1 level of roof top plant and equipment.</li> </ul> | <ul style="list-style-type: none"> <li>Reduced number of serviced apartments from 76 (over 5 levels) to 38 (over 3 levels);</li> <li>increased number of residential apartments to 200;</li> <li>new swimming pool and wellness centre;</li> <li>new retail space fronting Atchison Street; and</li> <li>increased public domain area by 35 m<sup>2</sup> (from 970 m<sup>2</sup> to 1,005 m<sup>2</sup>), including extended cafe seating area towards Atchison Street.</li> </ul>                                                                                                                                                                                                                                                      | As per application as submitted, plus: <ul style="list-style-type: none"> <li>reduced number of serviced apartments from 76 to 64;</li> <li>new swimming pool and reduced gymnasium area; and</li> <li>reduced number of residential apartments from 200 to 190 (or GFA by 807 m<sup>2</sup> from 16,136 m<sup>2</sup> to 15,329 m<sup>2</sup>).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Condition A1 Development in accordance with plans and documentation | Development in accordance with the plans and documentation                                                                                                                                                                                                                                                                                                                                                               | Reference the modification application which includes: <ul style="list-style-type: none"> <li>reduced total GFA by 1,125m<sup>2</sup> from 20,819m<sup>2</sup> to 19,694m<sup>2</sup>;</li> <li>reduced maximum height in accordance with condition B3 (as modified by MOD 1);</li> <li>reconfigure public domain and circulation areas, basement, podium and upper residential levels;</li> <li>convert podium rooftop on Atchison Street to courtyards for proposed serviced apartments on level four and minor consequential changes to the external elevation;</li> <li>provide balconies on the western facade of level four; and</li> <li>provide new swimming pool, minor changes to landscaping, and external facade.</li> </ul> | As per application as submitted, plus: <ul style="list-style-type: none"> <li>smaller gymnasium;</li> <li>convert level four to provide an additional 10 serviced apartments;</li> <li>adjust rooftop level behind the podium (from RL103.750 to RL103.9) to match the finished floor level of the level four retail tenancy. The podium height to Atchison Street will remain at RL105.177 as approved. This will necessitate other improvements, as follows: <ul style="list-style-type: none"> <li>new access stairs from the level 4 retail tenancy and the access stairs directly to the podium terrace;</li> <li>modify stairs between levels 3 and 4 to improve accessibility;</li> <li>modify access to plant, equipment and change rooms;</li> <li>realign southern wall to level 4 retail tenancy which is set back 600 mm from the building line above; and</li> <li>pedestrian stairway connecting Atchison Lane to Atchison Street widened (due to deletion of the reversing bay), and consequential</li> </ul> </li> </ul> |

| Schedule & Condition                                | Project Approval                                                                                | Application as submitted                                                                                                                                                                                                                                                                                                                                                                                        | Application as per final Response to Submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                     |                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                 | adjustment to landscape elements in that area to allow for appropriate paths of travel.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Condition B6 Car Park                               | Car parking in accordance with relevant Australian Standard and Council's requirements.         | <ul style="list-style-type: none"> <li>• Reflect proposed changes to the loading dock;</li> <li>• confirm provision of 168 parking spaces as per the Project Approval;</li> <li>• provide a reversing bay for medium rigid vehicles accessible from Atchison Lane at the north-east corner of the site; and</li> <li>• reconfigure garbage storage, services and car parking within basement levels.</li> </ul> | <ul style="list-style-type: none"> <li>• All loading arrangements are accommodated on Basement level one as per the Project Approval. The vehicular entry point, circulation areas and clearance of the basement levels have been modified as per Arup's report dated 18/12/13;</li> <li>• adjust building services to accommodate revised garbage storage and collection arrangement, including adjustment of public domain area RL to allow for required height clearance; and</li> <li>• no change to the approved 168 parking spaces.</li> </ul> |
| Condition B17 Garbage and Recycling Facilities      | Provision of garbage storage to appropriate standard.                                           | Reflect proposed provision of loading dock/temporary waste holding bay.                                                                                                                                                                                                                                                                                                                                         | All loading arrangements accommodated on Basement level one as per the Project Approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Condition E1 Deed of Agreement – Public Space       | Details of deed of agreement between proponent and Council regarding public access on the site. | Reference the proposed site plan submitted with the application.                                                                                                                                                                                                                                                                                                                                                | As per application as submitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Condition F6 Commercial Waste and Recycling Storage | Separate storage of commercial and residential waste and recycling materials/storage bins.      | Delete the condition as it will be irrelevant given the proposed loading dock and temporary waste holding area off Atchison Lane.                                                                                                                                                                                                                                                                               | Delete the condition as the garbage storage and collection services are proposed to be retained on Basement level one as per the Project Approval, therefore, this condition conflicts with the proposed arrangement.                                                                                                                                                                                                                                                                                                                                |
| Condition F15 Maximum Vehicle Size                  | Restriction of length of vehicles entering the site.                                            | Delete the condition as the proposed loading dock off Atchison Lane will accommodate vehicles longer than 6.4 m.                                                                                                                                                                                                                                                                                                | All loading arrangements accommodated on Basement level one as per the Project Approval. Modify the condition to allow vehicles up to 8.8 m in length to enter the site.                                                                                                                                                                                                                                                                                                                                                                             |

## **APPENDIX B SUBMISSIONS**

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See the agency's website at <http://majorprojects.planning.nsw.gov.au/page/>

## **APPENDIX C    PROJECT APPROVAL MP09\_0187**

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See the agency's website at <http://majorprojects.planning.nsw.gov.au/page/>

## **APPENDIX D    RECOMMENDED MODIFICATION INSTRUMENT**

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