

Environmental Assessment Report

For Project Application At

No. 6-16 Atchison Street, St Leonards

On Behalf Of
Bancor Developments Pty Ltd

September 2010



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CERTIFICATION

This Environmental Assessment (EA) relates to a mixed use development as described in detail within **Section 3** of the EA at **No. 6-16 Atchison Street, St Leonards**. The proponent requests that the Minister determine the proposal under **Section 75J**. The proposed Project Application is to be carried out on land consisting of:

- Lot 1 DP 716374
- Lot 6 DP 703275; and
- Sec 13 Lot 5 DP 2872

The Project Application includes certified reports by specialist consultants appointed by Bancor Developments (the proponent). These specialist reports and documentation are provided, in whole in, relevant Appendices of the Environmental Assessment.

City Plan Strategy and Development Pty Ltd, in preparing this Environmental Assessment, has relied on information from the respective specialist consultants engaged by the proponent and does not, and cannot accept responsibility for any errors or omissions in the material prepared and provided by the specialist consultants. Each of the specialist consultants were issued with the Director General Requirements (DGR's) and prepared reports in response to the DGR's.

The specialist consultants have certified that the contents of their respective plans and reports are true in all material particulars and do not intentionally, by presentation or omission of information, materially mislead

This Environmental Assessment Report has been prepared in accordance with Section 75F of the Environmental Planning and Assessment Act, 1979, based on the reports cited above, which have been certified by these parties as being true in all material particulars and does not by presentation or omission of information materially mislead.

PREPARED BY:

Annelize Kaalsen
Senior Project Planner



Signature

Date: 1 September 2010

REVIEWED BY:

Sue Francis
Executive Director




Signature

Date: 1 September 2010

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Job No/ Document No	Description of Issue	Prepared By/ Date	Reviewed by Project Manager/Director	Approved by Project Manager/Director
29186	Draft	AK June 2010	SF	 Sue Francis Executive Director
	Draft	AK July 2010	SF	
	Final	AK Sept 2010	SF	
Note: This document is preliminary unless it is approved by Director of City Plan Strategy and Development Pty Ltd				

APPENDIX	DOCUMENT	PREPARED BY
1.	Authorization letter by Minister & Copy of DGR's	Department of Planning
2.	Capital Investment Value	BMT
3.	Survey Plan	John R.Holt
4.	Architectural Design Report and Drawings including: Urban Analysis Precinct Analysis Site and Option Analysis Shadow Analysis Proposed Tower Massing Photomontages Public Domain Analysis Public Domain Images Facade Concept Landscape Design Statement SEPP 65 Compliance Analysis SEPP 65 Design Verification Statement Architectural Plans	FJMT
4a	Structural and Facade Design Report	Taylor Thomson Whitting
5.	Independent SEPP 65 review	Peter John Cantrell
6.	Transport and Accessibility Report	URaP - TTW
7.	Ecological Sustainable Development & BASIX	Steensen Varming
	Services including electrical and mechanical	Steensen Varming
8.	Hydraulic plans and report	Warren Smith & Partners
9.	Construction Management Plan including Waste Management Plan	CPM consulting
10.	Preliminary Contamination Investigation	Douglas Partners
11.	Employment Capacity	Hill PDA
12.	Acoustic Report	Acoustic Studio
13.	North Sydney DCP compliance	City Plan Strategy and Development
14.	Potential Development Analysis	City Plan Strategy and Development
15.	CPTED analysis	City Plan Strategy and Development
16.	Wind Impact Assessment	Heggies
17.	Draft VPA	Baker & McKenzie
18.	Statement of Commitments	All
19.	RailCorp correspondence	RailCorp
20.	Consultation	City Plan Strategy and Development
21.	BCA Report	Dix Gardner
22.	Operational Waste Management Plan	ARUP

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1 EXECUTIVE SUMMARY

This Environmental Assessment (EA) has been prepared by City Plan Strategy and Development Pty Ltd on behalf of Bancor Developments Pty Ltd to accompany a Project Application for a proposed mixed used development at **No 6-16 Atchison Street, North Sydney**. The application is to be lodged with the Director-General of the Department of Planning, in accordance with **Part 3A Division 3 Section 75E** of the Environmental Planning and Assessment Act 1979 (the EP & A Act).

On 3 December 2009 The Minister “*formed the opinion that your proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005*” and authorised the submission of a Project Application pursuant to **Section 75D & 75E** of the EP & A Act. Director General’s Requirements (DGR’s) were provided to the proponent within the letter dated **21 January 2010** attached at **Appendix 1**.

The site is legally described as **Lot 1 DP 716374; Lot 6 DP 703275; and Sec 13 Lot 5 DP 2872**, and is known as **No. 6-16 Atchison Street, St Leonards**. The site is located within the North Sydney Local Government Area (LGA), New South Wales and has a site area of **1,740.6m²**. The subject site is zoned **Mixed Use** pursuant to the North Sydney Local Environmental Plan 2001 (NS LEP 2001).

The project application (MP09_0187) seeks consent for the construction of a 34 storey mixed use building and associated basement carparking and generous public domain area (refer to **Section 3** for a full description of the application).The proponent requests that the Minister determine the application pursuant to **Section 75J**.

In short the key objectives and benefits of this project are to:-

- **Public Transport**

Deliver significant residential stock within 100m of a major bus/rail interchange which in turn is 10-12minutes from the City;

- **Employment**

Based on a construction cost of \$111.93m, during construction the proposed development as a whole will generate 2,572 job years in the economy, equivalent to 858 jobs per annum.

Construction Multiplier Effect

	Direct Effects	Production Induced Effects		Consumption Induced Effects	Total
		First Round Effects	Industrial Support Effects		
Multipliers	1	0.33	0.45	2.33	4.11
Employment No. per \$million	5.59	1.84	2.52	13.02	22.97
Total job years created	626	206	282	1,458	2,572

* Source: ABS Australian National Accounts: Input-Output Tables 1996-1997 (ABS Pub: 5209.0). Shows 9 construction industry jobs directly created for every \$1 million of construction output. This equates to 1 employee for every \$111,111 of construction.

Furthermore, a construction cost of \$111.93m will generate \$101m of activity in production induced effects and \$108m in consumption induced effects. Total economic activity generated by the construction of the proposed development is therefore approximately \$321m.

Contribution to the Economy

	Direct Effects	Production Induced Effects		Consumption Induced Effects	Total
		First Round Effects	Industrial Support Effects		
Output Multipliers	1	0.466	0.438	0.962	2.866
Output (\$million)	\$111.93	\$52	\$49	\$108	\$321

Data Sources: Australian National Accounts: Input-Output Tables 1996-97 (5209.0), Price Index of the Output of the Building Industry - Producer Price Indexes (6427.0), CPI All Groups - RBA Bulletin (Table G2)

- Economy Report**

As per the Hill PDA report, ongoing employment and benefits' to the local community will add 25 full time and part time jobs;

- Metro Strategy**

Located at the top of a ridge, the building would form the new focal point of St Leonards; no higher than the "Forum" and providing the catalyst for limited growth in other sites in the immediate vicinity to have "increased heights" to achieve Metro Strategy goals;

- Residential Demand**

Deliver significant residential stock at affordable prices on a site which offers minimal environmental impacts to its neighbours and the precinct;

- VPA**

Deliver at no cost to Council, affordable dwellings on the site to a value in the order of \$4million;

- **5 Green Star**

Provide a high quality sustainable design outcome for the development, with a 5 Star Green Star residential rating being targeted for the development. This would be the first residential development of this scale in NSW to achieve this rating;

- **St. Leonards Strategy**

Provide a new through site link and activation of laneway; as per the St. Leonard's Strategy;

- **Public Domain**

Provide an opportunity to allow public domain improvements not available under the current controls;

- **Other Sites Create Master Plan**

Provide an opportunity for development of other sites and future public domain improvements; and

- **Natural Light**

Taller thinner building as recommended by the design excellence panel to allow sunlight through to Atchison Street and the open courtyard of the IBM building.

Since 2005 Sydney's census data has forecast an increase of 1.7million people; to 6 million in 2036. This translates to a further 770,000 dwellings of which approximately 70% (540,000) will need to be in "*existing centres*". The Metropolitan Strategy Review (2010) identifies that this accommodation needs to be "*within 30 minutes by public transport of a city, Major or Specialised Centre...*" and "*80% of new housing within walking distance of a centre to ensure most new housing and jobs are located near public transport.*"

Specifically, the Inner North Sub-Region is anticipated to have a 25.1% increase in population (2008-2036). Accordingly, the subject proposal located as it is in a Specialised Centre as defined by the Metropolitan Strategy, has the unique opportunity to increase housing affordability and availability by 228 dwellings to assist in satisfying the 25,000 new dwellings required per year. All this within 3 minutes walk to a newly upgraded train station (St Leonards) with the capacity to carry passengers to and from the City in a 10-12 minute timeframe.

This EA includes:-

- the plans and documentation for which Ministerial approval is sought, including **Project Application Plans at Appendix 4**;
- the Environmental Assessment, comprising this report and the specialist consultants assessment reports and documents referenced in the list of Appendices of this report;
- a draft Statement of Commitments (refer to **Appendix 18**), to suitably mitigate any significant potential adverse environmental impacts arising from the development; and
- the draft Voluntary Planning Agreement prepared by Baker & McKenzie attached at **Appendix 17**.

Relevant heads of consideration are addressed within **Sections 4 and 5** of this EA as required by the DGR's and specified in **Table 3** herein.

This EA concludes in **Section 6** that subject to the mitigation measures (including Statement of Commitments in **Appendix 18**) any significant adverse impacts would be managed and mitigated to the satisfaction of the Minister as the consent authority.

It is considered that the Minister for Planning may reasonably form the opinion that the proposed Project Application satisfies the objectives of the EP&A Act, Environmental Planning Instruments, Development Control Plans and other policies and guidelines that may be relevant to the project.

2 INTRODUCTION

The subject site is located at **Nos 6-16 Atchison Street, St Leonards**. The subject site encompasses three lots legally described as **Lot 1 DP 716374; Lot 6 DP 703275; and Sec 13 Lot 5 DP 2872**, with a total site area of **1,740.6m²**. (See **Appendix 3** for a site survey). The site is zoned **mixed use** pursuant to North Sydney LEP 2000.

The **Project Application** seeks approval for a 34 storey, mixed use building including “apartment building” (units); “hotel”; “recreational facility” (gym) and “refreshment room” (cafe).

The proposal is estimated to have a capital investment value in excess of **\$153,387,053.00 (excl. GST)** as detailed in the attached report prepared by BMT at **Appendix 2**.

2.1 Site Analysis

2.1.1 Site Location and description

The site is located within the St Leonards Centre and is approximately 100m east of St Leonards 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 35.8m. 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 (refer to Architectural site Analysis at **Appendix 4**). 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 20m, 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.

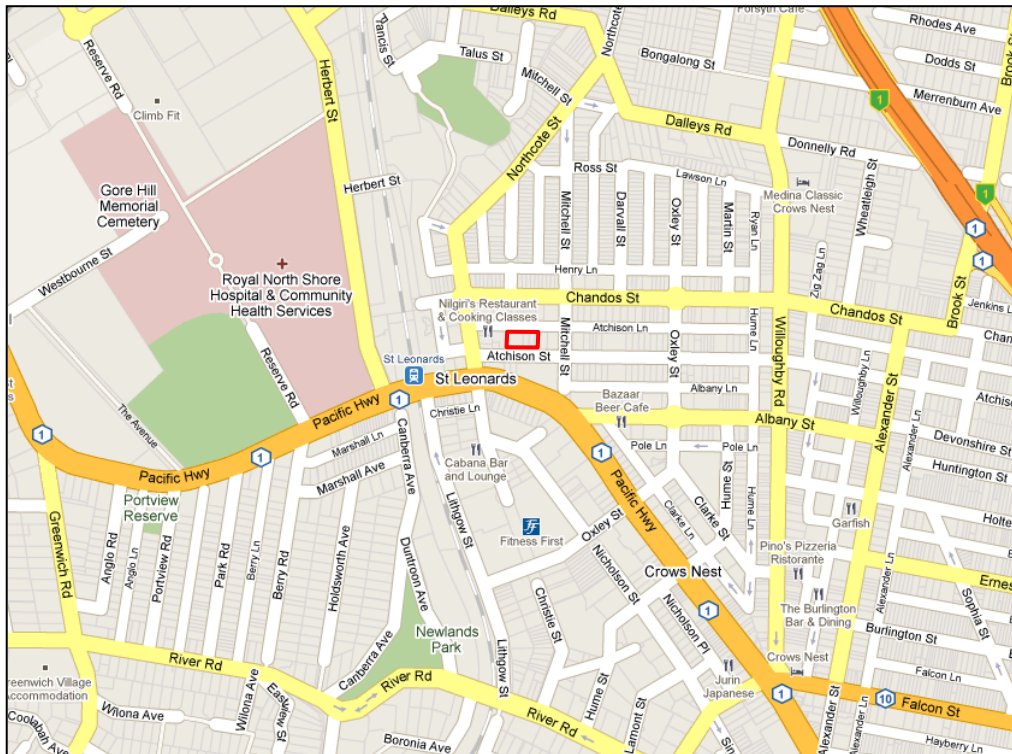


Figure 1: The locality

Source: Google Maps

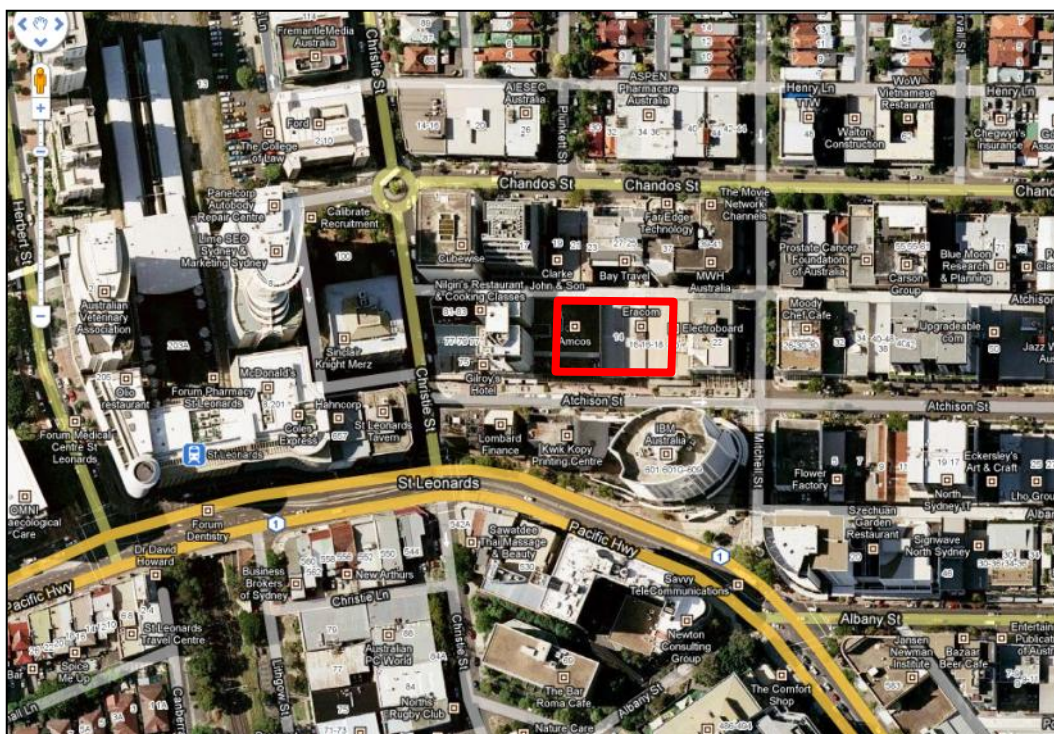


Figure 2: Aerial view of the site

Source: Google Maps



Photo 1: Atchison Street frontage looking west



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



Photo 3: View of site from Mitchell Street

2.1.2 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 3**).

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

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

- a 11 storey mixed use development No. 11 Chandos Street known as “Habitat”,
- 2 x 3 storey commercial buildings No’s. 21 and 23 Chandos Street, and
- a 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 No. 601-609 Pacific Highway known as the “IBM” building (see **photos 5 & 6**).

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 7**).



**Photo 3: No 2-4 Atchison St
Linea Building**



Photo 4: Atchison Lane



Photo 5: IBM open space across the subject site in Atchison Street
Source: Google Maps



IBM Building

Photo 6: IBM tower at No 601 Pacific High Way Source: Google Maps



The Forum

IBM Building

Photo 7: Atchison Street looking west Source: Google Maps



Photo 8: 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;

- arbitrarily 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.

2.1.3 Existing Access Arrangement

St Leonards is extensively served by both bus and rail services. Being a major employment centre in its own right and accommodating the Royal North Shore Hospital Campus, St Leonards has developed as a transport hub that has a high level of connectivity to surrounding suburbs and centres with a high frequency of services.

The subject site is located approximately 100 metres from the entrance to the St Leonards railway station. Rail services through this station run on the North Shore Line, linking to the CBD to the south (Parramatta) and to the north (Hornsby). St Leonards Station is considered as a Major interchanges being one of the highest levels of rail and bus accessibility in the Sydney Metro Area (refer to Traffic report at **Appendix 6**).

The Rail service provided in the morning peak (7-9am) is high (a total of 60 trains - 30 southbound and 30 northbound) whilst afternoon peak (4-6pm) is also very high (57 trains - 30 southbound and 27 northbound) resulting in a train every 2 minutes.

A large number of scheduled bus services run along the Pacific Highway, and include:-

- Epping Road services – Epping/ North Ryde/ Denistone to City/North Sydney/ Milsons Point/ Manly;
- Pacific Highway services – Chatswood to Bondi Junction via North Sydney & Chatswood to Manly via St Leonards and Falcon Street;
- Hills District to North Sydney/ Milsons Point services;
- Warringah Freeway/ Willoughby Road to Military Road services; and
- Eastern Valley Way services

Collectively, these routes tally to some 90-100 services in the peak two hour periods and 40-50 services in non-peak periods.

The North Sydney Bicycle Strategy 2009 outlines initiatives to improve conditions for cyclists in its densely built up centres. North Sydney Council has embarked on extending its bicycle network in all directions from St Leonards Centre and has constructed bicycle lanes through

back streets to connect these together. Currently vehicular access to the subject site is obtained via Atchison Lane. Currently the site allows for 60 carparking spaces within the basement.

2.1.4 Site Analysis

The site analysis interprets the information provided by the survey plan, existing site plan and context plan together with site inspections and photographs, to identify those elements that played a key influence on the design outcome (See **Appendix 3 & 4**).

The table 1 below responds the plans and documents required as part of the DGR's.

Table 1: Site Analysis

Required	Cross referenced
Existing natural elements of the site	See Survey Plan at Appendix 3
Existing vegetation	See Survey Plan at Appendix 3
Footpath crossing levels and alignments	See Survey Plans at Appendix 3 and architectural locality and context analysis plan; site plan and precinct plan at Appendix 4
Existing pedestrian and vehicle access points	See Survey Plan at Appendix 3
Slope and topography	See Survey Plans at Appendix 3 and architectural locality and context analysis plan; site plan and precinct plan at Appendix 4
Utilities services	See Survey Plan at Appendix 3
Boundaries	See Survey Plans at Appendix 3 and architectural locality and context analysis plan; site plan and precinct plan at Appendix 4
Orientation	See Survey Plans at Appendix 3 and architectural locality and context analysis plan; site plan and precinct plan at Appendix 4
View corridors	See Survey Plans at Appendix 3 and architectural view analysis at Appendix 4
Structures on neighbouring properties	See Survey Plans at Appendix 3 and architectural locality and context analysis plan; site plan and precinct plan at Appendix 4

3 DESCRIPTION OF THE PROJECT

The proponent seeks the Minister's approval pursuant to **Division 3 Section 75D & 75E** of the EP & A Act, for the **Project Application** comprising:

- the demolition the existing buildings and structures on the site;
- construction of 5 and a half (mezzanine) basement levels containing services; garbage room; loading dock; carparking (total of 168 car parking spaces) and 17 motorbike spaces;
- “Refreshment room” (cafe) and apartment and “hotel” lobby at the ground level;
- 4 levels of “hotel” (38 rooms); and
- 28 levels of residential apartments (228 units).

It is requested that the Minister determine the application pursuant to **Section 75J**. This will enable the project to proceed directly to application for a staged construction certificate.

3.1 Design Objectives

The design of the development seeks to achieve the following key objectives:-

- Deliver significant affordable residential stock within 100m of a major bus/rail interchange which in turn is 10-12minutes form the City;
- deliver significant affordable residential stock on a site which offers minimal environmental impacts to its neighbours and the precinct; and
- a high quality sustainable design outcome were key design drivers for the development, with a 5 Star GreenStar residential rating being targeted for the development. This would be the first residential development of this scale in NSW to achieve this rating.

3.2 Built Form and Use

A set of architectural drawings prepared by FJMT Architects is included at **Appendix 4. Table 2** outlines the key aspects of the Project Application including the total 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 RL196.25 (34 storeys) or 109m and will have approximate floor plates of 830m². Images of the proposed building envelope/ built form are included at **Appendix 4** one of which is reproduced at **Figure 3** below.

The built form comprises of 2 detailed tower elements separated by a recessed circulation space, giving the effect of 2 individual towers, with an elevated podium. The Project Application allows for a total of 228 residential apartments with 132 units located within the North Tower and 96 within the South Tower.

A gymnasium is proposed on level 2 (Hotel A) of the building fronting Atchison Street.

Table 2: Aspects of the proposed Project Application

PART 3A APPLICATION	USE	GROSS FLOOR AREA	INDICATIVE NO. OF UNITS
Basement			
Basement Mezzanine	Residential storage cages; pool mechanical room; general plant rooms	-	-
Basement loading dock	Loading area, garbage room; hotel parking; motor bike spaces; lift lobby	-	16 carparking spaces 2 motor bike spaces
Basement B2-B5	Residential parking; motor bike spaces	-	152 car spaces 15 motor bike spaces
Podium			
Ground floor (upper and lower ground)	Residential Lobby	75.1m ²	-
	"Hotel" lobby	78.8m ²	-
	"Refreshment room" (cafe)	237.7m ²	-
	Circulation space	67.33m ²	-
Hotel level A (level 2)	"hotel" "recreational facility" (gym)	Hotel = 489m ² Gym = 607.2m ²	7 units
Hotel level B (level 3)	hotel	503.27m ²	7 units
Above podium			
Hotel Level C & D(levels 4 & 5)	hotel	1,514.7m ²	24 units
Levels 6-33	"Apartment building"	21,388.9m ²	228 units
Total		24,962m²	266 (incl serviced apartments)

Source: Appendix 4 Architects area schedules

The total proposed gross floor area for the site is 24,962m² (See **Table 2** above). The gross floor area figures are measured by the architects in accordance with the definition within the North Sydney Local Environmental Plan 2001 (NSLEP 2001).

The residential apartments mix is as follows:

- 48 x studio (21%)
- 91 x 1 bedroom units (40%)
- 68 x 2 bedroom units (30%)
- 21 x 3+ bedroom units (9%)

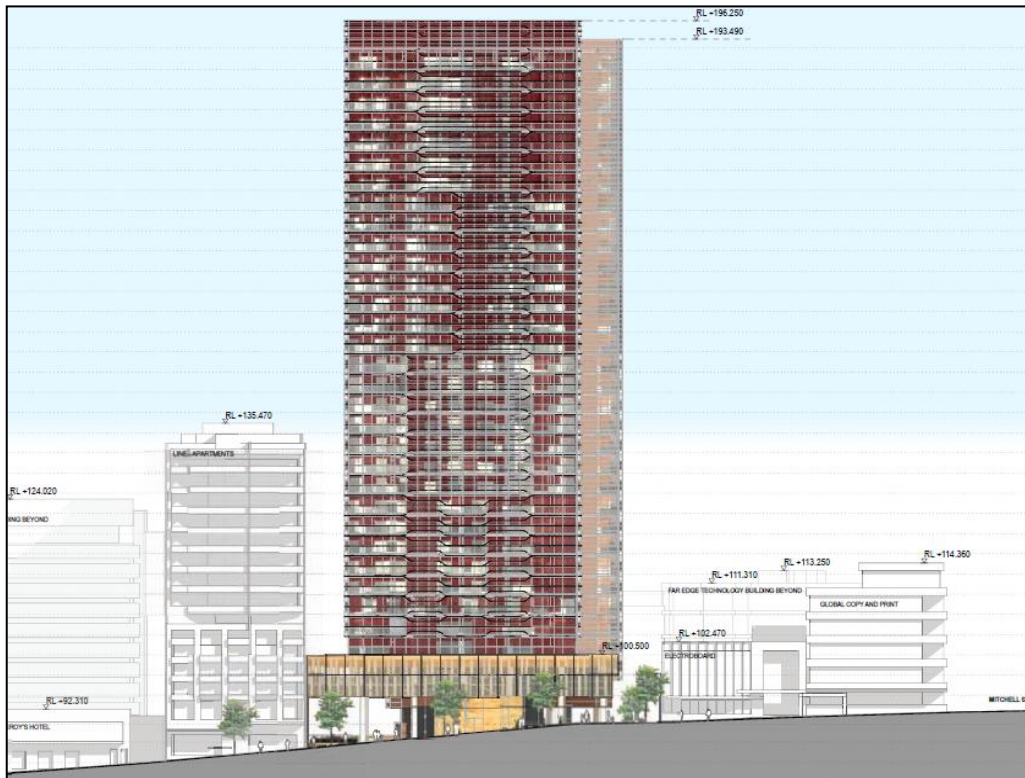


Figure 3: Proposed built form (reproduced here)

Source: Architectural plans at Appendix 4

3.3 Open Space and Public Domain

At the ground floor, 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 (see **Figures 4 & 5**). The through site link will be accessible 24 hours a day and will be activated through the residential and hotel lobbies on the eastern and western elevations of the building respectively as well as a new cafe/ restaurant with outdoor seating within the north eastern corner of the site (Refer to Landscape design Statement within the Architectural plans at **Appendix 4**).

Figure 4: Proposed public domain as viewed from Atchison Lane (reproduced here)
Source: Architectural plans at Appendix 4

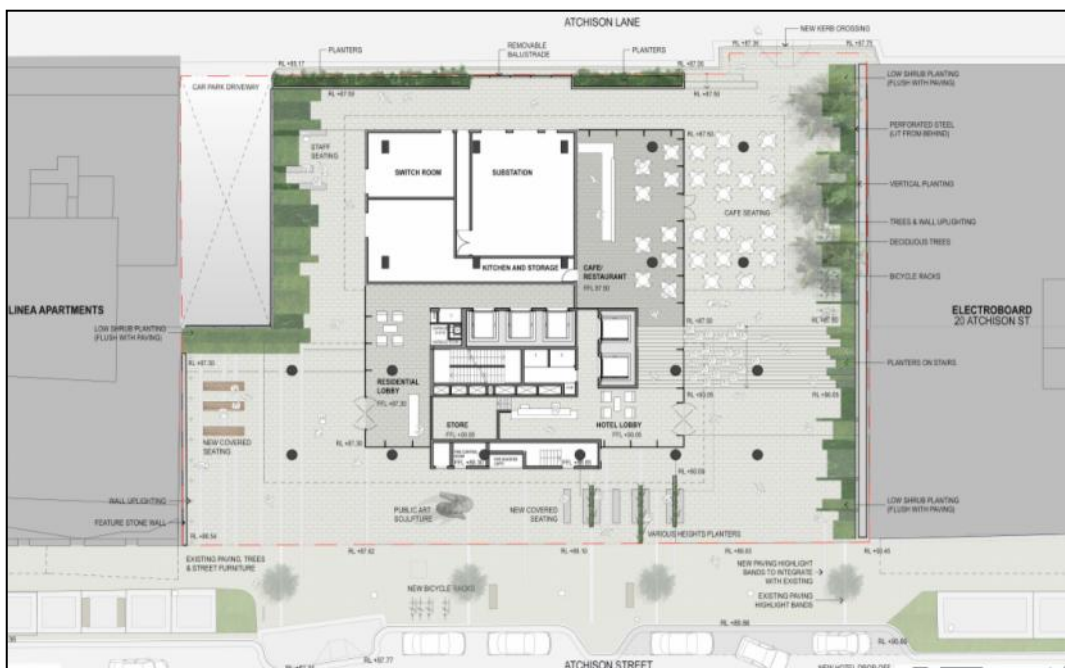


Figure 5: Proposed public domain (reproduced here)
Source: Architectural plans at Appendix 4

New public domain improvements (see **Figure 5** above) include:-

- Street interface (with Public Art Sculpture);
- Residential forecourt;
- Hotel Forecourt;

- Green wall;
- Through site link;
- Cafe square; and
- Gravel roof (at podium roof level).

This public domain will be made publically available via a deed of agreement as a commitment of this project (see **Appendix 18** for Statement of Commitments).

3.4 Traffic, Parking and Access

The subject site significantly benefits from existing and future public transport in the immediate vicinity (refer to Traffic report at **Appendix 6**). The proposed vehicular access responds to the one way traffic east on Atchison Street whilst the proposed bike racks integrate with the existing bike lane.

Vehicular access to the basement car parking is via the rear lane onto Atchison Lane. A total of 168 parking spaces are proposed consisting of the following: -

- 152 residential spaces (including 4 disabled spaces);
- 16 Hotel spaces;
- A loading area for delivery and or garbage vehicles; and
- 17 motorcycle spaces.

3.5 Environmentally Sustainable Design (ESD)

The ESD initiatives that have been considered appropriate for this project goes beyond current regulatory requirements and standard practices and are based on international best practice benchmarks and guidelines. A key priority for the building is to implement sound energy saving initiatives (Refer to **Appendix 7**). With respect to the energy component, the current design intent is to:-

- Minimise energy consumption – through highly efficient systems;
- Building envelope has been designed to maximise daylight access and natural ventilation to areas where it is desired. This reduces energy associated with lighting as well as air- conditioning. When outdoor air temperatures are favourable and in the region of 18 °C to 24 °C the air conditioning may be switched off depending on the

loads in the space and the occupant's choice. This would not only reduce the buildings energy consumption but also the detrimental impact on the environment through its emissions;

- Maximise on site renewable energy production – solar water heating;
- Suggest ongoing testing, commissioning and calibration of systems; and
- Allows for a curtain wall design which assists with the acoustic and thermal performance.

In addition, the proposal has had regard for the Green Star Multi-residential rating tool. Based on the initiatives that have been considered in the proposed design, it has been identified that the project has the potential to attain a 5 Star Green Star rating – a first for a residential building of this scale in NSW (refer to **Appendix 7**).

3.6 Services

Preliminary investigation and enquiries have established that all Authority services mains infrastructure, where connection is required have ample capacity to cater for the additional load of the proposed site re-development (refer to **Appendix 7**).

• Water

Separate water meters, owned by Sydney Water will be provided to the cold water service for supply to the serviced apartments, the Ground floor commercial tenancy and for each residential apartment, as well as an additional separate water meter for supplying 'common' areas of the residential portion of the development.

Hot water for supply to the serviced apartments, retail tenancy, and common amenities will be generated via a centralised hot water system consisting of four gas fired (4) mains pressure storage heaters, installed in an equa-flow arrangement at Basement Level 1.

• Gas

All redundant gas pipework within the site boundary will be removed and the incoming supply replaced with a new connection of adequate capacity to serve the new development.

• Sewer

All redundant sewer connections shall be capped off at the existing junction to Sydney Water's sewer main. A new connection will be provided to serve the site, as the current connections will be inadequate in size to cope with the additional load that is projected to discharge from the site.

The new Sewer Drainage & Sanitary Plumbing system shall be designed and installed to satisfy the current Australian Standards AS/NZS 3500-2003 for Plumbing & Drainage and AS/NZS 3500.2-2003 for Sanitary Plumbing & Drainage.

- **Waste**

Waste facilities are provided within Basement 1. The waste storage area is of sufficient size to accommodate both general waste and recyclable material for storage and weekly collection.

- **Mechanical services**

Mechanical installations shall comply with the requirements of the Building Code of Australia requirements with reference to AS 1668.1, AS 1668.2 and other relevant standards that are required in order to comply with the BCA.

- **Electrical**

Electrical installations shall comply with the requirements of AS/NZS3000, relevant communications standards, applicable Industry Regulator requirements and the Local Network Provider's requirements such as the Service and Installation Rules. The new building shall be provided with a new chamber substation located in a dedicated room on the ground floor. The exact size of the new substation shall be determined in conjunction with Energy Australia and shall be designed to accommodate the maximum electrical demand on the building and its approval from Energy Australia..

As a commitment of this project the power lines on the northern side of Atchison Street will be placed under ground from Christie Street to Mitchell Street.

- **Telecommunications**

The existing telecommunications services to the site shall be stripped out and replaced with new. The incoming telecommunications service is likely to utilise fibre optic cabling.

3.7 Stormwater

Presently the site allotments drained to the Council's Stormwater Drainage System in Atchison Lane at the rear of the site. New pipework connections will be provided to the Council Stormwater Drainage System within Atchison Lane, to which surface water drainage from the site shall be directed to, along with overflow from the rainwater harvesting tank, which collects rainwater from the new roofed structures (refer to **Appendix 8**).

It is proposed that a recycled water system be incorporated in which rainwater from the roof will be collected and stored within a 50,000 litre bulk storage tank. Rainwater will be filtered and then stored in a 'Day' storage tank for the primary use of make-up water supply for the proposed swimming pool and for the supply to irrigation systems.

3.8 Staging / Construction Management

The project application seeks progressive construction certificates and progressive occupation certificates (Staged construction as detailed in the Construction Management Plan at **Appendix 9**).

A construction management plan has been prepared by CPM Consulting (refer to **Appendix 9**). The aim of the report is:-

- To ascertain an appropriate construction methodology;
- Establish a detail programme;
- Propose a suitable site setup;
- Outlay the site safety management system requirements;
- Address waste management objectives;
- Outline the community consultation process; and
- Put forward a noise mitigation strategy during construction.

A demolition and construction programme is provided including staging diagrams.

A noise, vibration and disruption management plan has been developed to address construction noise and vibration as well as mitigation measures to be implemented during site activities to manage noise and vibration issues associated with site workers, the surrounding community and infrastructure.

A waste management plan is also provided. The objectives of the Waste Management Plan are:-

- Address the waste management requirements for the project;
- Provide guidance of the project in waste minimisation from demolition and construction activities; increase economic feasibility of the project through effective waste separation, recycling and re-use measures.

An Operational Waste Management Plan is included at **Appendix 22** which identifies waste sources during operation and proposes measures to manage waste in a way that satisfies all legislative requirements.

4 STATUTORY FRAMEWORK

4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the Act) commenced in December 1979. The Act is the principle planning and development legislation in New South Wales.

In accordance with **Section 5**, the objectives of the Act are:

“(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services...*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats...”*

The project is consistent with the objects of the EP & A Act and will promote and achieve the following:-

1. Increased employment opportunities (25 jobs refer to **Appendix 11**), promote and co-ordinate development in a location with abundant public and private transport options;
2. Orderly and economic use of a site identified as having development potential;
3. The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the development;
4. Utilization of existing utility services; and
5. No significant adverse impacts on the environment and the surrounding locality.

4.2 Application of Part 3A of the EP&A Act

4.2.1 The legislation

Part 3A (Major infrastructure and other projects) of the EP&A Act commenced on 1 August 2005. Part 3A establishes the assessment and approval regime for all Major Projects previously considered under **Part 4** (Development Assessment) or **Part 5** (Environmental Assessment) of the EP&A Act and that are considered to be of State or regional planning significance by the Minister for Planning. The Minister is the consent authority for the determination of Major Projects. Under the provisions of **Division 1 Section 75B** of the EP&A Act, development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister and published in the Government Gazette.

Section 75B defines 'projects' to which this part of the EP&A Act applies. **Clause 6 of State Environmental Planning Policy (Major Projects) 2005** (SEPP Major Projects) defines 'Major Projects', with the proposal falling within **Group 5 Residential, commercial or retail project** under Clause 13 of Schedule 1 pursuant to SEPP Major Projects:

"13 Residential, commercial or retail projects

(1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.

(2) This clause does not apply to major development within the meaning of section 31 of the [City of Sydney Act 1988](#)".

The project comprises of mixed use development with a capital investment value of **\$153,387,053 (excl. GST)**. As such, it is considered to be a Major Project and therefore subject to Part 3A of the EP & A Act.

The proposed project is the subject of an authorisation by the Minister to apply for approval of a Project Application pursuant to **Section 75E** of the Act as stipulated within the Department of Planning's letter dated **3 December 2009** see **Appendix 1**.

In accordance with **Division 3 Section 75E** of the EP & A Act, this report, assessment and attendant plans:

- a) *describe the project, and*
- b) *contain any other matter required by the Director-General.*

4.2.2 Part 3A Assessment Requirements

Section 75F requires consideration of any published guidelines in the Gazette and Director General requirements.

The Director-General issued environmental assessment requirements pursuant to **Division 3 Section 75F** of the EP & A Act on **21 January 2010**. The form of this document has been taken from the Director-General's requirements. The key issues are addressed in the order in which they appear in the environmental assessment requirements to ensure that each issue is systematically addressed. The table 3 below summarises the Director Generals' requirements. These issues are cross-referenced with the relevant sections of this report and relevant Appendices.

Table 3: DG's Requirements and report cross reference

COLUMN 1 – AS PER DGR'S	COLUMN 2 - AS PER DGR'S	COMMENT
Application No.	MP09-0187	
Project	Application for the construction of a residential / commercial development	
Location	6-16 Atchison Street, St Leonards	
Proponent	City Plan Strategy and Development on behalf of Bancor Developments Pty Ltd	
Date issued	21/01/2010	
Expiry date	If the Environmental Assessment (EA) is not exhibited within 2 years after the date of issue, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment	
Key Issues	1. Relevant EPI's policies and Guidelines to be Addressed	1. Refer to Section 4
	2. Built form and height	2. Refer to Section 5.1
	3. Land Use	3. Refer to Section 5.2
	4. Urban Design / Public Domain	4. Refer to Section 5.3
	5. Environmental and Residential Amenity	5. Refer to Section 5.4
	6. Transport and Accessibility (construction and operational)	6. Refer to Section 5.5
	7. Ecologically sustainable development (ESD)	7. Refer to Section 5.6
	8. Contributions	8. Refer to Section 5.7
	9. Statement of Commitments	9. Refer to Section 5.8
	10. CBD Rail Link Corridor	10. Refer to Section 5.9
	11. Consultation	11. Refer to Section 5.10
Deemed refusal period	60 days	Noted
Plans and Documents to accompany the Application		
General	1. An executive summary	1. Refer to Section 1
	2. A thorough site analysis including site plans, aerial	2. Refer to Section 2

COLUMN 1 – AS PER DGR'S	COLUMN 2 - AS PER DGR'S	COMMENT
	<p>photographs and a description of the existing and surrounding environment;</p> <p>3. A thorough description of the proposed development;</p> <p>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed;</p> <p>5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimize any potential impacts of the project;</p> <p>6. The plans and documents outlined below;</p> <p>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</p> <p>8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Project SEPP); and</p> <p>9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</p>	<p>and Appendix 4</p> <p>3. Refer to Section 3</p> <p>4. Refer to Section 4</p> <p>5. Refer to Section 5 and Appendix 18</p> <p>6. Refer to Appendices</p> <p>7. See page 5</p> <p>8. Refer to Appendix 2</p> <p>9. Refer to Section 6</p>
Plans and Documents	<p>1. An existing site survey plan</p> <p>2. A site analysis plan</p> <p>3. A locality / context plan</p> <p>4. Architectural drawings</p> <p>5. View analysis</p> <p>6. Landscape plan / public domain plan</p> <p>7. Shadow diagrams</p> <p>8. Stormwater / Drainage Concept Plan</p> <p>9. Construction Management Plan</p>	<p>1. Refer to Appendix 3</p> <p>2. Refer to Appendix 4</p> <p>3. Refer to Appendix 4</p> <p>4. Refer to Appendix 4</p> <p>5. Refer to Appendix 4</p> <p>6. Refer to Appendix 4</p> <p>7. Refer to Appendix 4</p> <p>8. Refer to Appendix 8</p> <p>9. Refer to Appendix 9</p>
Documents to be submitted	<ul style="list-style-type: none"> 1 copy of the EA, plans and documentation for the Test of Adequacy (TOA) Once the EA has been determined adequate and all outstanding issues adequately addressed, 12 copies of the EA for exhibition 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and 12 copies of the Environmental Assessment and plans on CD-ROM (PDF format), each file not exceeding 5Mb in size. 	Noted

4.3 Application of the Provisions of other Legislation

4.3.1 Approvals and legislation that does not apply

Part 3A Division 4 Section 75U of the EP&A Act provides that the following authorisations are not required for an approved project:

“(1) The following authorisations are not required for an approved project (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

- (a) the concurrence under Part 3 of the [Coastal Protection Act 1979](#) of the Minister administering that Part of the Act,*
- (b) a permit under section 201, 205 or 219 of the [Fisheries Management Act 1994](#),*
- (c) an approval under Part 4, or an excavation permit under section 139, of the [Heritage Act 1977](#),*
- (d) a permit under section 87 or a consent under section 90 of the [National Parks and Wildlife Act 1974](#),*
- (e) an authorisation referred to in section 12 of the [Native Vegetation Act 2003](#) (or under any Act to be repealed by that Act) to clear native vegetation,*
- (f) a permit under Part 3A of the [Rivers and Foreshores Improvement Act 1948](#),*
- (g) a bush fire safety authority under section 100B of the [Rural Fires Act 1997](#),*
- (h) a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the [Water Management Act 2000](#).”*

Accordingly, no other investigations or activities are required to be carried out other than those specified within the DGR's.

4.4 Metropolitan Strategy: City of Cities

In December 2005 the NSW Government Department of Planning (DoP) released the Sydney Metropolitan Plan (the “Metropolitan Strategy”). The Metropolitan Strategy sets the framework for creating more than 600,000 new dwellings and 500,000 new jobs in the Sydney Metropolitan area by 2031.

The Metropolitan Strategy aims to enhance Sydney's livability through providing a more diverse range of housing choices; strengthening Sydney's long term economic prosperity; providing equitable access to employment, services and lifestyle opportunities; creating a more

environmentally sustainable city; and, facilitating and managing growth of Sydney over the next 25 years.

To implement the Metropolitan Strategy ten 'sub regions' have been established. The North Sydney LGA is part of the Inner North Subregion. The Metropolitan Strategy targeted 30,000 new houses and 54,372 new jobs within the Inner North Subregion by 2031. The Metro Strategy identified St Leonards as a Specialised Centre due to its regional scale health and education campuses of the Royal North Shore Hospital and North Sydney College.

4.5 The NSW State Plan

The NSW State Plan was issued during March 2010. The State Plan is the community's vision for the future of NSW in which:

1. *Our transport network is world class—safe, reliable and integrated. Our cities and towns are great places to live, and we experience a high quality of life*
2. *Our economy grows stronger—supporting jobs and attracting business investment*
3. *Our children are better educated, our people more skilled and we are known for our research*
4. *and innovation*
5. *Our health system provides the highest quality care accessible to all*
6. *Our energy is clean, our natural environment is protected and we are leaders in tackling climate change*
7. *Our community is strong and the most disadvantaged communities and our most vulnerable citizens are supported*
8. *Our police and justice system keep the community safe.*

The State Plan includes 10 additional priorities, 20 additional targets and many new actions in response to the issues raised by communities. In this respect the State Plan identifies eight (8) key priorities as identified below:-

1. *Better transport and liveable cities;*
2. *Supporting business and jobs;*
3. *Clever state;*
4. *Healthy communities;*
5. *Green state;*
6. *Stronger communities;*
7. *Keeping people safe; and*

8. *Better government.*

The proposal is consistent with the relevant priorities, as demonstrated in the sections below.

1. *Better transport and liveable cities*

The development increases the opportunity for walking and cycling integrating with the newly constructed bicycle path in Atchison Street consistent with encouraging “*active transport*” under the State Plan.

It is considered that the proposed Project Application is consistent with the State Plan in that it is located within the Specialised Centre of St Leonards and offers the unique opportunity to increase housing affordability and choice by 228 dwellings to assist in satisfying the 13,660 new homes required for the next 10 years (see **Table 4**). Moreover the subject site is located within 3 minutes walk of a major transport interchange (rail and bus services) which has the capacity to carry passengers to and from the City in a 10-12minute timeframe.

Moreover the proposal is consistent with the propriety of accelerating the establishment of residential centres around transport hubs enhance quality of life by making it easier for people to travel from home to work and to have access to services.

Table 4: Dwelling and employment projections 2010-020

Sub-region	Projected Dwelling requirements 2010-2020	Projected job growth 2010-2020
Inner North	13,660	21,280
Subtotal	251,820	282,200

2. *Clever state*

By allowing for increased residential densities within walking radius of existing health and education campuses of the Royal North Shore Hospital and North Sydney college (part of TAFE NSW) will assist in providing ease of access to knowledge and training.

3. *Healthy communities*

The project includes the provision of a gym and increases the opportunity for walking and cycling integrating with the newly constructed bicycle path in Atchison Street, thereby promoting a healthy lifestyle.

4. Green state

In terms of water efficiency the proposed development is estimated to give water savings of 42%- that is 2% more than the minimum required. In terms of energy efficiency the proposed development is estimated to give energy savings of 25%, that is 5 % more than the minimum BASIX requirements.

The proposal has had regard for the Green Star Multi-residential rating tool. Based on the initiatives that have been considered in the proposed design, it has been identified that the project has the potential to attain a 5 Star Green Star rating (refer to **Appendix 7**).

5. Keeping people safe

It is intended that the development will have an active environment after business hours giving good passive surveillance to the residential occupants and an active public domain. Natural surveillance of areas lowers the likelihood of vandalism and crime. Clear sight lines and the proximity of dwellings and retail areas to the public domain assist in creating a safer environment.

It is accepted that mixed use development does not constitute an increased crime risk. It operations accords with other centre activities, with pedestrian and vehicle movements to and from the site and its immediate surrounds, generating purposeful presence. In addition, the creation of a well-kept and attractive space will help to attract more people, and thus reduce the likelihood of crime and/or anti-social behaviour. The design of the development reflects opportunities for appropriate “security design” based on CPTED principles (see **Appendix 15**).

4.6 The Metropolitan Review

The Metropolitan Review (Sydney Towards 2036) discussion paper was released by DoP in 2010 and aims to build on the original structure and themes of the Metropolitan Strategy with a focus on the following outcomes:-

- employment and economic development
- centres and urban renewal
- housing and land release
- transport networks fully integrated with land uses
- climate change, adaptation and mitigation
- environment and resources

- infrastructure
- governance and implementation.

The Metropolitan Review sets out the challenges facing Sydney over the next 25 years, including:

- A population forecast to reach 6 million by 2036 - an increase of 1.7 million since 2006 ;
- A need for 770,000 additional homes by 2036; and
- A need to expand Sydney's employment capacity by 760,000 to 2.89 million jobs.

Specifically, the Inner North Sub-Region is anticipated to have a 25.1% increase in population (2008-2036).

The current Metropolitan Strategy plans for approximately 70% (540,000) of new dwellings within existing Centres whilst the Metropolitan Review aims to located 80% of new housing within walking distance of a centre to ensure access to shops, facilities and public transport. Moreover, additional accommodation needs to be *“within 30 minutes by public transport of a City, Major or Specialised Centre...”*

The Metro Strategy Review acknowledges that urban renewal efforts should be focused around transport hubs, where people can more easily access jobs and other services.

It is considered that the proposed Project Application is consistent with the Metropolitan Strategy Review in that it is located within the Specialised Centre of St Leonards and offers the unique opportunity to increase housing affordability and choice by 228 dwellings to assist in satisfying the 25,000 new homes required per year. Moreover the subject site is located within 3 minutes walk of a major transport interchange (rail and bus services) which has the capacity to carry passengers to and from the City in a 10-12minute timeframe.

4.7 Draft Inner North Subregional Strategy

4.7.1 Overview

The Draft Inner North Subregional Strategy (the draft Subregional Strategy), was prepared by the DoP to implement the actions and objectives of the Metropolitan Strategy at a Subregional level, whilst also providing for the geographic allocation of the additional jobs and housing targets. The 'key directions' are that, by 2031, the Inner North Subregion will:-

- *“Strengthen the global economic corridor: North Sydney to Macquarie Park*
- *Reinforce the subregional’s knowledge assets*
- *Protect strategic employment lands*
- *Improve housing choice and create liveable and sustainable communities*
- *Encourage use of public transport*
- *Protect and promote the harbour setting.”*

The subject site is located within the Specialised Centre of St Leonards. The centre is split between three LGA’s being, North Sydney, Willoughby and Lane Cove. These Councils have prepared a Strategy to strengthen St Leonards economic role known as the St Leonards Strategy (see **Section 4.8** below).

The **table 5** below sets out the additional dwellings and additional employment capacity per LGA.

Table 5: Additional dwellings and additional employment targets per LGA.

Inner North	Additional Dwellings (2031)	Additional Employment Capacity (2031)
Hunters Hill	1,200	300
Lane Cove	3,900	6,500
Mosman	600	1,300
North Sydney	5,500	15,000
Ryde	12,000	21,000
Willoughby	6,800	16,000
Total	30,000	60,100

From the table above it can be seen that North Sydney LGA needs to accommodate an additional 5,500 dwellings which constitutes 18% of the total additional housing for the subregion.

The additional dwelling targets and employment targets has since been updated under the Metropolitan Transport Plan and Metropolitan Review. The table 6 below demonstrates the additional dwellings and additional employment capacity targets for the Metro Strategy and the Metro Transport Plan for the Inner North Subregion.

Table 6: Metropolitan Strategy and Metropolitan Transport Plan targets for Inner North Subregion

Inner North	Additional Dwellings	Additional Employment Capacity
Metro Strategy (2004-2031)	30,000	54,372
Metro Strategy (2004-2013)	11,552	-
Metro Transport Plan (2006-2036)	39,400	51,350
NSW State Plan (2010-2020)	13,660	21,280

From table 6 above it is noted that the “*additional employment*” capacity targets have been reduced by 3,022 whilst the “*additional housing*” targets have increased by 9,400 across the Inner North Subregion. The reduction in employment targets is likely because of new employment generating uses approved and constructed within North Sydney Centre (Global City); Macquarie Park; Ryde; Chatswood and St Leonards for the period 2004-2010.

The Metropolitan and draft Subregional Strategies establish six land use strategies: *economy and employment; centres and corridors; housing; transport; environment and resources; and, parks and public places*. The key directions for the inner north include the following:-

- *Strengthen the global economic corridor – North Sydney to Macquarie Park*
- *Reinforce the subregion’s knowledge assets*
- *Protect strategic employment lands*
- *Improve housing choice and create sustainable and livable communities*
- *Encourage use of public transport*
- *Protect and promote the harbour and bushland setting*

The proposal is consistent with the land use policies of the draft Subregional Strategy, as demonstrated in the sections below.

4.7.2 Economy and Employment

The Metropolitan Strategy and draft Subregional Strategies have nominated locations to support increased employment growth over time. It is anticipated that by 2031, the majority of jobs will likely be located in centres or employment lands, which will provide the basis for more sustainable and targeted infrastructure and transport planning.

In order to strengthen the role of St Leonards as an employment generator the three LGA's earmarked land with the potential for employment/commercial use under the respective Draft Comprehensive LEP process.

In this regard, Willoughby Council has acknowledged a number of sites within St Leonards as having the potential to be developed for commercial use under the Draft Comprehensive LEP (see **Figure 6** below) as it is strategically located. It is considered appropriate to zone these sites as B3 Commercial Core in accordance with its current use and the area's employment generating status under the Metro Strategy.

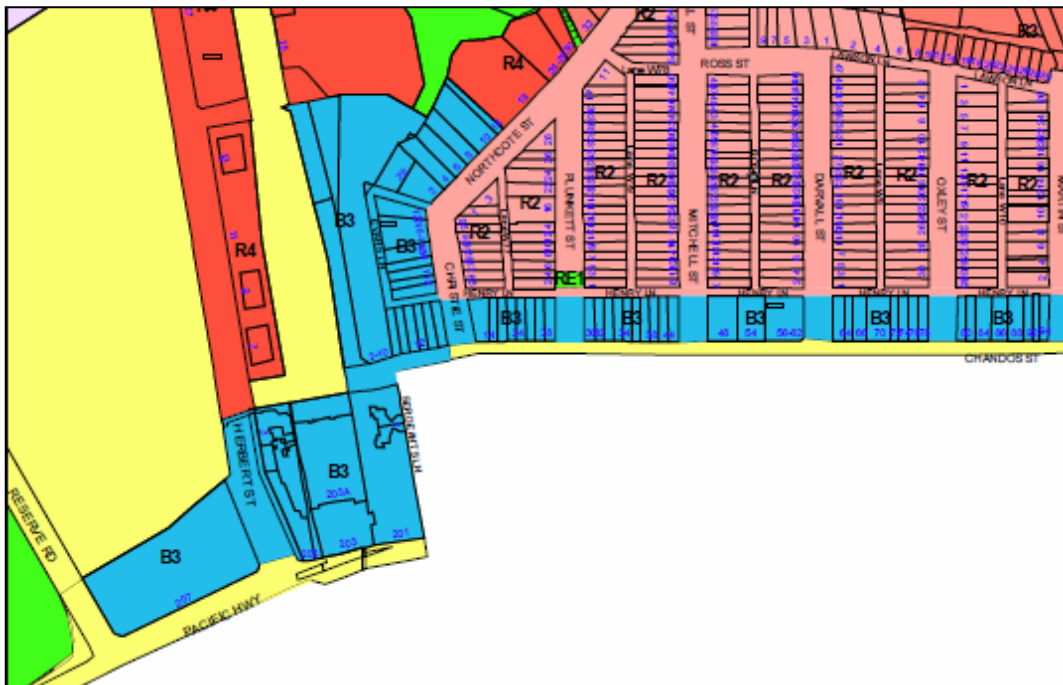


Figure 6: Draft Willoughby LEP 2009 zone land B3 Commercial core

Likewise Lane Cove Council has earmarked land adjoining Pacific Highway as B3 Commercial Core under their new gazetted LEP 2009 (see **Figure 7**). The B3- Commercial Core zone is designed to encourage employment in specific centres, whilst residential use is expected to be located around the commercial centre.

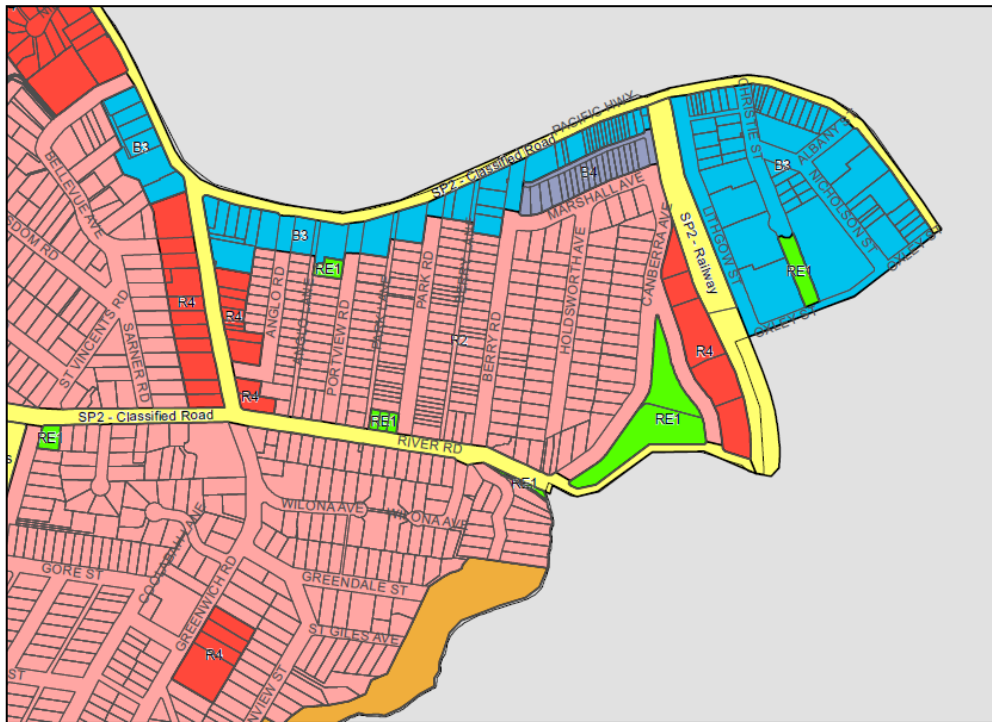


Figure 7: Lane Cove LEP 2009 Zoning Map

North Sydney's Draft Comprehensive LEP has not been placed on exhibition as yet. Notwithstanding, this Council's policies and strategies identify the subject site as B4 "Mixed use" with land adjoining Christie and Chandos street as B3 "Commercial core" (refer to **Section 4.8** for more detail of North Sydney Residential Strategy).

The subject site is identified by the St Leonards Strategy and by City Plan Strategy and Development's own research as a site most likely to be redeveloped for residential purposes based on a lack of constraints such as:

- heritage;
- small lot size;
- strata titling;
- existing high grade development;
- potential for adverse impact on adjoining lands; and
- the fact that appropriate employment uses can be more appropriately accommodated on adjoining B3 commercial zoned land /employment lands as identified in the above Draft Comprehensive LEP's and gazetted LEP.

Notwithstanding the residential nature of the proposed application, the project still has the ability to contribute to the employment capacity targets. **Table 7** below demonstrates how the proposed employment floorspace translates to jobs, based on the ratio of employment to

floorspace. As a result, the proposed development will employ around 25 full time and part time jobs.

Table 7 – Projected employment generation

USE	GFA	RATIO OF EMPLOYMENT TO FLOORSPACE (JOB:SQM)	TOTAL EMPLOYEES
Operations Generated Employment			
Cafe	200m ²	1 job per 25m ² (GFA)	8
Hotel	38 rooms	0.44 jobs to 1 room	17
Total			25 jobs
Construction			626 jobs

Source: Hill PDA letter at **Appendix 11**

4.7.3 Centres and Corridors

Relevant aims and actions of draft Subregional Strategy “Centres and Corridors” include:-

- “B2 Increasing densities in centres whilst improving liveability.
- B2.1 Plan for Housing in Centres consistent with their employment role.”
- B3.1 Establish a stronger centre initiative”

St Leonards is identified as a Specialised Centre (see **Figure 8**) which is earmarked to perform a vital economic and employment role, whilst the Pacific Highway is identified as an Enterprise Corridor. The Pacific Highway will provide for uses such as furniture and car showrooms, car washes, retailing, light industrial and offices.

By allowing for a mix of residential uses on the site and thus increasing residential densities within walking radius of an existing transport interchange; regional scale health and education campuses of the Royal North Shore Hospital and North Sydney college (part of TAFE NSW) as well as existing commercial office space etc. would make these places more vibrant and provide much needed housing choice consistent with **“B2.1 Plan For Housing In Centre Consistent With Their Employment Role”**.

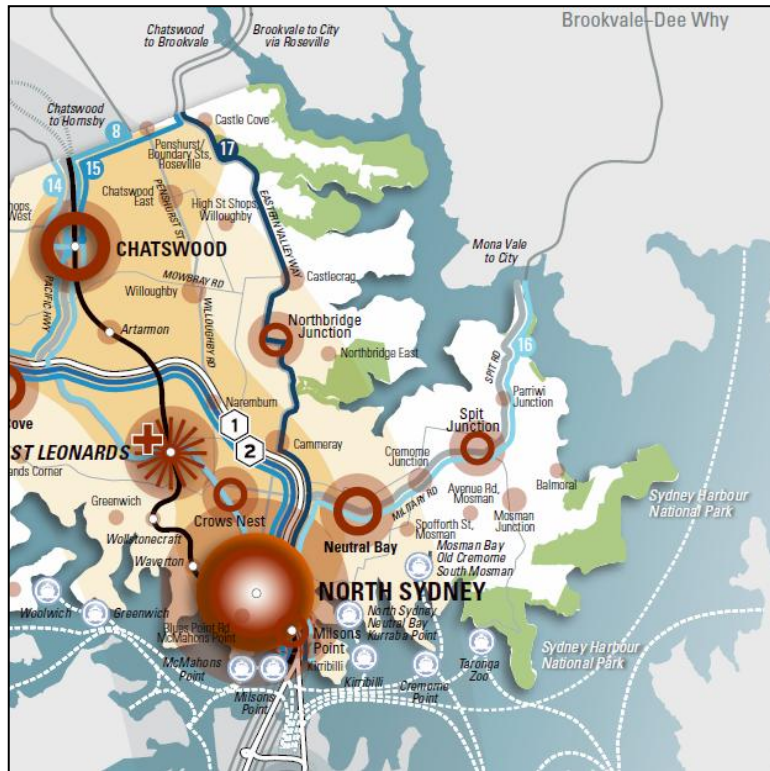


Figure 8: Specialised Centre of St Leonards

The redevelopment of the site would provide not only employment but housing choice in close proximity to public transport. It is thus consistent with **B2 Increasing densities in centres whilst improving liveability.**

The housing mix and style of housing proposed has the potential to perform the support function to the existing Specialized Centre. The proposed project would achieve desired development outcomes consistent with “**B3.1 Establish a stronger centre initiative**”

4.7.4 Housing

The draft Subregional Strategy aims to:-

- “C1.3 Plan for **increased housing capacity targets** in existing areas”
- “C2 Plan for a **housing mix near jobs, transport and services**”
- “C2.1. **Focus residential development around centres, town centres, villages and neighbourhood centres**”
- “C2.3 Provide a **mix of housing**”
- “C5.1 **Improve the design quality of new development**”

Emphasis added

The Draft Inner North Subregional strategy identifies a total of 16,200 additional dwellings for the three (3) Local Government Areas surrounding St Leonards. The St Leonards Strategy outlines the housing capacity targets for Lane Cove, North Sydney and Willoughby (refer to **Section 4.7** below) as **4,455 additional dwellings**.

The subject proposal located within the Specialised Centre of St Leonards, has the unique opportunity to increase housing affordability and availability by 228 new dwellings and 38 serviced apartments to assist in satisfying the 25,000 new dwellings required per year as identified within the Metropolitan Strategy Review. All this within 3 minutes walk to a newly upgrade train station with the capacity to carry passengers to and from the City in a 10-12 minute timeframe. The co-location of housing with employment uses in close proximity to established public transport services means that the proposal is consistent with the **C2 and C2.1**

The average household size for the Inner North is relatively low at 2.3 people per dwelling compared to the Sydney average of 2.7. Accordingly, smaller households, such as couples without children and lone person households are more prevalent in the Inner North Sub region. Moreover, the Inner North contains a higher proportion of professional and managerial workers, which is reflected in the higher income levels than in other subregions of Sydney. A high amenity living and working environment, for skilled and high-income households located close to the Sydney CBD has shaped the patterns of residential development in the Subregion. The proposal allows for a higher number of studio (21%) and 1 bedroom apartments (40%) providing a mix of housing consistent with the Demographic Character of the Inner North, consistent with **C2.3**

The proposed hotel will provide a much needed support service to the Royal North Shore Hospital and the TAFE NSW, which will contribute to improving the mix of housing choice. The proposed building demonstrates a high level of design quality consistent with **C5.1**.

4.7.5 Transport

The “*Transport Strategy*” primarily relates to increasing opportunities for walking or cycling and enhancing public transport infrastructure, for instance through the establishment of Strategic Bus Corridors.

Whilst the proposal has no direct impact on public transport infrastructure, it will increase the amount of people working and living within close proximity to the existing public transport network, therefore increasing its efficiency.

The development increases the opportunity for walking and cycling integrating with the newly constructed bicycle path.

4.7.6 Environment, Heritage and Resources

The draft Subregional Strategy aims to:-

- *“E2.2 Protect Sydney’s unique diversity of plants and animals*
- *E2.5 Minimise household exposure to unacceptable noise levels*
- *E3.2 Achieve sustainable use of water*
- *E3.3 Use energy efficiently and reduce greenhouse use intensity of energy supply*

There are no endangered flora and fauna species on the site. There is no evidence remaining of any significance because of the heavy modification of the site and use of the site for a number of years for commercial / retail purposes.

An Environmental Noise Assessment prepared by Acoustic Studio at **Appendix 12** identifies appropriate noise criteria to ensure that existing and proposed households are not exposed to unacceptable noise levels.

The proposal includes Water Management principles so as to conserve water and natural waterways. Water-efficient fittings and native/drought-resistant landscape reduce water demands, while rainwater is harvested for use in landscape irrigation and filling of the pool.

4.7.7 Parks and Public Places

In relation to “*Parks and Public Place Strategy*” the aims of the draft Subregional Strategy include:

- *“F1 increase access to quality Parks and public places*
- *F2.3. Provide for urban civic space in planning for centres*

The provision of the 1,619m² [public open space at ground level](#) (refer to Architectural drawings at **Appendix 4**), which will significantly contribute to the public domain for both the residents and workers as well as surrounding workforce, has the potential to satisfy all of the

aforementioned objectives. The proposal provides a potential mechanism to deliver a high quality public space at no expense to the community (refer to Statement of Commitments at Appendix 18).

4.8 St Leonards Strategy

The St Leonards Strategy was adopted in 2006 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 on the boundary of the “Urban Centre” and the ‘Eastern Mixed Use Transition Area’.(see Figure 9) The Urban Centre 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*”.

The Eastern Mixed Use Transition area is described as: “*Linking the Town Centre with Crows Nest*”. The role of this precinct includes: “*...provide opportunities for a substantial number of workers and residents within a comfortable walking distance of the station...*”

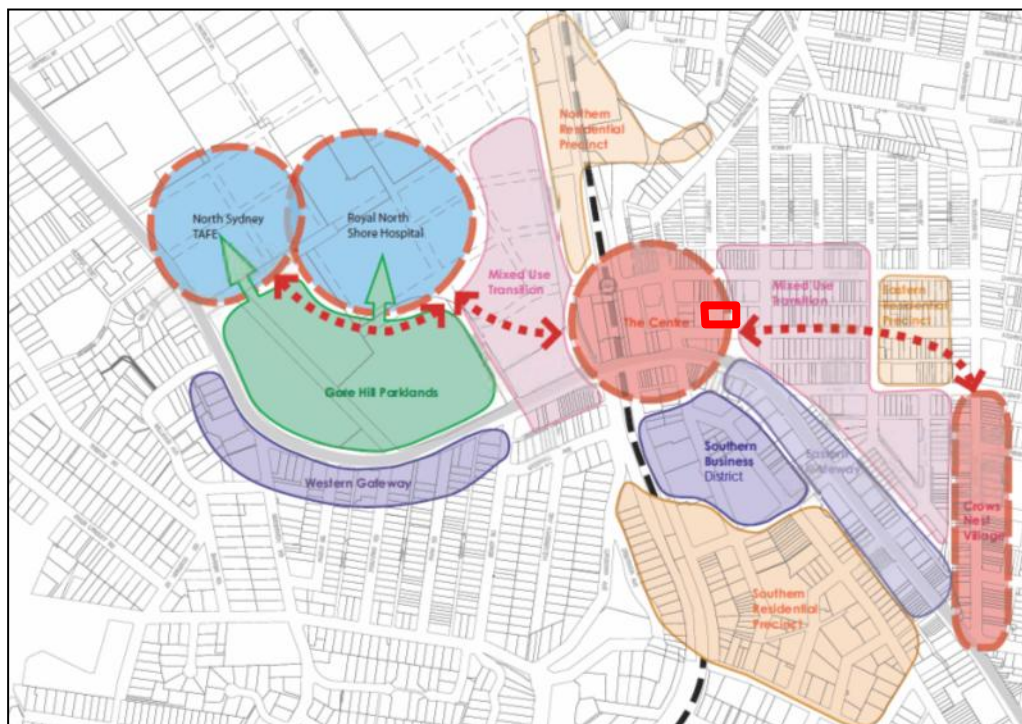


Figure 9: Sites location within Urban Structure

Source: Figure 4 of St Leonards Strategy

Table 8: Targets for commercial floorspace and resulting jobs growth in St Leonards

LGA	New commercial floorspace (sqm)	Job growth
Lane Cove	58,800	2,350
North Sydney	24,500	980
Willoughby	20,000	800
RNSH	81,250	3,250
Vacant commercial	28,500	620
Total	213,050	8,000

Source: St Leonards Strategy p.46

Table 9: Targets for additional dwellings

LGA	Unchanged planning (no change in zoning)	Targeted change (key sites identified for statutory zoning changes to promote focused development opportunities)	Maximum development (wide reaching statutory changes)
North Sydney	2,765	2,455	1,025
Lane Cove	400	500	500
Total	3,165	4,455	3,025

Source: St Leonards Strategy p.54

The tables above demonstrate a reduction in the additional dwelling targets for North Sydney LGA which could be contributed to the need for additional employment or commercially zoned land. This further supports the need for existing residential land to be upzoned to allow for increased densities to meet State targets.

The St Leonards Strategy (dated November 2006) predates the draft Inner North Subregional Strategy. In addition, the Specialised Centre boundary for St Leonards within the Draft Inner North Subregional strategy does not correspond with the study area boundary for the St Leonards Strategy. This is of significance as the Draft Subregional strategy includes the Artarmon Employment Lands. Accordingly, the St Leonards Strategy failed to take into consideration the ability of the Artarmon Employment lands to facilitate the employment targets, reducing the pressure to provide employment lands elsewhere.

In this respect, it is considered that Willoughby Council is likely to have its employment land generally within the RNS Hospital site; the TAFE; the Artarmon employment lands and Gore Hill Technology Park. Whilst Lane Cove Council is to provide its employment targets within the

Lane Cove West Industrial Area and Gore Cove. North Sydney Council earmarked its employment lands along Christie Street and Pacific Highway (as per **section 4.8** below).

Based on the above, the limited but reasonable amount of employment on the subject site (25 jobs) is not considered to hinder the attainment of the required employment capacity targets set for the St Leonards Centre.

Accordingly, the proposed mixed use building consisting of more residential than Non-residential gross floor area is consistent with the intention of the St Leonards Strategy in that it:-

- Provides for residential development on upper levels and maintains “active” ground floor street frontages;
- Provides a support service by way of a “Hotel” (short stay accommodation) which is in shortage within the area, to the RNS Hospital and TAFE;
- Provides for a more community services or “*lifestyle ingredients*” including health and support services (gym); public open space and streetscape improvements;
- Supports the existing cycle route in Atchison Street;
- Does not hinder the attainment of jobs and makes a sufficient contribution to achieving the jobs target under the Metropolitan Strategy and therefore is consistent with the State Government Objectives for the Centre as well as the St Leonards Strategy; and
- Is in close proximity to the bus /rail interchange is well suited to a higher percentage of residential floor space that will assist in reducing reliance on private vehicle transport for access to employment.

Moreover the project is consistent with the role of the urban centre and the Eastern Mixed use Transition precinct in that it provides future residents with comfortable access (3 minute walk) to public transport.

4.9 Draft North Sydney Residential Development Strategy 2008

The Draft North Sydney Residential Development Strategy (Draft RDS) was undertaken by North Sydney Council to establish the strategic framework for housing in North Sydney over the next 25 years. North Sydney Council is required by the Metropolitan Strategy and Draft Inner North Sub-regional strategy to contribute 5,500 additional dwellings between 2004 and 2031. The Draft RDS will inform the Comprehensive LEP.

The Metropolitan Review has increased this residential requirement by 9,400 dwellings for the subregion. North Sydney LEP 2001 adopted an approach of facilitating higher density

residential development within walking distance of shops, employment, public transport, facilities and services. This was achieved through the upzoning of mixed use areas in Milsons Point, St Leonards and Military Road. Unfortunately, the approach to the transition of the current NSLEP 2001 into the Comprehensive LEP has been built on existing strategies. As a consequence, the new LEP will not include any significant changes or upzonings to allow increased development potential or densities.

It is acknowledged that the majority of new residential development since 2001 has occurred in and around existing centres. North Sydney's approach in assessing the existing planned capacity to supply additional dwellings identified possible constraints on residential growth. In this regard the desire to maintain employment areas within the CBD and St Leonards meant that other areas had to be identified for higher density housing.

North Sydney Council at its meeting on 11 December 2006, resolved to rezone the sites listed below from '*Mixed Use*' to '*Commercial*' (see **Figure 10** below):-

- 601-657 Pacific Highway
- 94-106 Christie Street
- 75-81 Christie Street
- 1 Chandos Street

North Sydney Council upzoned these site to ensure appropriate employment lands are retained within the St Leonards Centre, freeing up other sites for higher residential densities. Moreover, the rezoning of these identified sites to commercial was considered appropriate as they are currently underdeveloped and have potential to accommodate commercial growth without adversely impacting upon adjoining sites. The current Mixed Use zoning of these sites is considered less desirable than the proposed Commercial zoning as they lack the required amenity and development potential to attract residential redevelopment.

Accordingly, Council has acknowledged that commercial premises (employment generating land) are more appropriately located along Christie Street and the Pacific Highway, whilst the majority of development potential remains as Mixed Use, capable of accommodating higher residential densities.

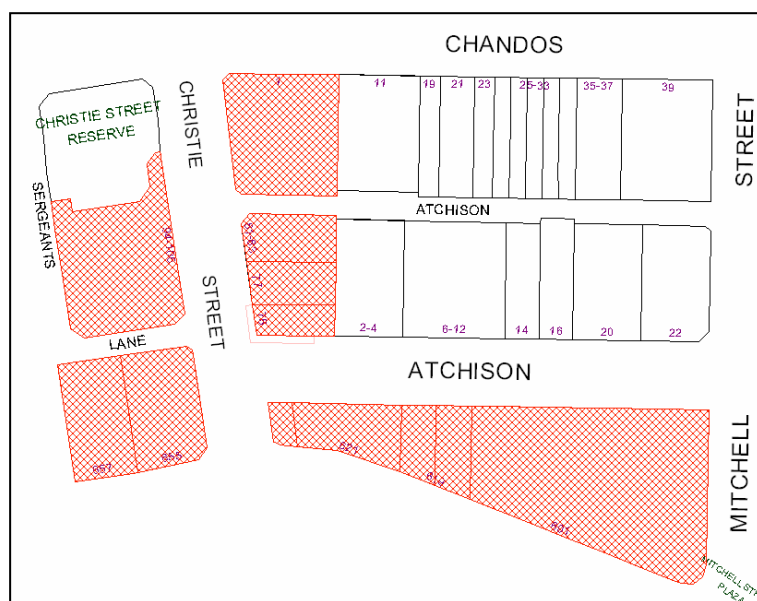


Figure 10: Location of proposed rezoning in St Leonards

Notwithstanding, it is considered that the Draft RDS and subsequently the Draft Comprehensive LEP (in its early form), fails to acknowledge the importance of St Leonards as a “place” in that the Draft RDS does not take into account the Metro Strategy’s direction which has designated St Leonards as a Specialised Centre, and a major focal point for regional transport connections; additional housing choice and employment generation. Rather the Draft RDS relies on areas such as Neutral Bay (Military Road), with less access to public transport opportunities, to meet Council’s housing targets (see **table 10** below).

Table 10: The location of the planned capacity for additional dwellings across the North Sydney LGA:

Planning Area	Existing NS LEP 2001				Proposed Comprehensive LEP			
	Res B	Res C	Mixed use	Total	R3	R4	B4	Total
North Sydney Centre	7	85	2120	2212	7	85	2253	2345
St Leonards & Crows Nest	82	62	1520	1664	82	62	1422	1565
Neutral Bay	149	355	509	1013	149	355	509	1013
North Cremorne	184	377	190	751	184	377	190	751
Cammeray	241	321	0	563	241	321	0	563
Lavender Bay & Milsons Point	129	68	274	470	129	68	274	470
Waverton & Wollstonecraft	111	230	85	427	111	230	85	427
Kirribilli	15	98	0	113	15	98	0	113
South Cremorne	91	31	0	82	91	31	0	82
Total	967	1627	4699	7293	967	1627	4733	7327

Source: Figure 8 of Draft RDS p.14

There is a significant opportunity to increase the height and density provisions within the St Leonards Centre to accommodate the additional housing targets as identified in the Metro Transport Plan. In the context of recent Government policy, the gazettal of the Lane Cove LEP 2009 which significantly increased the height and FSR of land in St Leonards, the “do nothing option” of North Sydney’s strategy is starkly incongruous.

Notwithstanding, the proposal is considered consistent with the objectives of the North Sydney Draft RDS in that:-

- the proposal delivers a housing choice to meet the needs of existing and future residents without reducing employment lands;
- Minimise impact on amenity of adjoining premises (no additional overshadowing); and
- Concentrate new dwellings in centres within walking distances of shops, jobs, public transport, facilities and services.

4.10 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act. **Clause 6** of SEPP 2005 defines ‘Major Projects’ and as previously described the proposal falls within the SEPP and is therefore subject to Part 3A of the EP & A Act.

On 3 December 2009 The Minister “*formed the opinion that your proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005*” and authorised the submission of a Project Application pursuant to **Section 75D & 75E** of the Act.

Director Generals Requirements were issued within the letter dated **21 January 2010** attached at **Appendix 1**.

4.11 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the

land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

There is no history of potentially contaminating works carried out on the site, as the historical use was for commercial development. As such it is unlikely to contain any contaminated soils. Based on the historical use of the site it is considered appropriate to provide more detailed investigations of the underlying soils after the demolition of the existing structures on site.

The preliminary investigations undertaken by Douglas and Partners (refer to **Appendix 10**) concludes as follows:

“Based on the foregoing it is considered that the site presents a relatively low risk of soil or groundwater contamination. Furthermore, the proposed development includes deep excavation for four basement levels of carparking over the entire site footprint. As such, even if there is any residual soil contamination, it will be appropriately removed as a result of the development”.

Additional testing if considered necessary can be undertaken once the demolition is complete and excavation commences. This could be dealt with by an appropriate condition of consent (refer to the Statement of Commitments at **Appendix 18**).

4.12 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design of Multiple unit housings (SEPP 65) was gazetted on 26 July 2002. According to **Clause 2**, the aims of SEPP 65 include:

“(1) ...to improve the design quality of residential flat development in New South Wales...”

In accordance with **Clause 4**, SEPP 65 applies to new (or substantially altered) multiple unit housings, which have:

- “(a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops)...”*

Therefore, SEPP 65 applies to the “*apartment building*” component of this Project Application

The Policy sets out 10 design quality principles. An assessment against these design principles is contained in the SEPP 65 Design Statement prepared by FJMT Architects at **Appendix 4**.

An assessment of the Project Application against the Residential Flat Design Code is contained in the plans by FJMT at **Appendix 4** as well as a peer review of the SEPP 65 assessment prepared by Peter John Cantrell at **Appendix 5**. Overall, the proposed development has been assessed in accordance with the provisions of SEPP 65 and in accordance with the Residential Flat Design Code accompanying the State Policy.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to housing choice and stock in the area. Furthermore, the proposed development is consistent with the aims and provisions of the Residential Flat Design Code as indicated in the Design Verification Statement (see **Appendix 4**).

4.13 State Environmental Planning Policy - Infrastructure

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) aims to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure including rail corridors and busy roads.

Clause 87 Impact of rail noise or vibration on non-rail development

This clause applies to development for the purposes of residential use; a place of public worship; a hospital; and an educational establishment or child care centre (sensitive developments) that is on land in or adjacent to a rail corridor. The consent authority must be satisfied that the appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- In any bedroom in the building : 35dB(A) at any time 10pm to 7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

A noise impact assessment was undertaken (**Appendix 12**) which states as follows:

“St Leonards Station is located approximately 150 metres to the west of the proposed development. Train pass-bys at St Leonards Station occur 24 times every hour for both the North Shore and Northern Line, with 24 Up trains and Down trains each hour – approximately 2.5 minutes apart. All trains are passenger trains.

It is noted that relevant guidelines do not require a detailed rail noise and vibration to be undertaken for developments located more than 60 metres away from an operating rail line.

Furthermore, rail noise and vibration impacts were found to be negligible during a site inspection, as the site is fully shielded from the rail line by surrounding buildings, and therefore they are not considered further in this assessment”.

Accordingly, seeing that the proposed development is located more than 60m from the operational track (passenger services only) and is shielded by existing buildings further detailed noise and vibration assessment is unwarranted. Notwithstanding the acoustic assessment identified internal background noise level targets for the project within Table 5. To achieve the total internal noise levels set for each space, the façades will be designed to provide the required external-to-internal sound insulation performance.

Pursuant to **Clause 102** development adjacent to Classified road and roads with an annual daily traffic volume of more than 40,000 vehicles (based on RTA data) is to be referred to the Roads and Traffic Authority (RTA) or any other road with a high level of bus traffic. It also requires specifies types of traffic generating development to be referred to the RTA.

Glazing required for the majority of the apartment façades has been determined by the requirement to control noise from external traffic and mechanical plant noise. The acoustic assessment states as follows:-

“Bedrooms are more stringent than living areas. However, the bedroom internal noise levels are to be achieved at night (between 10pm and 7am) – when traffic noise levels have reduced. Mainly, the site is affected by road traffic-related noise from the Pacific

Highway – particularly the South elevation.

Roads are assumed not ‘busy’, as defined in the DoP guidelines for developments near rail corridors and busy roads. This assumes that the local roads carry less than 40,000 vehicles per day.

The restrictions on operable windows for the south elevation are to be based on the short term traffic noise monitoring undertaken as part of this assessment, plus the current concept design. As such, the restrictions and requirements nominated above represent the worst-case in terms of determining the feasibility of the proposals on the development site.

During the design development phase of the project, these restrictions and requirements will continue to be reviewed in detail. During this process, it is possible that the restrictions on operable windows and/or requirements for glazing can be relaxed”.

SEPP Infrastructure, Clause 104 “Traffic-generating development” states as follows:-

- “(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:
- (a) new premises of the relevant size or capacity, or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.
- (2) In this clause, relevant size or capacity means:
- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3”.

The subject site is located approximately 50m (70m measured along the alignment of the connecting road) north of Pacific Highway which is a main road or a classified road for the purposes of SEPP infrastructure. In accordance with **Clause 104** “Traffic-generating development”, developments described in **Schedule 2 & 3** needs to be referred to the RTA. Consequently the Project Application requires concurrence from the RTA.

4.14 State Environmental Planning Policy (BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) was gazetted on 25 June 2004 and became applicable to multi-unit housing on 1 October 2005.

BASIX is an on-line assessment tool that calculates the dwelling's energy and water scores based on a range of design data. The assessment is completed by the building designer. Once the design complies with BASIX, a BASIX Certificate listing the sustainability commitments can be printed and submitted with the development application.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "*BASIX affected building*". Therefore, BASIX applies to the "*apartment building*" component of this proposal. A BASIX certificate for Project Application is attached at **Appendix 7**.

In terms of water efficiency the proposed development is estimated to give water savings of 42%- that is 2% more than the minimum required. In terms of energy efficiency the proposed development is estimated to give energy savings of 25%, that is 5 % more than the minimum BASIX requirements. The project has attained a PASS score for the thermal comfort category.

4.15 NSW Planning Guidelines for Walking and Cycling

The aim of the NSW Planning Guideline for Walking and Cycling (the guideline) is guideline is to improve consideration of walking and cycling. It is anticipated that this will ultimately create more opportunities for people to live in places with easy walking and cycling access to urban services and public transport. In recent years census data on the number of people cycling to work has increased significantly. Whilst the overall mode share for cycling remains low compared to the dominant modes, this recent increase, particularly in inner Sydney, is encouraging.

Consistent with the guideline North Sydney Council has prepared a Bike Strategy 2009 (see **Figure 11**). One of Council's overall aims is to reduce internal and external car trips, reduce traffic generation from development and encourage greater use of public transport and alternate modes of transport such as cycling.

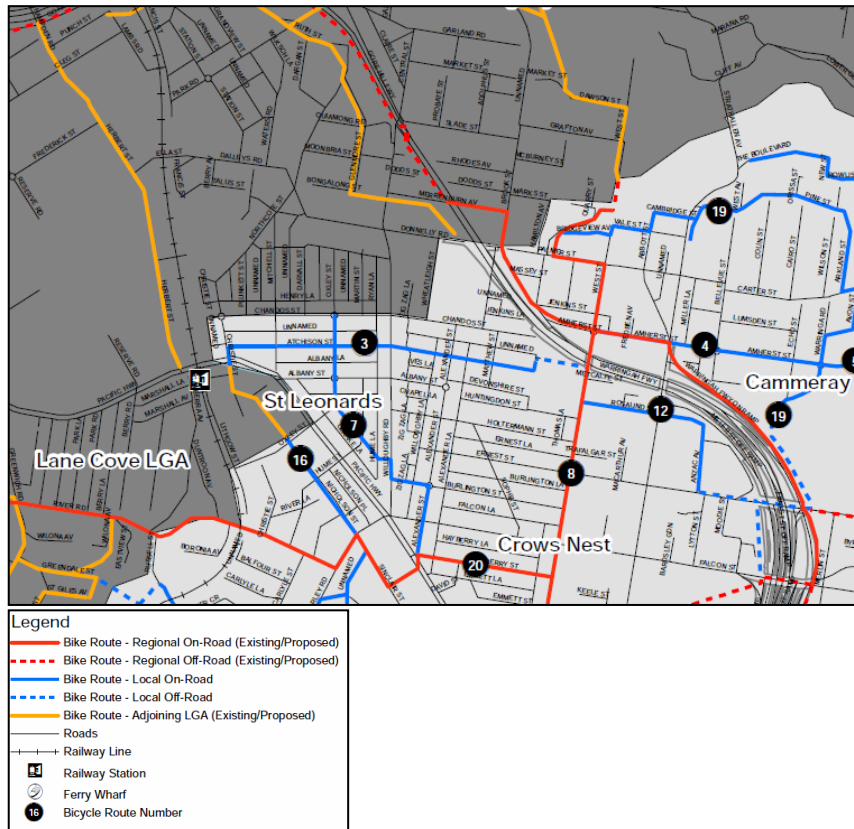


Figure 11: 2009 Bike Network Source: North Sydney Bike Strategy 2009

In this regard route 3: St Leonards to West Street, on the North Sydney Council cycling map (see **Figure 11** above), provides an excellent link between West Street and St Leonards Station. A contra-flow bike lane has been installed on Atchison Street between Christie Street and Mitchell Street. As part of streetscape works, this contra-flow lane is to be extended from Atchison Street up to Willoughby Road.

The proposed Project Application allows for new bicycle racks as part of the public domain improvements which is consistent with the Bike Strategy as well as the Atchison Street West Masterplan. Bicycles will be encouraged as an alternative means of transport and will compliment and link with the existing regional cycle network. This will improve conditions for walking and cycling whilst increasing access to services and improve the choice of transport available.

The proposed urban structure and the public domain improvements are considered to make public transport, walking and cycling, more attractive and viable whilst moderating car use.

4.16 North Sydney Local Environment Plan 2000

The current zoning of the site is **Mixed Use** under the NSLEP 2000 as illustrated in the zoning map reproduced at **Figure 12**. **Clause 14** of NSLEP 2001 establishes land use permissibility. **Table 11** below outlines the proposed uses and the permissibility within the mixed use zone.



Figure 12: Zoning pursuant to NSLEP 2001 (the site outlined in red)

The proposed Project Application contemplates the following uses on the site, as defined by Clause 6 of NSLEP 2001 and included in **Table 10** below.

Table 11 – Proposed primary uses as defined within the NSLEP 2001

PROPOSED USE	DEFINITION UNDER NSLEP 2001	PERMISSIBLE
Residential	apartment building means a single residential building containing three or more dwellings but does not include attached dwellings.	Yes
Hotel	hotel means premises that provide accommodation consisting of rooms, self-contained suites or serviced apartments for guests, as well as facilities such as a restaurant or bar.	Yes
Gym	recreation facility means a building or place used for indoor recreation, table tennis centre, squash court, swimming pool, gymnasium, health studio or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.	Yes
Cafe	refreshment room means a restaurant, café, tea room, eating house or	Yes

	<i>the like, but does not include a building or place elsewhere specifically defined in this Schedule.</i>	
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4.16.1 Compliance with Councils LEP Provisions

The table below outlines the relevant LEP provisions.

Table 12: Compliance with Councils LEP Provisions

CLAUSE	COMMENT	COMPLY
Clause 29: Building Height 49m	RL196.25 or 109m	No Refer to Building height objectives below for detailed discussion
Clause 30: Building Height Plane	Since the site does not abut or adjoin any residential or open space zone, the building height plane control within the mixed use zone does not apply	N/A
Clause 31: FSR Non-residential 3.0:1 – 4.0:1	Total GFA 24,962m ² or a FSR of 14.33:1 Total residential GFA = 21,464m ² Total non-residential GFA = 3,430.67m ² consisting of:- <ul style="list-style-type: none"> Hotel – 2,585.77m² arguably non-residential floor space Gym – 607.2m² non-residential floor space Cafe – 237.7m² non-residential floor space 	No Refer to FSR objectives below for detailed discussion
Clause 32: Design of Development (a) building to have residential and non-residential uses, (b) non-residential at the lower levels no residential at ground level (except access), and (c) separate entrances for residential (d) building to be set back above podium.	The proposed building includes residential and non-residential uses, with non residential (cafe and gym) at lower levels and no residential at ground level (except access) Separate entrance for residential and “Hotel”; Building is set back above podium	Yes
Clause 39: Excavation of land	There are no “existing vegetation” on site Specialist reports, including geotechnical reports,	Yes Subject to

	structural engineering reports, hydrology reports and the need for dilapidation reports to ensure the structural integrity of adjoining properties can be addressed by way of condition. Accordingly, the amount of excavation proposed, can be safely undertaken with no damage to neighbouring properties and be subject to relevant conditions of consent.	condition
Clause 40: Contaminated land	Refer to Section 4.10 concerning SEPP 55 issues	Yes

- **Building height objectives**

The project does not comply with Clause 29 (Building Height) provisions contained within the North Sydney LEP 2001. The non-compliance with the numerical requirements of development standard (Building Height) is considered on its merits.

The specific objectives of the building height controls in the mixed use zone are to:

- “(a) ensure compatibility between development in the mixed use zone and adjoining residential areas and open space zones, and*
- (b) encourage an appropriate scale and density of development for each neighbourhood that is in accordance with, and promotes the character of, the neighbourhood, and*
- (c) provide reasonable amenity for inhabitants of the building and neighbouring buildings, and*
- (d) provide ventilation, views, building separation, setback, solar access and light and to avoid overshadowing of windows, landscaped areas, courtyards, roof decks, balconies and the like, and*
- (e) promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient, and*
- (f) avoid the application of transitional heights as justification for exceeding height controls”.*

The proposed building, being taller than the maximum building height control but with a smaller floor plate, achieves a better overall design and amenity outcome for both residents of the proposed building and residents of adjacent and nearby existing mixed use buildings. The site is unique in that the solar impact, overshadowing, view and privacy impact of a tall building is less with the proposed smaller floor plate compared to the impact of a “squat” lower complying building.

The built form will improve the public domain by adding visual interest and provide internal amenity and outlook. The proposed building provides an appropriate built form for the site, given that the proposal achieves an appropriate and complimentary bulk and scale to that of existing developments without dominating the pedestrian environment. The proposed height promotes the character of St Leonards as a Specialised Centre capable of supporting a “livable” environment where people work; live and “play” in close proximity to public transport, consistent with objective (b).

The location of the building within the Specialised Centre of St Leonards on a larger rectangular shaped allotment which allows for greater separation than the existing situation, increasing the opportunity for access to natural light thus increasing the amenity of inhabitants of existing buildings (in particular No. 2-4 Atchison St) and the public domain consistent with objective (c).

The proposed development does not visually dominate the surrounding spaces. The proposed height non-compliance does not result in any unreasonable overshadowing of the adjoining development in the locality as the area of additional shadow does not impact on the private open spaces of existing developments as demonstrated on the Shadow diagrams at **Appendix 4**. The building complies with the setback provisions within NS DCP allowing appropriate separation between buildings and sunshade devices ensues visual privacy is maintained. Accordingly objective (d) is satisfied.

- **FSR objectives**

The project allows for a total GFA of 24,962m² or FSR of 14.33:1 as defined by the North Sydney LEP 2001 (see breakdown below):

- Total residential GFA = 21,464m² (FSR 12.33:1)
- Total non-residential GFA = 3,430.67m² resulting in a non-residential FSR of or 1.97:1 consisting of:-
 - Hotel – 2,585.77m² arguably non-residential floor space
 - Gym – 607.2m² non-residential floor space
 - Cafe – 237.7m² non-residential floor space

The project does not comply with Clause 31 (range of non-residential FSR) provisions contained within the North Sydney LEP 2001. The non-compliance with the numerical

requirements of development standard (FSR) is considered on its merits and its ability to achieve the intent or objective of the development standard.

The specific objectives of the floor space ratio controls in the mixed use zone are to:

- (a) ensure a diverse mix of uses in each building in the mixed use zone, and
- (b) minimise traffic generation from commercial development.

A review of the development application history and specifically DA469/05 for the erection of a new 24 storey mixed use building containing a cafe/coffee shop/restaurant on the ground floor, a child care centre and three (3) levels of basement parking, the Council officer's report noted that the intent of the non-residential FSR is to maintain the existing employment space in the St Leonards Centre.

"The desired character for St Leonards is mixed-use and it is clearly the intention to maintain existing commercial space and allow for additional development, beyond the existing space, to be residential".

Since the drafting of the report North Sydney Council prepared and adopted the Draft Local Development Strategy (LDS) dated July 2008. The LDS is considered a translation of the strategic vision for North Sydney Council as identified in the Metro and Subregional Strategies. In addition it will inform the new Draft Comprehensive LEP. Council's main centre for business is located in the CBD and St Leonards. In this regard most of the 15,000 new jobs identified within the Draft Inner North Sub-regional Strategy (INSS) will be in North Sydney CBD. The Draft INSS establishes an employment target of 8,200 jobs for St Leonards. As stated previously the bulk of these jobs will be achieved via the redevelopment of the Royal North Shore Hospital site (Willoughby LGA) and the up-zoning along Pacific Highway (Lane Cove LGA). In addition the North Sydney Residential Strategy recommended key sites identified for rezoning to promote commercial development within St Leonards. Accordingly, sufficient opportunities (appropriately zoned land) exist within St Leonards to meet the employment targets.

The proposed uses would not limit the commercial development opportunities within St Leonards. Moreover the proposed non-residential uses were located on the lower levels to ensure activation of the pedestrian environment consistent with the objective of the mixed use zone.

The traffic report /analysis at **Appendix 6** states that the proposed development would generate lower vehicular trips than its existing commercial use (from 100 vehicular trips per

hour to 75 trips per hour during the peak period). Accordingly the proposed mix of uses and the proposed gross floor area would result in less traffic generation satisfying objective (b).

Accordingly, it is considered that an appropriate mix of uses are proposed to meet the intent of the non-residential floor space provision.

4.17 North Sydney Development Control Plan

On 3 December 2009, the Minister authorised a Project Application for the subject site. Council's DCP is not applicable to this application. However, this application has had due regard for the relevant sections of North Sydney Council DCP and an assessment against the DCP is provided at **Appendix 13**.

In summary it is considered that the Project Application is consistent with the DCP provisions and in particular satisfies the objectives of the applicable provisions.

4.18 North Sydney Draft Local Environmental Plan 2008

During December 2009, North Sydney Council *re-submitted* the Draft Comprehensive LEP to the Department of Planning for review (s.64). At the time of preparing this EA the Department of Planning has not provided permission to publicly exhibit Draft Comprehensive LEP under Section.65. Accordingly, there is no statutory document to consider.

Notwithstanding the EA has had due regard for the strategic policy documentation which informs the Draft LEP provisions specifically the Draft North Sydney Residential Strategy (refer to **Section 4.8** above).

5 ENVIRONMENTAL ASSESSMENT

For ease of reference **Section 5** of this Environmental Assessment (EA) has followed the order, structure and content of the DGR's. For description refer to Architectural plans at **Appendix 4** and **Section 3** of this EA.

5.1 Built Form and Height

5.1.1 Comparable height study

In considering a comparable height for the site due regard has been given for the locality and context. The subject site is located within the St Leonards Specialised Centre on the ridge top.

The St Leonards skyline is currently dominated by;

- “The Forum” development over the rail corridor
- “The Abode” apartments, and;
- “The IBM Tower”

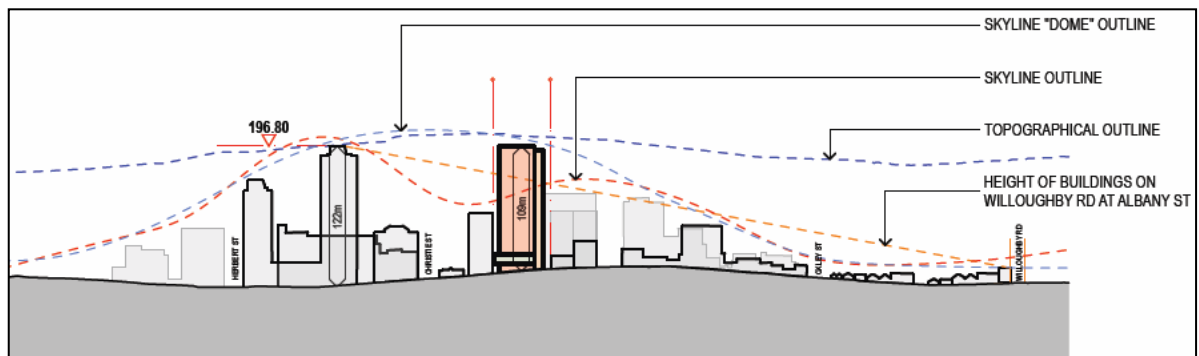


Figure 13: East West Skyline (reproduced here)

Source: FJMT Appendix 4

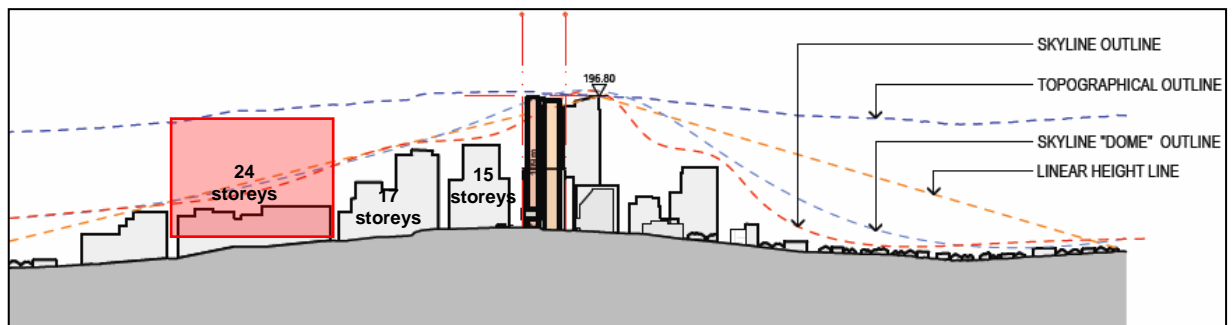


Figure 14: North South Skyline with LC LEP 2009 max height overlaid (72m = approximately 24 storeys) (reproduced here)

Source: FJMT Appendix 4

What the above analysis indicated is that there are a number of ways to establish an appropriate built form:-

- a) Topographical Analysis – this analysis (identified by the dark blue lines in **Figures 13 & 14**) projects the RL of the Forum across a cross section of the site. It confirms that the subject site is located at approximately the highest point on the ridge and as such has the capacity to contain a building of the same RL as the Forum but be actually lower in height.
- b) Dome Analysis – this analysis (identified by the light blue line) cover the existing built forms (notably the Forum) from the two built forms both east west and north south. It confirms that a building envelope similar to that proposed would fit within that curve.
- c) Skyline Analysis – this analysis (highlighted in red) skirts the existing built forms east west and north south and identifies that in an east west section a built form in the order of 10-50m would be consistent with existing buildings; probably because this relates to the existing height limits under the North Sydney LEP 2001. However in a North south direction a building of double that would be consistent.
- d) “Linear” Analysis – this analysis (identified by the orange line) angles a straight line from the low points of the centre north south and east west across the site. In the east west direction a built form in the order of 80-90m would fit within the projection whilst in the north south direction a building in the order of a 100m would be consistent.

All four (4) analysis show that a building in the order of a 100m high would nestle consistently within the existing built form of St Leonards.

Accordingly, an envelope with a height varying between 90-110m is considered contextually appropriate. This envelope is refined by the need to mitigate environmental impacts such as overshadowing to adjoining developments. The detailed shadow analysis undertaken demonstrates that the proposed 109m height results in a negligible impact.

5.1.2 Options for layout of building envelope

The detailed design was subjected to extensive urban design processes which included identifying appropriate envelopes as defined by height and building setbacks. The North Sydney DCP setbacks were used as a starting point. These setbacks were improved by applying the appropriate SEPP 65 setbacks and required separation distances between buildings (see **Figure 15**). The proposed envelope was further refined by having regard for impacts on adjoining developments with respect to access to sunlight and view paths.

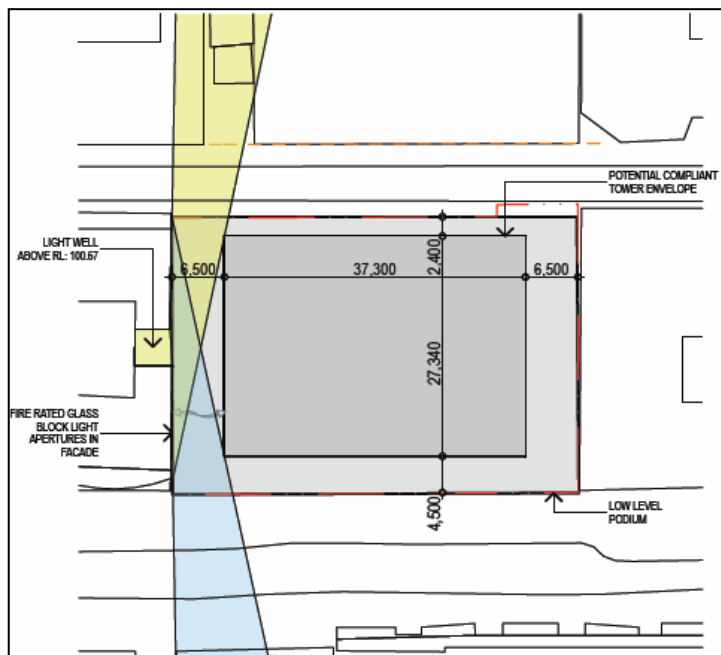


Figure 15: Tower massing option 1 Source: FJMT Appendix 4

By allowing the tower to split into two masses the perceived bulk is reduced, this also allows for maximum light access to the public domain south of the site as well as the lightwell at No 2-4 Atchison Street. Further articulation of the tower mass by separating the form with a smaller “slot” element allows the 2 forms to be perceived as 2 separate buildings. This design option maximises the number of corner apartments and ensures optimal amenity for future occupants (See Architectural Plans at **Appendix 4** and reproduced at **Figure 16** below).

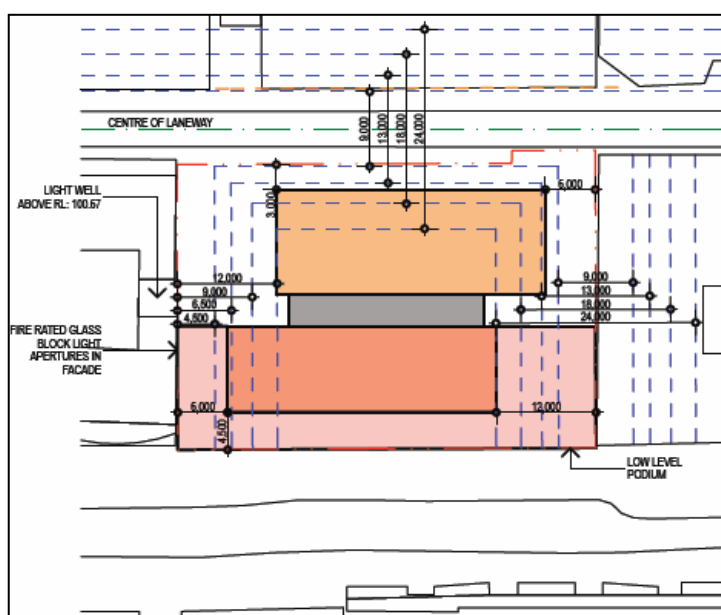


Figure 16: Preferred Tower Massing Source: FJMT Appendix 4

The towers were setback from both Atchison Street and Atchison Lane alignment, minimising the visual mass as well as its environmental impact on surrounding building. The raised podium maintains the street character accommodating a human scale.

The proposed design mitigates the environmental impacts of the tower envelope, by:-

- optimising articulation of the tower form;
- minimises mass of the tower envelope;
- maximises access to natural light and ventilation for the tower and adjoining sites; and
- mitigation of off-site environmental impacts.

5.1.3 FSR

The proposed FSR/bulk is considered compatible with existing surrounding developments in particular the Linea Building at No. 2-4 Atchison Street which has a FSR of 13.6:1 with a non-complying non-residential FSR component. More importantly the existing Linea Building provides for 100% site cover whilst the proposed development has a site cover of approximately 33%. The proposed building footprint allows for generous through-site linkages as well as the integration and extension of the recent Atchison Street improvements undertaken by Council resulting in increased public benefit and enjoyment of the space.

The Forum has an existing FSR of 10.6:1 (Source: North Sydney Design Excellence Panel report dated 11 November 2009) with a higher built form (RL196.8 or 132m) than the proposed development (RL196.25 or 109m). In this regard the subject site is located at the top of the ridge, and the building would form the new focal point of St Leonards; no higher than the "Forum" and providing potential for 2-3 other sites in the immediate vicinity to have "increased heights" to achieve Metro Strategy goals.

Moreover, an appropriately located (allowing for separation between buildings) high rise tower with a smaller footprint is considered more beneficial in terms of shadow impact compared with a squat lower building which complies with the height and FSR provisions.

An analysis of existing built forms and future development potential within the precinct was undertaken by City Plan Strategy and Development (refer to **Appendix 14**). The analysis identifies that of the 21 sites reviewed:-

- 5 are already built to zoning and contextual capacity;

- 6 have not sought to redevelop but the zoning and contextual capacity (small lot size) do not allow significant growth;
- 7 sites have good commercial development potential as a result of draft strategic policies such as the Draft Residential Development Strategy, including
 - 77-79 Christie Street
 - 81-83 Christie Street
 - 94-106 Christie Street
- 3 mixed use zoned sites are currently under developed and have capacity beyond the existing controls. These sites are:
 - 18-20 Atchison Street
 - 22-24 Atchison Street
 - 25-33 Chandos Street

This appears to be contrary to North Sydney Council's RDS which suggests that some 2212 dwellings are capable of being development within the existing zoning.. From our analysis this is unlikely given the nature of those sites, their ownership pattern and economic viability of adding 'a few floors' to existing buildings. Certainly knocking down existing buildings to redevelop with only a few additional floors will not allow the realisation of the dwellings as indicated in the RDS.

However, some sites do have capacity and capacity beyond the existing controls to address this dwelling yield 'hole'. The sites with future development potential benefit from:

- sufficient size;
- single ownership;
- not constrained by Heritage;
- have good access; and
- are located topographically so as to have minimal impact on shadows (impact because of subject proposal).

In addition, 2 of the sites are already identified as "*key development opportunities*" sites by the St Leonards Strategy (see **Figure 17**) whilst the sites in Christie Street and Chandos Street were identified by North Sydney Council RDS as future commercial zoned sites.



Figure 17: Key development opportunity sites under St Leonards Strategy

This being the case, not only is it considered that contextually the proposed building mass is consistent with the surrounding area but that the proposal is considered to be the catalyst for new densities within St Leonards in order to meet State housing targets. Moreover the proposed building would mitigate potential environmental impacts of other sites choosing to develop, acting as a “buffer” preventing additional overshadowing and the adverse amenity impacts.

When considering the existing surrounding developments and the approved FSR’s or building bulk, the proposed building sits comfortably within its context. The visible scale and bulk would marry with the predominant scale and bulk of the development within the locality and allow for future growth in the immediate vicinity in a manner which would cause negligible environmental harm but allow the realisation of housing targets. (See **Figure 18**).



Figure18: View from the North East

Source: Architectural plans at Appendix 4

5.1.4 View analysis

The proponent undertook an extensive view line analysis from existing residential areas and important vistas (See **Appendix 4**). Images have been created in order to demonstrate the visual impact of the proposal when viewed from certain locations. These include:-

- Iron Cove Bridge;
- Harbour view from Chiswick;
- No. 429 Pacific Highway, Crows Nest;
- Sydney Harbour Bridge adjacent lower Fort Street, Dawes Point (See **Figure 19**);
- No. 5 Flemming Street, Northwood (see **Figure 20**);
- No. 699 Pacific Highway, St Leonards;
- No. 12 Campbell Street, Artarmon;
- No. 250 Willoughby Road, Naremburn;
- No. 21 Kalgoolie Street, Willoughby; and
- No. 24 Lambs Road, Artarmon.



Figure 19: Images of proposed development when viewed from Sydney Harbour Bridge adjacent lower Fort Street
Source: Architectural plans at Appendix 4

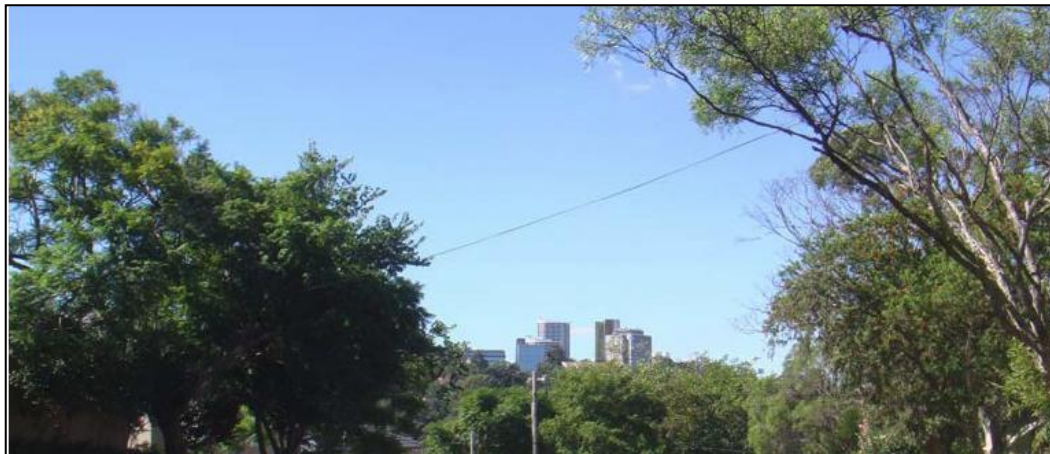


Figure 20: Images of proposed development when viewed from No. 5 Flemming Street
Source: Architectural plans at Appendix 4

The development has significant capacity to be visually absorbed into the existing locality without detrimentally altering the character. The proposal produces a development of a character consistent with what could be anticipated for the St Leonards Centre which allows for higher densities and heights as well as the new adopted heights and densities under the Lane Cove LEP 2009.

The view analysis demonstrates that the proposed buildings sit comfortably within the existing and future anticipated skyline. This will ensure that the views to and from the site are not detrimentally compromised. More importantly, the views of the centre are enhanced.

5.2 Land Use

5.2.1 Desired future mix of land uses

In order to demonstrate an appropriate desired land uses, a development potential analysis was undertaken with the following parameters for each site:-

- Heritage significance;
- Title type;
- Small lots / site area;
- Identification of low grade and high grade existing development; and
- Potential for adverse impact on adjoining lands.

These parameters are consistent with those applied by North Sydney Council within their Draft Residential Development Strategy. In addition the analysis has had due regard for potential future floor space and potential employment generation (refer to **Appendix 14**).

The subject site is identified as a site most likely to be redeveloped for residential purposes based on a lack of constraints such as heritage, small lot size, strata titling, existing high grade development, and potential for adverse impact on adjoining lands as well as the fact that appropriate employment uses can be more appropriately accommodated on employment lands / commercial zoned land within the Centre.

The mixed use zoning of the subject site together with the larger site area and the required amenity to attract residential development such as potential to address overshadowing, outlook, privacy and solar access, contributes to a residential land use being more appropriate.

A residential land use (including the “Hotel” which arguably can be considered as a commercial use) within an existing Centre identified for increased density and activity as well as its close proximity to public transport nodes and employment potential is considered consistent with State policy.

Activating the ground floor with a mix of uses, such as “Hotel” and Residential lobbies as well as a public domain space and cafe meets the intent of a mix use zone. The proposed project is considered to encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of existing developments. Accordingly, the proposed land use is considered appropriate.

Figure 21 below demonstrates the following:-

- Land identified for development potential under the St Leonards Strategy;
- Land identified for rezoning from mix use to commercial under Draft North Sydney Residential Strategy; and
- Land with development potential (opportunity sites) based on lack of constraints and potential environmental impact; proximity to public transport and potential additional floor space.



Figure 21: Development opportunities (reproduced here)

Source: Appendix 14

Figure 21 demonstrates the upzoning of land for additional employment (mixed use to commercial) by North Sydney Council along Christie Street. However it also demonstrates the lost opportunity to upzone other sites in the area for higher density to accommodate the loss of residential yield. Notwithstanding the fact that the St Leonards Strategy identified certain sites as having the potential to accommodate additional densities, North Sydney Council adopted a status-quo approach. Figure 21 identifies the sites which are considered to have the potential to accommodate the lost residential yield.

5.3 Public Domain / Landscaping

The primary objectives of the new public domain landscape design are one of connection and place. The “making” of new places requires activity (see **Figure 22**) and this is reflected by the cafe/restaurant use with outdoor seating.



Figure 22: Public domain as viewed form Atchison Street Source: FJMT Appendix 4

It is expected that many pedestrians working nearby will use the through-site links as a local shortcut from Atchison Street to Atchison Lane beyond. This will also benefit the general level of activity expected around the Hotel and Residential lobbies which is anticipated to be open 24/7.

The main public domain landscape components include within the design are (refer to **Figure 23** below and **Appendix 4** for detail):-

- Street Interface (with Public Art Sculpture);
- Residential Forecourt;
- Hotel Forecourt;
- Green Wall;
- Site Through-Link;
- Cafe Square; and
- Feature Gravel Roof (at Podium Roof Level).

5.3.1 CPTED

CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Research into criminal behaviour shows that the decision to offend or not to offend is more influenced by cues to the perceived risk of being caught than by cues to reward or ease of entry. Consistent with this research, CPTED based strategies emphasise enhancing the perceived risk of detection and apprehension.

Consistent with the widespread implementation of defensible space guidelines in the 1970s, most implementations of CPTED as of 2004 are based solely upon the theory that the proper design and effective use of the built environment can reduce crime, reduce the fear of crime, and improve the quality of life. Built environment implementations of CPTED seek to dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur. The four most common built environment strategies are:-

- natural surveillance;
- natural access control;
- territorial reinforcement; and
- special management.

Natural surveillance and access control strategies limit the opportunity for crime. Territorial reinforcement promotes social control through a variety of measures (see **Appendix 15** for CPTED analysis).

5.4 *Environmental and Residential Amenity*

5.4.1 Acoustic privacy

An acoustic report has been prepared by Acoustic Studio and is attached at **Appendix 12**. Long term and short term measurements were undertaken.

Internal noise levels

The testing showed that both the daytime and nighttime continuous background noise environment on the southern side of the proposed building, facing Atchison Street and the Pacific Highway, are dominated by road traffic. Background noise levels on the northern side of the proposed building, facing Atchison Lane, have been found to be dominated by mechanical plant noise associated with the surrounding buildings for all time periods.

The acoustic report identifies internal and external noise levels. Specifically **Table 5** of the Acoustic report presents the total internal noise levels set for each of the key areas.

The Acoustic Report states as follows:-

“To achieve the total internal noise levels set for each space, the façades will be designed to provide the required external-to-internal sound insulation performance”.

Communal (and community) areas

“Target internal noise levels will be achieved in all communal and community areas using commercial curtain wall systems.

It is expected that there will be no specific acoustic performance requirements which will demand high-performance glazing”.

Apartments

“It is expected that there will be no specific acoustic performance requirements which will demand high-performance glazing for any of the apartments in order to control noise intrusion.

However, there will be some restrictions on operable windows for some elevations. This is as a result of the need, for rooms with no air-conditioning or mechanical ventilation, to achieve internal noise levels assuming windows are open”.

“Sound absorptive materials will be integrated with the room finishes to maintain comfortable and functional spaces where required”.

Air-conditioning

“To achieve the total internal noise levels set for each space, noise control treatments including attenuators and internally-lined ductwork will be incorporated into the systems design as required”.

External noise levels

The environmental noise limits for mechanical plant, applicable at the boundary of the nearest receivers, are presented in **Table 1** of the Acoustic Report. Complying with the noise limits for the closest residential receivers to each site will ensure compliance with the noise limits at all other residential receivers, plus all commercial receivers. The Roof top plan will be enclosed or screened as required.

The noise report also states that *“If necessary, additional environmental noise control methods may include in-duct attenuators, acoustic louvres for plant rooms, and enclosures for noisy plant items”*.

Noise at the site has been measured and noise goals have been set in accordance with the requirements of the local council and relevant statutory/regulatory authorities. Accordingly, the noise for the proposed mixed use building at the time of operation will need to meet these criteria.

5.4.2 Visual privacy

The proposed setbacks ensure visual privacy between buildings whilst the cantilevered sunshades and internal shading devices optimise both internal and external privacy.

In addition the general recessing of the balcony spaces within the façade restricts sight lines and further mitigates adverse effects of visual privacy.

In conclusion, the development has been designed using careful orientation, siting, setbacks and landscaping treatment to ensure minimal loss of privacy between the proposed building themselves and indeed the adjacent residential buildings

5.4.3 Wind impact

A Wind Impact Study was undertaken by Heggies and is attached at **Appendix 16**. Standard Local Government Wind Acceptability Criteria were identified and a wind tunnel test has been carried out. The wind tunnel test results for Atchison Street; Atchison Lane; Courtyards and roof locations in the “Baseline” configuration are shown in **Figures 4; 5 & 6** of the Wind report.

The following points summarise the wind environment:-

- There is potential for localised areas both at ground level to experience wind gusts exceeding criteria relevant to comfort conditions, eg walking, strolling, sitting, outdoor dining, etc;
- Locations on Atchison Street, at the end of the courtyard, experience higher wind speeds due to the northerly and southerly wind funnelling through the courtyards and in between buildings and impacting these locations;

- The outdoor cafe area also attract higher winds (above the 10m/sec criterion) due to funnelling in between proposed development and the adjacent building, in this instance especially for north and southwest wind directions;
- Finally, the roof of the development will be exposed to potentially high winds of a mostly horizontal nature, requiring mostly vertical windbreak elements if it is foreseen to have a roof garden.

Many windbreak elements have been proposed for the development such as the enclosed balconies to the apartments and the large undercroft for the cafe and sitting area reducing downwash impacts.

Some additional windbreak features have been recommended by the wind assessment which states as follows:-

“Landscaping or wind screens for street footpath and internal lane areas. Dense landscaping or wind screens on the north and south of the courtyards”.

The wind report concludes as follows:-

“The wind mitigation recommendation will be refined during the detailed design stage of the development. It is therefore recommended that, as the building design progresses to the point of confirmed design approval, the wind mitigation treatments are also reviewed and refined, ie specific landscaping strategies or dimensions recommended for vertical screens, etc, to ensure that wind comfort conditions are achieved or existing wind environment is maintained while minimising wind mitigation impact on the public domain.”

5.4.4 Overshadowing

An extensive and detailed assessment of the level of overshadowing on the surrounding properties at hourly intervals, during the winter and summer months was carried out (see **Appendix 4**). The shadow diagrams prepared by FJMT Architects for mid-winter demonstrate the following:-

- The existing June 21 shadow conditions are relatively poor with extensive shadow impacts into and across the precinct from virtually every building. These impacts are exaggerated in the early morning as a result of the topography of the precinct which falls away to the South West.

- Overshadowing from the proposed development during June 21, sits generally within the existing shadow envelopes, with negligible additional overshadowing;
- The residential zone within the Lane Cove LGA to the south west of the proposed development does experience some additional shadow impact in the early morning. This lasts from sunrise to 9.36am. However, overshadowing from adjoining neighbours mitigate the great majority of the additional overshadowing caused by the proposed development.

The Lane Cove LEP 2009 development envelopes on the southern side of the Pacific Highway impose significant morning and afternoon shadows upon their immediate neighbours whilst introducing new shadows on the residential zone to the south west.

Overshadowing from the proposed development sits generally within these new anticipated shadow envelopes, with negligible new impacts. Accordingly, having regard for the introduction of the Lane Cove LEP envelopes the analysis illustrate that these will mitigate any impacts from the proposed development.

5.5 *Transport and Accessibility*

Existing road and traffic conditions, proposed design and relevant impacts associated with the Project Application are contained in the Traffic Report at **Appendix 6**.

5.5.1 *Traffic Impacts*

In this respect the traffic report states as follows:

“At a rate of 0.24 trips per unit per peak hour, the 228 units would generate some 55 vehicular trips per peak hour and the 38 serviced apartments would generate some 15 trips while the commercial site will generate some 5 vehicular trips per peak hour. This would result in a total of 75 vehicular trips during a peak period.

By comparison, the previous use of the site with commercial use of some 5000 sqm would have an estimated minimum traffic generation of 100 vehicular trips per peak hour.

Therefore, the proposed development would generate lower vehicular trips than its existing (previous) use”.

In addition, an assessment of road network in terms of intersection operation at critical locations has been carried out. The counts took place on Wednesday 19 May 2010 between hours of 7.00AM – 9.00AM and 4.00PM-6.00PM.

The adequacy of the capacity of an intersection is judged by whether it can physically and operationally cater for the traffic using it. The results of the assessment have been tabulated in Table 4.2 of the Traffic report and revealed that the intersections are operating at a good level of service during the morning and afternoon commuter peak hours on a weekday.

In this regard the traffic report states as follows:-

“Considering that the proposed development will have a lower traffic generation than its existing situation, therefore the intersections along the road network in the vicinity of the site will continue to operate at a similar level of service to the current situation (with a marginally better LoS). The development proposal would have no adverse traffic impact whether taken in isolation or considered cumulatively”.

5.5.2 Vehicular Access

In terms of vehicular access to and within the development site, the traffic report (at **Appendix 6**) makes the following assessment:

“The vehicle access to the site will maintain from Atchison Lane. A generous separated double vehicle width driveway is proposed at the western boundary of the site via Atchison Lane. The driveway width is 5.5m wide and is in accordance with the Australian Standards. The frequency of vehicles passing each other will be considerably small while adequate width are available that would allow for larger vehicles to pass. The proposal will combine the existing three vehicular access points to one location via Atchison Lane. This will improve efficiency and safety of vehicular movements to and from the site.

Service Vehicle access to the site is via the loading dock with an improved ingress/egress layout. The loading dock is 8.5m X 3.6m. This enables a small rigid vehicle to reverse into the dock and egress in forward direction”.

5.5.3 Car parking

Table 13 below demonstrates the carparking requirements pursuant to North Sydney DCP section 9.

Table 13: Carparking

Use	Rate	Size	Max. Spaces Required	Spaces Proposed
Residential	Studio & 1 bed units @ 0.5 Spaces	139	70	159
	2 + bed @ 1 space / unit	89	89	
Hotel	1 space per 5 units/rooms	38	8	8
refreshment room/ café	1 space / 50 m ²	237.7m ²	5	1
Total			172	168
Motorcycles	1 space per 10 cars or part thereof (residential)	159	16	17

The proposed parking provision is considered appropriate for the following reasons:-

- *“The location of the development in the immediate vicinity of St Leonards Railway Station and Pacific Highway give the site a superior level of public transport accessibility and ability for residents to live well and travel around without a motor car;*
- *St Leonards has a good mix and intensity of land uses that provide residents with all requisite services;*
- *The nature of surrounding streets is commercial as opposed to residential and on-street parking is strictly time managed. This gives authorities the ability to deter nuisance parking should it occur.*
- *At a broader policy level, this proposed renewal project adds mix and intensity of development around a transport hub. It provides a classic example of leveraging redevelopment, better public spaces and services off investment by Government in transport facilities and in doing so, meets the objectives of the State Plan. It also helps meet accessibility and mode share targets for major centres. The approach reflects objectives of North Sydney Council’s DCP and transport strategy”.*

A comparison with the RTA Guide to Traffic Generating Development demonstrates a parking requirement of 176 spaces. Considering the location of the site (in close proximity to rail and bus services) and acknowledging the fact that the café will mainly be used by the patrons of the site or people who already are in the area, the parking provision of 168 spaces is considered

appropriate. Moreover the maximum rate under the North Sydney DCP discourages the reliance on private motor vehicles and encourages the use of public transport.

As detailed with the Traffic report, the greatest single measure in support of non-car modes is the restriction of resident and visitor car parking in the circumstance of this site where:

- there is a very high level of metropolitan network level of public transport accessibility, and
- the development is in the midst of a commercial/ mixed use area with heavily enforced restricted on-street car parking which will enable car ownership to be realistically curtailed and overflow onto the street network severely limited.

Other supportive measures that could be implemented are:-

- Bicycle parking
- Public transport information
- Public domain and pedestrians

5.5.4 Pedestrian Access

The new driveway will be constructed at the rear of the site to Atchison Lane. The driveway area would allow adequate visibility for entering and emerging drivers.

Main pedestrian access is from Atchison Street for both serviced apartments and residential uses thus application allows for the separation of vehicular and pedestrian access to improve pedestrian safety.

5.5.5 Construction Traffic Management

A construction traffic management plan should be prepared once approval has been obtained for the proposed development and prior to commencement of demolition/construction activities. This could form a condition of consent.

5.6 Ecologically Sustainable Development (ESD)

A key priority for the building is to implement sound energy saving initiatives (Refer to **Appendix 7**). Below is a summary of the ESD strategies that are identified for the project:-

- Low CO2 emissions (low energy lighting, space and water heating and air conditioning, building air tightness)
 - Timber from managed regulated sources or re-used
- Reduction of internal pollutants such as formaldehyde, wood preservatives, toxic paints, volatile organic compounds (VOC's) and other particulates and fibres
 - Use of recycled or demolition material
- Site development which minimises damage to local flora and fauna, re-use of existing sites and ecological improvements
 - Domestic and rainwater management
 - Daylighting, passive solar heating and passive ventilation techniques

In addition, the proposal has had regard for the Green Star Multi-residential rating tool. Based on the initiatives that have been considered in the proposed design, it has been identified that the project has the potential to attain a 5 Star Green Star rating (refer to **Appendix 7**).

5.7 Contributions

North Sydney Council S94 Contributions Plan states that Council can only require a Section 94 Contribution if it is satisfied that the development, *“the subject of a development application, will or is likely to require the provision of, or increase the demand for, public facilities within the area. Contributions may be in the form of monetary payments, dedication of land at no cost to Council, the provision of a material public benefit, or a combination of these”*.

This Plan applies to all land within North Sydney. The subject site is located within the St Leonards Centre as identified by Figure 8.2 of the S94 Plan.

An applicant may propose that a requirement for a monetary Section 94 contribution be met by way of a material public benefit (for an item not included on the works schedule) or a works in kind (for an item included on the works schedule) as referred to in s.94 (2c) of the EP&A Act.

In addition to Section 94 monies a Draft Voluntary Planning Agreement (VPA), has been prepared by Baker & McKenzie pursuant to Section 93F of the Act and is included in **Appendix 17**.

5.8 Statement of commitments

The potential environmental impacts identified at **Section 5** of this report, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that have informed this report and are incorporated into the Draft statement of commitments. This EA concludes that subject to the mitigation measures (including Statement of Commitments in **Appendix 18**) any significant adverse impacts would be managed and mitigated to the satisfaction of the Minister as the consent authority.

5.9 CBD Rail Link Corridor

The RailCorp letter dated 22 December 2009 appended to the DGR's issued by the Department of Planning, stated that the subject site adjoins the future rail corridor identified in the CBD Rail Link (CBDRL) Pre-Feasibility Study. However further investigation by RailCorp's Network Development Division recognized that the subject site is not within nor does it adjoin the future CBD rail link corridor. As such it is RailCorps view that no further details of the interface between the proposal and the CBD rail link is required to be submitted with the EA (refer to **Appendix 19**).

The Environmental Assessment had due regard for potential future impacts of rail operations such as noise and vibration refer to the Acoustic report at **Appendix 12** which states as follows:-

"St Leonards Station is located approximately 150 metres to the west of the proposed development. Train pass-bys at St Leonards Station occur 24 times every hour for both the North Shore and Northern Line, with 24 Up trains and Down trains each hour – approximately 2.5 minutes apart. All trains are passenger trains.

It is noted that relevant guidelines do not require a detailed rail noise and vibration to be undertaken for developments located more than 60 metres away from an operating rail line.

Furthermore, rail noise and vibration impacts were found to be negligible during a site inspection, as the site is fully shielded from the rail line by surrounding buildings, and therefore they are not considered further in this assessment".

Further, the design will be in accordance with the Building Code of Australia (BCA) and the relevant Australian Standard (AS), details of which will be provided at Construction Certificate stage.

5.10 Consultation

As part of the Environmental Assessment process, a consultation process in accordance with the Department's Major Project Community Consultation Guidelines was undertaken. Community and stakeholder consultation is an important component of the NSW Government's environmental assessment process for projects under Part 3A of the Environmental Planning and Assessment Act (EP&A Act). It provides an opportunity for the decisions of Government to be informed by the views and knowledge of the community. Consultation is part of working openly with the community and other stakeholders and providing opportunities for their views and preferences to have input into the assessment process and decision making. The goal of consultation is to strengthen decision making by ensuring all relevant issues are considered.

A consultation meeting with the Director of Planning and the Manager of Strategic and relevant senior staff of Lane Cove Council and North Sydney Council staff and elected representatives was held, in order to provide a presentation of the proposal outlining the project, the reasons behind the project, the relationship to the Metropolitan Strategies and the opportunities for the Local Government Area. Willoughby Council's Director of Planning provided written feedback on 19 February 2010.

Table 14: Summary of three LGA comments

Council	Comments	Response
Lane Cove Council 2 March 2010	No formal response – informal discussions only Requested detailed shadow analysis to existing residential premises	Refer to Appendix 4 for detailed shadow analysis.
North Sydney Council 6 April 2010	<i>Councillors present had concern with the increase in height and density from the proposal they had earlier seen (DA.469/05). The height proposed is substantially above the current controls and Council's policy. It was recommended that a briefing be provided by Council staff to Councillors prior to a Council meeting to ensure a majority of Councillors are in attendance. Council needs to consider the maximum height that they could accept and what public benefits must be provided in order to permit any bonus density to the</i>	The proposed building footprint allows for generous through-site linkages as well as the integration and extension of the recent Atchison Street improvements undertaken by Council. The new public domain resulting in increased public benefit and enjoyment of the space.

	<i>applicant.</i>	
Willoughby Council 19 February 2010	1. <i>The site is located within the area identified in the St Leonards Strategy as the "Eastern Mixed Transition Area". That precinct is planned to provide for mixed uses;</i>	Figure 4 - Urban Structure of the St Leonards Strategy identifies the site as located on the boundary of the "Urban Centre" and the 'Eastern Mixed Use Transition Area'
	2. <i>The precinct to the west of the subject site is designated as the core "Centre" area of the St Leonards CBD;</i>	
	3. <i>The Strategy recognises that the Centre is to provide for additional dwellings and commercial uses to achieve the targets set under the Metropolitan Strategy and the Inner North Sub- Regional Strategy;</i>	Noted - Agreed
	4. <i>The Centre is targeted to provide some 7,300 new jobs and in the order of 2000 additional dwellings;</i>	Noted
	5. <i>The proposed development is to provide for ground level retail, 6 levels of serviced apartments and 26 levels of residential units in a 33 storey (above car parking) building;</i>	Noted - Agreed
	6. <i>The tower will be comparable in height to The Forum Residential Tower A;</i>	Noted - Agreed
	7. <i>The proposed development is inconsistent with the St Leonards Strategy in so far as:</i> a) <i>The scale of the tower is inconsistent with the identified purpose of the precinct as the Transition Area to step down in density and scale from the Centre Area. The Centre Area is designated in the Strategy to hold the prime commercial and residential uses in high rise tower forms located adjacent to the bus-rail interchange. A building of the scale of approximately 25 storeys above ground level would be more appropriate;</i> b) <i>The development will not assist in providing for the commercial office functions for the centre and as contemplated by the Mixed Use zoning.</i> c) <i>The proposal fails to make a sufficient contribution to achieving the jobs target under the Metropolitan Strategy and therefore is contrary to the State Government Objectives</i>	a) New focal point no higher than the Forum b) There is sufficient existing and planned commercial land to meet State targets (see section 4.8 & 5.2). c) the proposal does create the opportunity for 25 additional jobs. Moreover, recent land use changes particularly in Lane Cove have changed the 2006 St Leonards Strategies anticipated outcomes. d) Noted. Commercial use alone is not considered the highest and best economical use of the land e) Page 52 of St Leonards Strategy

	<p>for the Centre as well as the St Leonards Strategy;</p> <p>d) The location of the site in close proximity to the bus /rail interchange is well suited to a higher percentage of commercial office floor area that will assist in reducing reliance on private vehicle transport for access to employment;</p> <p>e) The Strategy did not demonstrate a demand for serviced apartments in the Centre;</p> <p>f) The building should be required to achieve a minimum 5star NABERS/AGBR rating.</p>	<p>states as follows:</p> <p>“There is a shortage of hotels in the area”.</p> <p>It is acknowledge that the Strategy identifies hotels within the “gateway” precinct considered to offer a vibrant business environment. However the site is considered ideally located for “hotel” purposes supporting the planned additional commercial /business premises within the Centre of St Leonards as well as the RNSH site.</p> <p>f) the proposal has had regard for the Green Star Multi-residential rating tool. Based on the initiatives that have been considered in the proposed design, it has been identified that the project has the potential to attain a 5 Star Green Star rating</p>
	<p>8. The proposed development should provide a reduced level of car parking based on a demand management approach to parking in close proximity to public transport. Council would therefore recommend a car parking rate with a maximum parking of 1/200 sqm for office; 1 car space per residential dwelling; 1 space per retail tenancy; 1/5 dwellings for visitor parking to be available for retail, residential and office visitors and if the serviced apartment scheme proceeds 1/4 apartments.</p>	<p>A maximum carparking rate applies under the NS DCP Section 9 which requires a total of 172 car spaces whilst the applications allows for a total of 168 car spaces consistent with the concept of minimising reliance on private motor vehicles and encourage the use of public transport.</p>

In addition to specific consultation with the above Councils an adjoining land owners information and feedback session was held from 6.30pm – 8.30pm on 29 April 2010 at No 16 Atchison Street. A notification letter was distributed to all properties bounded by Pacific Highway; Christie Street; Chandos Street and Mitchell Street.

The session was designed to allow members of the community the opportunity to view the background of the project, planning process and proposed project application for the site. The session was well attended who provided verbal feedback on the night. The following outlines the key issues that were recorded during the session:-

- Glare and reflectivity;
- Traffic congestion as a result of the proposed density

The concerns were noted by the proponent and due regard has been given to these concerns during the design of the project. It is anticipated that the project will provide a positive effect to the local community by allowing for increased job opportunities, provision of community facilities as well as housing choice in close proximity to public transport. No direct impact by way of overshadowing, loss of privacy, loss of views was identified as a concern or an impact of the proposal.

6 CONCLUSION

Based on this Environmental Assessment, it is considered that the proposed Project Application at **Nos. 6-16 Atchison Street, St Leonards** is consistent with all local regional and state planning objectives.

The design has emerged from a close and detailed analysis of this unique St Leonards site, having regard for the streetscape, environmental effects and urban form. The objective has been to create a high quality five green star building of distinctive architecture together with a landscaped public domain that forms a through site connection.

The proposed building would create no additional overshadowing and be contextually consistent with the scale and form of development in the vicinity. Located at the top of the ridge, the building would form the new focal point of St Leonards; no higher than the "Forum" and providing potential for other sites in the immediate vicinity to have "increased heights" to achieve Metro Strategy goals.

The subject proposal located as it is in a Specialised Centre, has the unique opportunity to increase housing affordability and availability by 228 dwellings to assist in satisfying the 25,000 new dwellings required per year consistent with State policy.

The potential environmental impacts identified at **Section 5** of this report, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that have informed this report and are incorporated into the statement of commitments. This EA concludes that subject to the mitigation measures (including Statement of Commitments in **Appendix 18**) any significant adverse impacts would be managed and mitigated to the satisfaction of the Minister as the consent authority.

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.

Approval is sought for the Project Application pursuant to **Section 75E**.