

09341  
19 October 2009

Director General  
Department of Planning  
22 - 33 Bridge Street  
SYDNEY NSW 2000

Attention: Mr Michael Woodland, Director Urban Assessments

Dear Sam

**PART 3A REQUEST FOR MINISTER'S DECLARATION AND  
PRELIMINARY ENVIRONMENTAL ASSESSMENT  
6 – 16 ATCHISON STREET, ST LEONARDS**

We write on behalf of Bancor Developments Pty Ltd (the Proponent) regarding the development of a mixed use residential building at 6 – 16 Atchison Street, St Leonards ("Proposal") to be designed by Richard Francis-Jones of Francis-Jones Morehen Thorp Architects (FJMT).

The purpose of this letter is to seek a declaration by Order of the Minister in accordance with s75B(1) of the *Environmental Planning & Assessment Act, 1979* (the EP&A Act) that the Proposal is a project to which Part 3A of that Act applies.

Should the Minister form the above opinion, we request that the Director General issue the requirements as to the level and scope of the necessary documentation and assessment for the preparation of an Environmental Assessment to accompany a Project Application for the Proposal.

To support the request for the Director General's requirements relating to the environmental assessment, this letter also forms a Preliminary Assessment relating to the project. The Preliminary Assessment provides detail on the site location and an outline of the project and identifies the key likely environmental and planning issues associated with the proposal.

## **1.0 SITE DESCRIPTION**

### **1.1 The Locality**

The site is known as 6 – 16 Atchison Street, St Leonards. It is located within the St Leonards centre and is approximately 160m east of St Leonards station as shown in **Figure 1**. The site is also in close proximity to the Royal North Shore Hospital and Crows Nest shopping / restaurant.



Figure 1 – Site Locality

## 1.2 The site

6 – 16 Atchison Street is rectangular in shape and has an area of 1,740m<sup>2</sup>. It has two frontages, the main frontage on Atchison Street on the southern side of the site and a secondary frontage on Atchison Lane to the north of the site. The site slopes upwards from the west to the east (with a height difference of approximately 3.5m between the east and west boundaries). An aerial photo of the site is provided at **Figure 2**.

The site is currently occupied by 3 commercial buildings which range in height between 3 and 4 storeys. 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. Vehicular access to the 3 sites is obtained via Atchison Lane. Parking is provided for approximately 46 cars. Photos of the existing buildings are provided at **Figures 3 and 4**.





Figure 2 – Aerial photo of the site





Figure 3 – Atchison Street frontage



Figure 4 – Atchison Lane frontage



### 1.3 Surrounding Development

To the west of the site is a 16 storey residential flat building (see **Figure 5**). The units within the building have primary frontages to the north, south and west. Secondary non-habitable windows face east across the application site.

To the north of the site are commercial buildings which are located on the northern side of Atchison Lane and have their main frontage to Chandos Street. These buildings also have vehicular access from Atchison Lane as can be seen in **Figure 6**.

To the south of the site on the opposite side of Atchison Street are commercial buildings ranging height between 7 and 10 storeys high (see **Figure 7**). To the south east of the site is a plaza area which provides a pedestrian connection to the Pacific Highway.

To the east of the site are low scale commercial buildings of 3 and 5 storeys as shown in **Figure 8**.



**Figure 5** – Residential Flat building to the west (2 Atchison Street)



**Figure 6** – Development Located on the opposite side of Atchison Lane





Figure 7 – Development located to the south of the site on the southern side of Atchison Street



Figure 8 – Development to the east of the site

## 2.0 BACKGROUND

Previous development proposals for the site have been the subject of discussions with North Sydney Council. An application was lodged by another proponent in 2005 for the demolition of all the existing buildings on the site and the construction of a multi storey mixed use development comprising basement parking, a 4 storey podium with retail, office, gymnasium and childcare uses and a residential tower. We are advised that Council's planning staff were generally supportive of the proposal but considered that the use of SEPP 1 to vary the height control in that instance was inappropriate and that the proposal would be better dealt with through a land rezoning process.

A second proposal for a residential building was referred to North Sydney Council's Design Excellence Panel in 2008. The proposal included two envelope options (80m in height and 109m in height at RL196). The panel made the following comments:

*"The Panel accepts that a variance in height could be a better outcome than a uniform 49m high building."*

*The Panel noted that a precisely located high rise tower could be more beneficial in terms of shadow impact than a squat lower building compliant with current controls.*

*It needs to be demonstrated that the taller building delivers a clear public benefit."*

## 3.0 THE PROJECT

The Proponent is seeking approval for construction of a new mixed use, residential building comprising:

- Retail / commercial uses at the ground level;
- 6 storeys of serviced apartments (approximately 60); and
- 26 storeys of residential apartments (approximately 226).

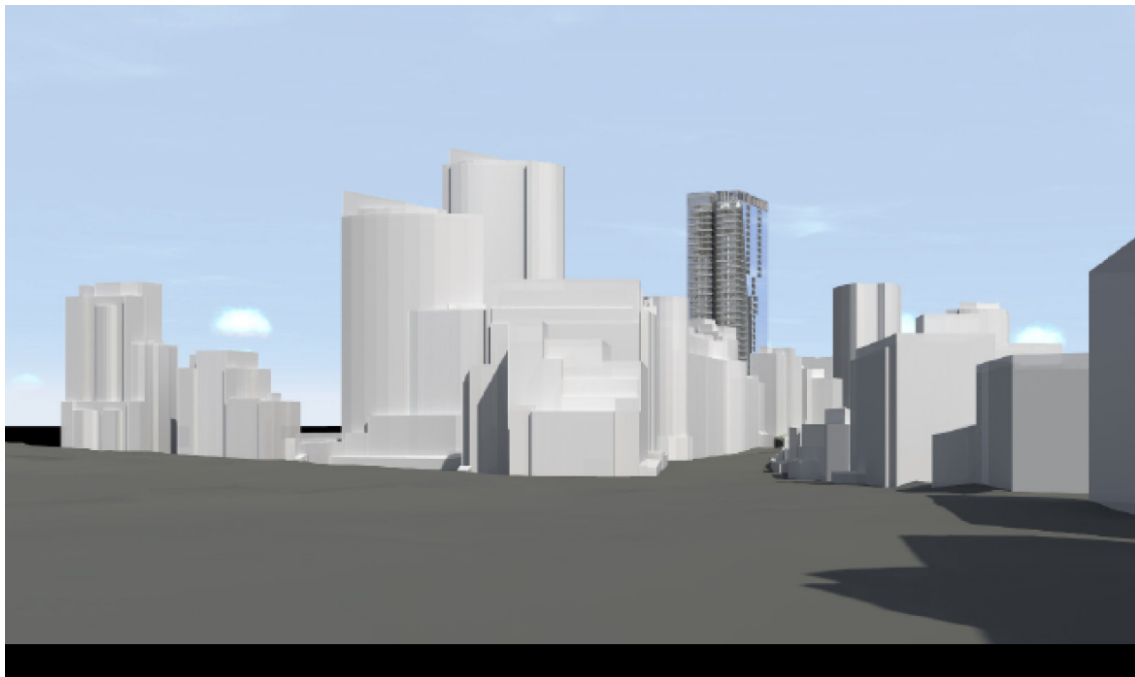
A set of preliminary architectural drawings prepared by FJMT Architects is included at **Attachment A. Table 1** includes indicative Gross Floor Area (GFA) and Floor Space Ratio (FSR) of each of the uses in the proposed building. The building will rise to a height of around RL196 (33 storeys) and will have approximate floor plates of 960m<sup>2</sup>. Indicative images of the proposed building envelope are included at **Attachment A**, one of which is reproduced at **Figure 9**.

At the ground plane, the development will provide a new through site link providing a connection from Atchison Street to Atchison Lane as required by the North Sydney Development Control Plan. The through site link will be accessible 24 hours a day and will be lined with retail or other similar active uses that will provide natural surveillance of the link.

As part of the proposal the proponent is investigating the possibility of providing additional public benefits such as a child care centre, gymnasium or the like on level 1 of the building. The exact nature of these uses will be determined on the basis of identified demand for various services in the St Leonards area and will be specified as the more detailed design of the project progresses.

**Table 1** – Indicative GFA and FSR by proposed use

Level	Proposed Use	Indicative GFA	Indicative FSR
Ground	Retail	500m <sup>2</sup>	0.3:1
Level 1	Community Uses	500m <sup>2</sup>	0.3:1
Levels 2 - 7	Serviced apartments	5,500m <sup>2</sup>	3.2:1
Levels 8 - 29	Residential apartments	20,300m <sup>2</sup>	11.6:1
Levels 30 - 33	Larger 3 bedroom penthouses	3,700m <sup>2</sup>	2.1:1
Total		30,000m <sup>2</sup>	17.1:1

**Figure 9** – Photomontage of the proposed development viewed from the Pacific Highway looking west

#### 4.0 MAJOR DEVELOPMENT SEPP 2005

Clause 6 of the Major Development SEPP provides that development that in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of development) and Schedule 2 (specified sites) is declared to be a project to which Part 3A of the EP&A Act applies.

Clause 13 of Schedule 1 of the Major Development SEPP identifies the following developments as being Part 3A Major Projects:

##### **Group 5 – Residential, commercial or retail projects**

- (1) Development for the purpose of residential, commercial or retail projects with a capital investment of more than \$100 million.*

The capital investment value of the project is included in a Preliminary Cost Plan prepared by BMT and Associates Quantity Surveyors and has been calculated in accordance with the definition of capital investment value set out in the Major Development SEPP (see **Attachment B**).



The capital investment value is \$152million, which is significantly in excess of the \$100 million threshold and therefore is considered to be a Major Project. The DoP has prepared guidelines which assist in determining whether or not a project is likely to contribute to meeting State or regional planning objectives. Those criteria relevant to this proposal are discussed below:

**Criteria A – Local Impediments to Urban Renewal**

- *Is the development within a centre or urban renewal area nominated for growth in the Metro Strategy or a regional or sub-regional strategy?*

Yes, the site is located within the Inner North subregion. The strategy nominates St Leonards as a “Specialised Centre” which is described as “Areas containing major airports, ports, hospitals, universities, research and business activities. These perform a vital economic and employment role which generate metropolitan wide benefits”.

An employment capacity target of 8,200 has been established for St Leonards, potentially bringing the total employment in the centre to 33,000 by 2031. The North Sydney LGA has also been given a target of providing an extra 5,500 new dwellings within the LGA by 2031. The strategy outlines that 60% – 70% of this new housing is to be focused around existing centres and corridors.

- *Are there provisions in the LEP which are likely to prevent or frustrate the implementation of the Metro or regional strategy?*

North Sydney Council has prepared a draft LEP that would see the total FSR permitted on the site to be 11.0:1. A Section 65 certificate is yet to be issued for the public exhibition of the draft LEP, its gazettal is therefore expected to be quite sometime in the future. However, the project is in excess of the 49m height limit, which is not proposed to be increased under the draft LEP.

- *Does the Council have the resources to assess and determine major projects?*

We understand that council does have the resources to deal with the application, however as the Capital Investment Value of the project is in excess of \$100 million the application must be assessed and determined by the Minister.

- *Do council practices demonstrate that projects important to implementing Metro or regional strategies can be determined on their merits?*

We believe that Council are committed to and are actively seeking to encourage growth in the St Leonards CBD. They have also been supportive of a previous scheme on the site but were of the opinion that an LEP amendment was required before they were able to favourably support the proposed deviation to the maximum height control. As the preparation of a new comprehensive LEP is still in the initial stages, waiting for an LEP amendment would result in significant delays for the project.

**Criteria B – Facilitate Housing or Job Growth**

- *Will the development directly result in significant growth in housing choice?*

Yes, it is estimated that the proposed development will accommodate up to 300 new dwellings which will be of various sizes and configurations and therefore will provide for a range of household types.

- *Will the development directly result in permanent jobs in the area?*

Yes, the proposal will include as a minimum, 6,500m<sup>2</sup> of non-residential floor space (approximately 3.8:1) in the form of serviced apartments, community uses and ground floor retail space, providing jobs within close proximity to the recently upgraded St Leonards Train Station. An Employment Analysis of the project has been prepared by Hill PDA (**Attachment D**). The analysis concludes that the proposed commercial and retail uses will generate approximately 69 to 89 jobs. In addition, the construction of the building will generate jobs around for 2,757 workers for one year.

- *Is the development in a centre identified in the Metro Strategy or Regional Strategy?*

Yes the development is within the Inner North subregional strategy and within the "Specialised Centre" of St Leonards.

#### **Criteria C – Transport accessibility**

- *Is the development readily accessible to the railway, bus stop with frequent service, transit way station or ferry wharf? As an example within 800 metres from a station or transport node?*

Yes, the site is within 160m of St Leonards train / bus station. The proposal will therefore contribute to encouraging a high public transport modal share by bus and rail.

#### **Criteria D – Improved Infrastructure**

- *Will the development contribute a significant increase in public open space, additional foreshore access or improvements in the public domain?*

The proposal includes a new through site link which will improve pedestrian permeability within the St Leonards centre.

#### **Criteria F – Local Council Issues**

- *Would there be benefits in having an independent approval authority where the local council is a landowner or proponent for the project or are there other potential conflicts of interest issues?*

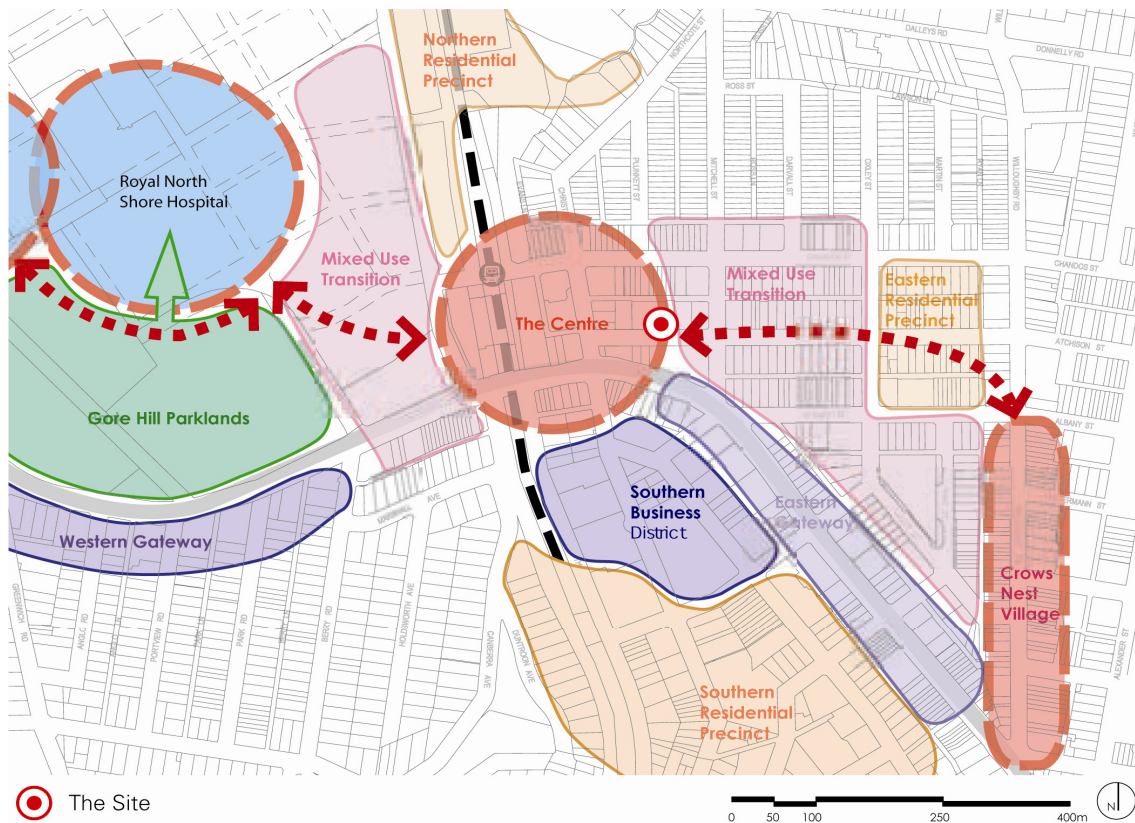
Council is not a land owner or proponent and we do not believe that there are any conflicts of interest.

## **5.0 ST LEONARDS STRATEGY**

The St Leonards Strategy was adopted in 2008 to identify how the economic role of St Leonards can be strengthened in a sustainable manner. It aimed to establish a coordinated planning approach for the three Councils that cover the St Leonards area (North Sydney, Lane Cove and Willoughby).

The St Leonards Strategy identifies nine precincts. The site is identified as being in the 'Centre Precinct' (refer to the Urban Structure Plan reproduced from the St Leonards Strategy at **Figure 10**). The Centre Precinct is described as *"the heart of the centre, focused on the station and Forum Plaza"*. The role of the precinct includes the provision of *"opportunities for businesses and residents seeking high public transport accessibility, and 'CBD-type' amenities to serve the whole centre and surrounding area"*. It is considered that the use and built form of the proposed development are consistent with the nature and role of the Centre Precinct, as described in the St Leonards Strategy.





**Figure 10 – St Leonards Urban Structure Plan**  
Source: The St Leonards Strategy

## 6.0 KEY ISSUES FOR CONSIDERATION

The key environmental issues for consideration are as follows:

- Zoning and Development Controls
- Urban Design
- Residential Amenity / SEPP 65
- Public Domain Treatment
- External Impacts
- Construction Management
- Traffic and Access
- Infrastructure and Services - Provision and Funding
- Contamination
- Wind Impact
- Environmental Sustainability
- Site Suitability

These are discussed in more detail below.

### 6.1 Zoning and Development Controls

The site is located within the Mixed Use Zone under North Sydney LEP 2001. Retail, commercial uses (including serviced apartments) and apartment buildings are permissible in the zone.

In terms of floor space, the project envisages an FSR of around 17.1:1. The current permissible FSR is unlimited, however, any proposal is required to provide between 3:1 and 4:1 of non-residential uses. The project satisfies this requirement. The proposed building envelope will involve variations to the maximum building height control (around 109m) and side setback controls. The Environmental Assessment Report (EAR) will provide justification for the variations and will demonstrate that the proposed envelope will provide a better urban design outcome than that of a complying envelope. In particular the increased setbacks that are proposed from surrounding dwellings.

The EAR will provide a detailed assessment of the proposal's compliance with the existing planning controls, draft LEP, the Metropolitan Strategy and the Inner North subregional strategy.

## **6.2 Urban Design**

The Environmental Assessment report will analyse the proposed built form and outline how the proposed building envelope is consistent with the future character of the St Leonards centre and the objectives of the Metro Strategy and draft Inner North Subregional Strategy. The Environmental Assessment report will provide an urban design / visual impact assessment which will:

- analyse the scale, height and massing of the proposed building envelope;
- identify overshadowing of the proposed building envelopes;
- analyse any privacy issues;
- demonstrate the compatibility of the proposed building envelope with existing buildings within the St Leonards centre; and
- outline the ability of the proposed building envelope to provide a high level of residential amenity and architectural merit.

## **6.3 Residential Amenity**

The application will include a SEPP 65 assessment outlining how the proposed development will achieve the design principles of the SEPP and also the rules of thumb contained in the Residential Flat Design Code.

## **6.4 Public Domain Treatment**

In order to demonstrate how the proposed development will improve upon the existing level of activity at ground level and pedestrian permeability through the site the application will provide an indicative streetscape and public domain plan. The plan will include details of:

- the changes to the levels of the ground floor plane;
- indicative street frontage design and setbacks;
- through site links;
- ground floor uses; and
- vehicular access.

## **6.5 External Amenity**

Given the close proximity of the proposal to existing residential developments, we expect that residential amenity impacts will be an issue in the assessment of the application. As such the environmental assessment will cover the issues of acoustic and visual privacy, view impacts and construction impacts.

With regard to the surrounding commercial buildings, the impacts that will need to be managed relate to the staging of construction.



## 6.6 Traffic and Access

As the proposal involves the provision of additional off-street parking the application will be accompanied by a Traffic Assessment prepared by a specialist traffic consultant. Specifically the assessment will look at:

- Onsite parking requirements;
- Basement configuration and design;
- Impact of generated traffic upon the surrounding arterial road network and intersections; and
- Opportunities to encourage public transport usage.

## 6.7 Construction Management

A Construction Management Plan will be submitted with the application which will deal with the following issues:

- Demolition and construction staging;
- Noise;
- Air and water quality;
- Demolition and construction waste;
- Construction traffic management;
- Pedestrian safety; and
- Site management.

## 6.8 Infrastructure and Services

The EAR will outline what services currently exist on the site and whether or not any services need to be augmented to accommodate the proposed development.

## 6.9 Contamination

Although the site is not expected to be contaminated, an environmental investigation will be submitted with the application which will satisfy the requirements of SEPP 55.

## 6.10 Wind Impact

The application will be accompanied by a Wind Impact Assessment which will demonstrate how wind impacts associated with the introduction of the new mixed use building will be mitigated and managed through detailed design and articulation of the building.

## 6.11 Environmental Sustainability

A BASIX assessment will be submitted with the EAR outlining what environmental features have been included in the proposed design and demonstrating that the proposal meets or exceeds the minimum rating requirements. A preliminary Mechanical, Electrical and Environmentally Sustainable Development Report has been prepared for the project by Steensen Varming (**Attachment C**). The report includes recommendations that will guide the detailed design of the development. These recommendations include those for the reduction of energy and water consumption, compliance with BASIX and Part J of the Building Code of Australia and the attainment of a minimum 5 star 'Greenstar' rating from the Green Building Council of Australia.

## 6.12 Site Suitability

The site is considered suitable for the proposed development due to the following site opportunities:

- Control of and size of the site;
- Close proximity to a major public transport node;

- Current zoning of the site permits retail, commercial and residential uses; and
- Draft planning controls applying to the site which seek to increase the GFA and height of a building that would be permissible on the site.

## 7.0 CONCLUSION

We trust that this Preliminary Assessment is sufficient to enable the Minister to form an opinion that the proposed development is a Major Project to be dealt with under Part 3A and to allow the Director General to issue requirements for the preparation of the necessary Environmental Assessment.

Should you have any queries about this matter, please do not hesitate to contact the undersigned on 9956 6962 or [bgallagher@jbaplanning.com.au](mailto:bgallagher@jbaplanning.com.au). Otherwise contact Jennie Masson on 9409 4944 or [jmasson@jbaplanning.com.au](mailto:jmasson@jbaplanning.com.au)

Yours faithfully



*Partner*

*Encl.*

- Attachment A Project drawings prepared by FJMT Architects*
- Attachment B Quantity Surveyors Certificate prepared by BMT and Associates*
- Attachment C Preliminary Mechanical, Electrical and Environmentally Sustainable Development Report prepared by Steensen Varmin*
- Attachment D Employment Analysis prepared by Hill PDA*