


S75W Report to Modify Concept Approval MP09_0187

Mixed Use Development- Stratum Subdivision

6-16 Atchison Street, St Leonards

Submitted to NSW Department of Planning & Infrastructure
On Behalf of Holdmark Property Group

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	19/10/15	Sarah Smith <i>Senior Project Planner</i>	Susan E Francis Executive Director	Susan E Francis Executive Director
02	21/10/15	Sarah Smith <i>Senior Project Planner</i>	Susan E Francis Executive Director	

This document is preliminary unless approved by a Director of City Plan Strategy & Development.

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendix	Document	Prepared by
1	Stratum Subdivision Plans	H Ramsay & Co Surveyors

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 subject site includes three lots. This application (MOD 4) seeks to modify the approval by facilitating the stratum subdivision of these lots to create three stratum lots for residential units, commercial units and services apartments, respectively.

The proposed stratum subdivision will create three stratum lots to meet the requirements of the proprietor. The new stratum lots will be limited in height and depth as specified on the attached plans prepared by H Ramsay & Co Surveyors which can be found at Appendix 1.

2. Background

2.1 Concept Approval

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.*

2.2 Modification to the Concept Approval (MOD 1)

On 27 February 2013, the PAC approved Modification Application MP09_0187 MOD 1 to:

"facilitate staged construction and occupation and modify the affordable housing provision."

2.3 Modification to the Concept Approval (MOD 2)

On 11 March, 2014, the delegate of the Minister for Planning and Infrastructure under delegation approved Modification Application MP09_0187 MOD 2 to:

Modifications to the number of serviced and residential apartments, floor plan and public domain layouts, and building facade, including:

- *a reduction in the number of serviced apartments from 76 to 64;*
- *an increase in the number of residential apartments from 173 to 190; and*
- *consequential changes to floor plan and public domain layouts and building facade treatment.*

2.4 Modification to the Concept Approval (MOD 3)

On 10 February, 2015, the delegate of the Minister for Planning and Infrastructure approved Modification Application MP09_0187 MOD 3 including the following changes:

- *An increase of the maximum building height from RL 167.3m to RL 181.3m AHD (an additional four storeys/14m);*
- *An increase of 3,199sqm GFA (including 47 additional residential apartments);*
- *Increase car parking provision from 168 to 183 spaces (an additional 15 spaces);*
- *Flexibility to allow for the future amalgamation of apartments; and*
- *Public benefit offer comprising a monetary contribution.*

3. The Site and Context

3.1 The Site

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 comprises three lots including Lot 1 DP 716374, Lot 6 DP 703275 and Lot 5 of Section 13 DP 2872 (refer Figure 1 below), has a total site area of 1,740.6m².



Figure 1: Subject site comprising three existing lots as outlined in red (Source: Six Maps)

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.

The site is located within the St Leonards Centre and is approximately 100m east of St Leonards Railway Station as shown in Figure 3. The site is in close proximity to the Royal North Shore Hospital and Crows Nest shopping / restaurant area.

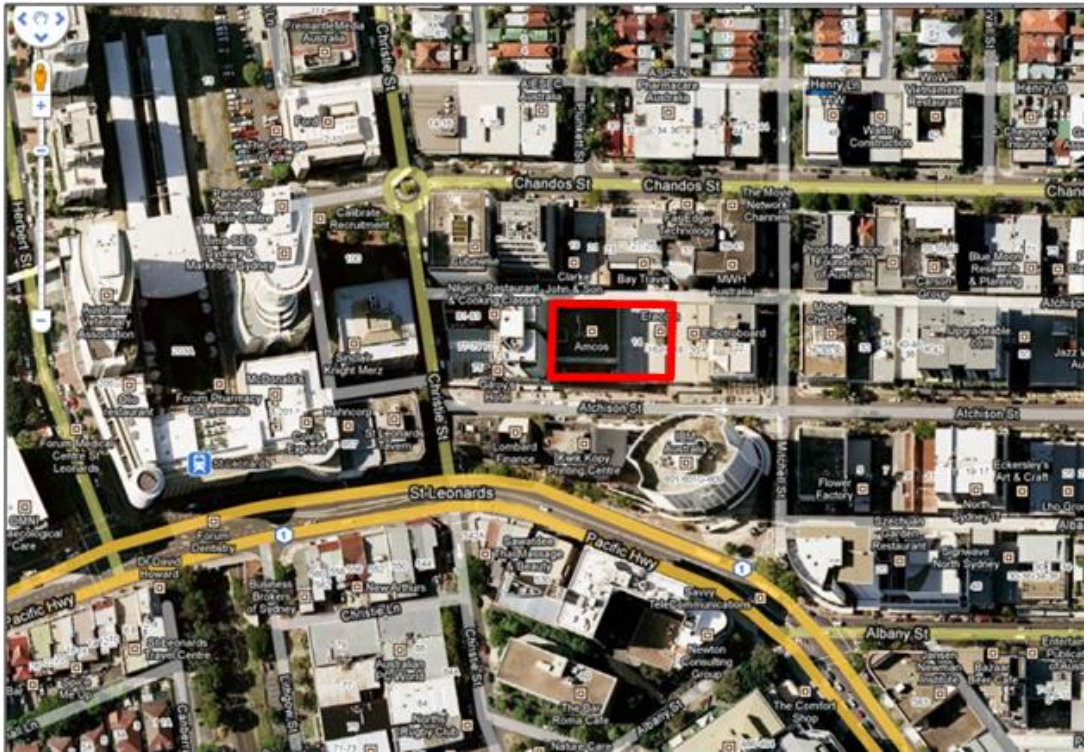


Figure 2: Aerial view of the site (subject site outlined in red) (Source: Google Maps)

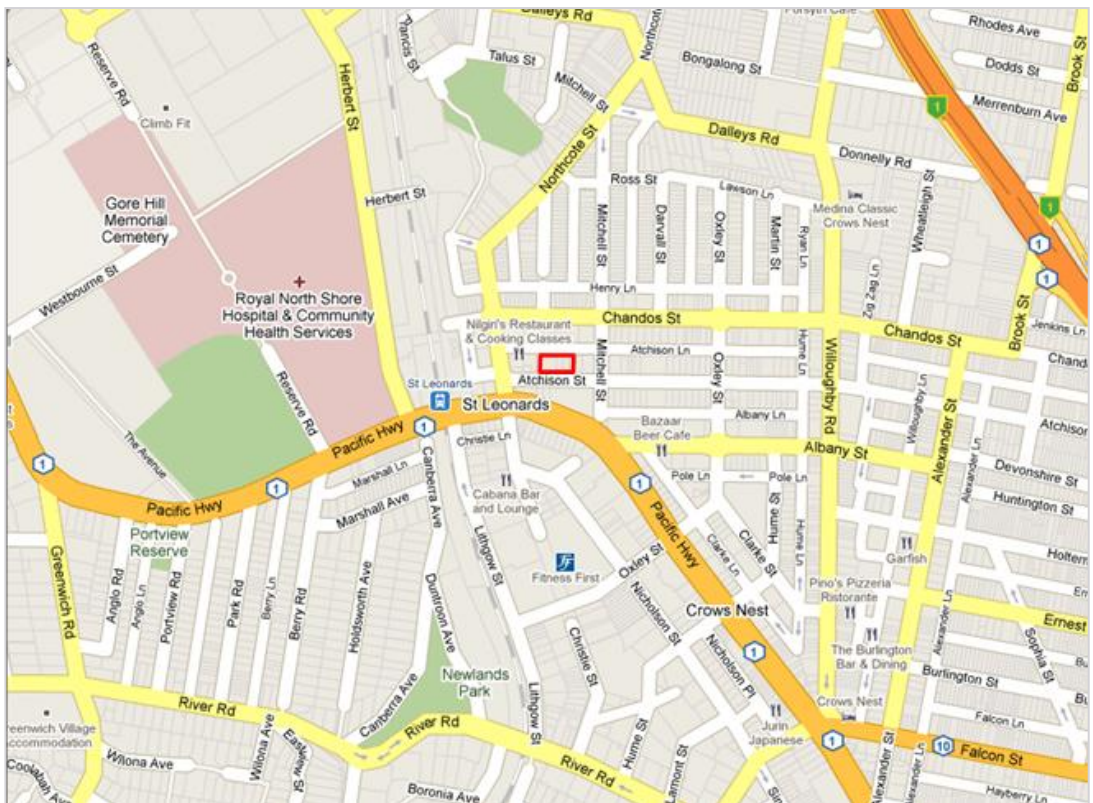


Figure 3: The locality (subject site outlined in red) (Source: Google Maps)

3.2 Land Uses

The site is surrounded by the following 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”.
- 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.
- 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. Further to the southeast is an 18 storey mixed use development known as “Abode”. Further to the southwest within the St Leonards Railway Station precinct is a 38 storey mixed use development known as the “Forum”.

4. Proposed Modifications

4.1 Proposed Modification

The subject site occupies three lots being:

- Lot 1 DP 716374;
- Lot 6 in DP 703275; and
- Lot 5 of Section 13 in DP 2872.

This application (MOD 4) seeks to modify the approval by facilitating the stratum subdivision of these lots to create three stratum lots.

The proposed three stratum lots will include:

- Lot 1- Residential units;
- Lot 2 – Commercial units (Retail including those areas of the ground floor and lower ground floor which are not specifically allocated for another use (such as the residential lobby and the serviced apartment lobby); and
- Lot 3 – Serviced Apartments.

It is important to note that the Concept Approval does not include any description about stratum subdivision. This modification is to provide consistency within the approval.

4.2 Supporting Documents

The proposal includes Stratum Subdivision Plan and plans indicating stratum lot details including:

- Basement Level 2 and below;
- Basement Level one;
- Lower Ground Level;
- Upper Ground level;
- Level 1 to level four inclusive; and
- Level 5 and above.

The Stratum Lots 1, 2 and 3 are limited in depth and in height as shown on the above plans (refer Appendix 1).

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 buildings remains the same.
- The Concept Approval remains in accordance with the approved building envelopes.
- The Concept Approval maintains the provision of public domain benefits which directly benefit the greater community.
- The modification 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 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 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.

The proposal simply seeks approval for creating the proposed 3 stratum lots for the subject site. It is therefore considered that this application continues to satisfy the objectives and requirements of the relevant SEPPs.

5.5 North Sydney Local Environmental Plan 2013

The proposal continues to satisfy the objectives of the North Sydney Local Environmental Plan (LEP) 2013 and the objectives of the Mixed Use zoning.

It is also noted that the LEP does not provide a minimum lot size for subdivision for the subject site.

5.6 North Sydney Development Control Plan 2013

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.

6. Conclusion

This application seeks approval for subdividing the subject site in to three stratum lots including residential units, commercial units and serviced apartments. This stratum subdivision will meet the requirements of the proprietor and provide consistency within the Approval.

The proposal does not have an effect on the environmental impacts of the mixed use neighbourhood as approved. The proposal maintains the commitments to improving the public domain, road upgrades and stormwater improvements for the benefit of the future occupants of the site and greater public.

The modified proposal has been assessed against the relevant planning provisions under Section 75W.

The proposed modification is generally consistent with the terms of Concept Approval, does 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 proposed development.

As such, approval is sought for the modified Project Approval.