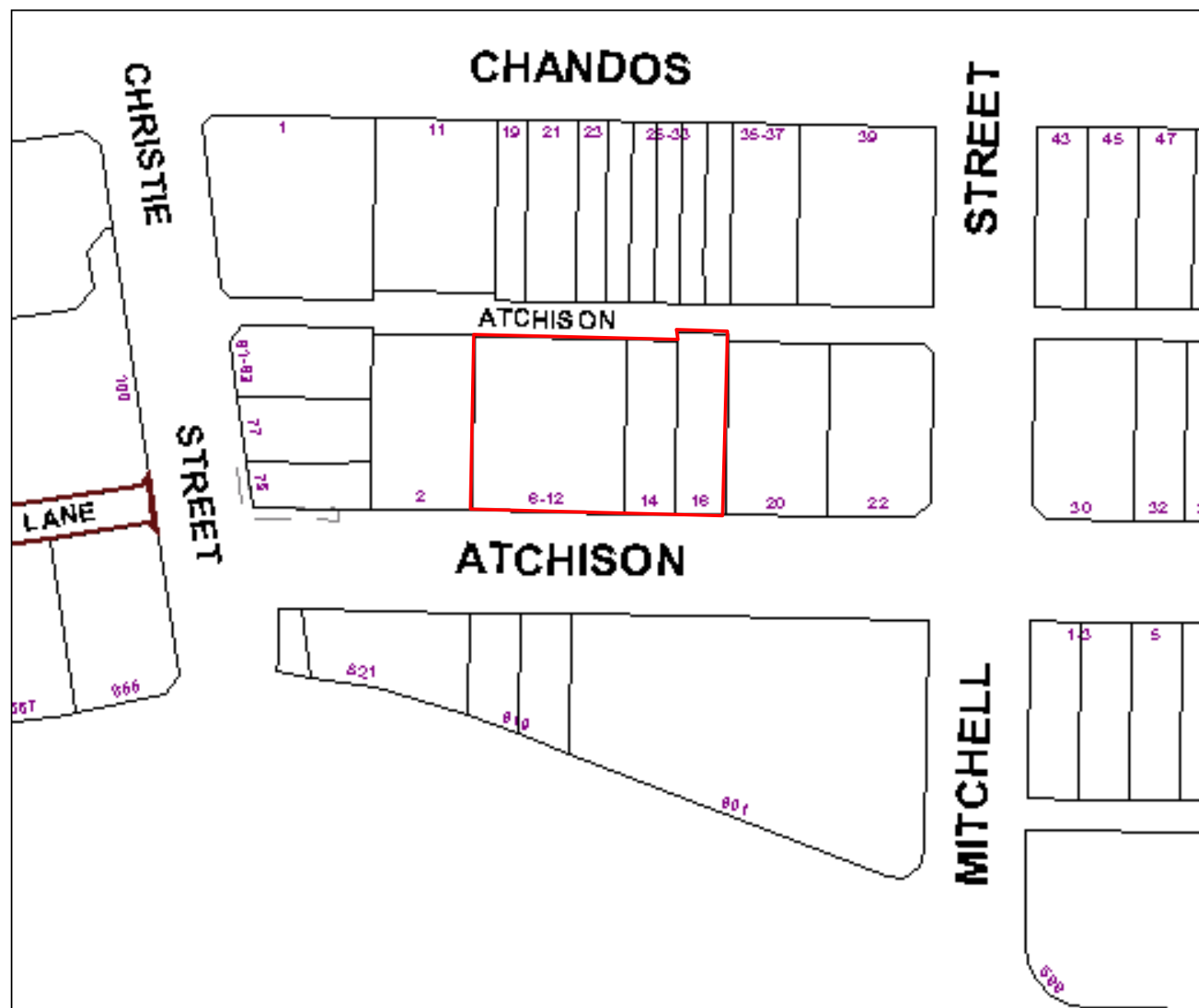


Adjoining Land Owners Notification list



Source: Google Maps



Source: North Sydney Council Maps



NOTES OF IN-HOUSE MEETING

PROPERTY: 6-16 Atchison Street St Leonards

DEVELOPMENT APPLICATION NO: Major Project Application

DATE: 6 April 2010

START: 6pm

PRESENT: See attendance list following notes

Background

Council considered a proposal for a mixed use building having a height of 81.5m under DA 469/05 for approval in principle (staged development) to a 24 storey mixed use development consisting of 170 apartments on levels 2 to 24; Childcare centre for 40 children and café/restaurant on level 1 (ground level); Excavation to accommodate four levels of lower ground level and basement parking for 154 car spaces.

At its meeting of 27 March 2006 Council **RESOLVED:**

- A. **THAT** Council defer consideration of Development Application No 469/05 for the redevelopment of No's. 6-16 Atchison Street, St Leonards as a multi-level mixed use development, and advise the applicant that Council is not prepared to support the current proposal and the applicant's SEPP No. 1 objections in respect of significant departures from the building height, floor space and podium controls of Clauses 29, 31 and 32 of NSLEP 2001.
- B. **THAT** the applicant be advised that should the applicant wish to proceed with the proposed development, then an application to amend the NSLEP 2001 in conjunction with an amended development application should be submitted to Council in accordance with Section 72K of the Environmental Planning & Assessment Act 1979, on the basis of the current plans being amended to include consideration of the following but not limited to:
 - Provide a podium of generally matching the scale of the podium of the adjoining development at 2-4 Atchison Street over the western and central parts of site; Council may favourably consider an open through-site area at ground level on the eastern side of the site podium;
 - Setback the tower to comply with the separation distance criteria of the SEPP 65 Residential Flat Design Code and the NSDCP2002;
 - Provide adequate level of commercial floor space within the podium and lower levels of the building to satisfy the objectives of the NSLEP 2001, address solar access and cross-ventilation;
 - Provide adequate facilities for delivery vehicles as recommended by Council's Traffic Engineer, and also address design issues in relation to the car parking and vehicle ramps identified by the Development Engineer and Traffic Engineer.
- C. **THAT** Council appoint an independent Urban Design expert, at the applicant's expense, to review the design in consultation with neighbouring buildings in order to develop a valid case to proceed to the next step of the rezoning process. Such review is to include but not be limited to those matters outlined in Part B.

The applicant subsequently withdrew the development application in March 2007. Council's Design Excellence Panel considered a similar proposal to the current proposal from a different applicant and architect on 12 March 2008 and 9 May 2008.

The current applicant presented a proposal to Council's Design Excellence Panel on 11 November 2009. The DEP concluded:

The Panel considers that more work is required on the floor plan of the tower and the floor plate of the tower needs to be reduced further. A thinner building will result in further shadow improvements and better separation distances.

The Panel notes that under the RFDC, the separation requirement is increased as the height increases. An average setback for a uniform tower may be acceptable provided it can be demonstrated that the average of the setbacks (vertical and horizontal) generally complies with the rule of thumb recommendations. Precedent setbacks of developments approved prior to SEPP 65 are not helpful and should be disregarded. Variations would only be considered if the amenity of the adjoining development is not compromised.

The Panel considers that the floor space ratio of the taller building should be similar to a compliant shorter building (around 11:1 which is similar to the FSR for the Forum) and that any increase would only be accepted on the basis of demonstrated additional public benefits such as public domain areas, improved solar access to surrounding areas etc. The Panel considers that any built form that does not step down from the Forum in keeping with Council's stated policy is unacceptable regardless of amenity and other concerns. Council does not propose a dome control. The proposed 109m tower with a FSR of 16.5:1 is not supported by the Panel.

Meeting

The in-house meeting was held in the Supper Room and was chaired by the Mayor. A laptop presentation was provided by the Architect, Richard Francis Jones with additional comments from the Planning Consultant, Sue Francis.

The proposal involves the demolition of the existing buildings on the site and the construction of a multi storey mixed use development comprising basement parking, podium with retail, community purposes area, and a residential tower. The height of the proposal is 109m comprising 233 apartments plus 50 serviced apartments with parking for 171 cars.

The applicant has successfully applied to the Department of Planning to have the proposal determined by the Minister under Part 3A of the EP&A Act.

The presentation focussed on the strategic context of the site and the shadow impacts of a tall tower on the site. The height control for the site is currently 49m. The applicant advised of increased height controls to the southern side of the Highway of up to 72m in commercial zones within Lane Cove Council area. The design, footprint and location of the 109m tower were identified in more detail. Possible variations to the setbacks of the tower were also presented and discussed.

Councillors were provided with a copy of the minutes of the Design Excellence Panel meeting held on 11 November 2009 when a similar presentation was made. The applicant Mr Zervos stated that one of the Panel members had no issue with the proposed heights but the minutes of the meeting did not record that opinion. Mr Beattie advised the Councillors that the minutes are prepared as a consensus view after considerable discussion after the applicants left the meeting and are endorsed by the members of the Panel, and the minutes are not edited by staff in any way.

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 applicant.

Geoff Mossemenear
EXECUTIVE PLANNER

Note: The above notes are an indication of the issues discussed and conclusions reached at the in-house meeting. They do not constitute a determination of Council, forming only part of the development application assessment process, nor should they be taken to represent the views of all Councillors.

Meeting held at: Supper Room

On: Tuesday 6 April 2010

Attendance List

Councillors (mark X in box to indicate attendance)

<input checked="" type="checkbox"/>	Councillor Genia McCaffery	<input type="checkbox"/>	Councillor Jilly Gibson
<input type="checkbox"/>	Councillor Richard Pearson	<input checked="" type="checkbox"/>	Councillor Michel Reymond
<input type="checkbox"/>	Councillor Sarah Burke	<input type="checkbox"/>	Councillor Jillian Christie
<input type="checkbox"/>	Councillor Craig Carland	<input type="checkbox"/>	Councillor Trent Zimmerman
<input type="checkbox"/>	Councillor Stephen Barbour	<input checked="" type="checkbox"/>	Councillor Zoë Baker
<input checked="" type="checkbox"/>	Councillor Veronique Marchandean	<input type="checkbox"/>	Councillor Andrew Robjohns
<input type="checkbox"/>	Councillor Caroline Raymond		

Council Officers:

Penny Holloway	Joseph Hill
Warwick Winn	Geoff Mossemenean
Stephen Beattie	

Members of the Public:

Name	Address	Capacity
Sue Francis	Kent St Sydney	Planner
Peter Zervos	Pacific Highway	Developer
Sungki Lee	460 Pacific Highway	Developer
Brian Kim	460 Pacific Highway	Developer
Simon Bark		Architect
Richard Francis Jones		Architect
Prudence Ho		Architect

25 March 2010

Ref: 29186

The Owner
No. 2-4 Atchison Street
St Leonards, NSW

Dear Sir/Madam,

RE: MAJOR PROJECT APPLICATION AT NO. 6-16 ATCHISON STREET, ST LEONARDS - REF - (MP09_0187)

On 3 December 2009 the Minister for Planning formed the opinion that the above proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005 and is therefore a project to which Part 3A of the Act applies. Subsequently the Director General's requirements were issued on the 21 January 2010.

As part of the Environmental Assessment process, a consultation process in accordance with the Department's Major Project Community Consultation Guidelines is required. 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.

In this regard we would like to invite you to attend a community consultation meeting where the project team will provide a presentation of the proposal outlining the project, the reasons behind the project and the proponents' vision for the site. The details of the community information and feedback session are as follows:-

Date: 8 April 2010
Time: 6:30pm
Venue: No. 16 Atchison Street (ground floor)

We enclose for your information a briefing sheet of the site and the project application proposal.

I hope you find the attached in order. Please do not hesitate to contact Annelize Kaalsen on 8270-3500 or email her at annelizek@cityplan.com.au if you wish to register your interest in partaking in the consultation process.

Yours faithfully



SUE FRANCIS
EXECUTIVE DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT

11 February 2010

Ref: 29186

General Manager
Lane Cove Council
Lane Cove Civic Centre
48 Longueville Rd
Lane Cove, NSW

Attention: Michael Mason, Director of Planning

Dear Michael,

RE: MAJOR PROJECT APPLICATION AT NO. 6-16 ATCHISON STREET, ST LEONARDS - REF - (MP09_0187)

On 3 December 2009 the Minister for Planning formed the opinion that the above proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005 and is therefore a project to which Part 3A of the Act applies. Subsequently the Director General's requirements were issued on the 21 January 2010.

As part of the Environmental Assessment process, a consultation process in accordance with the Department's Major Project Community Consultation Guidelines is required. 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.

We therefore respectfully request a consultation meeting with the Director of Planning and the Manager of Strategic and relevant senior staff 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.

We enclose for your information a briefing sheet of the site and the project application proposal.

I hope you find the attached in order. Please do not hesitate to contact Annelize Kaalsen on 8270-3500 if you wish to discuss the matter further or to arrange a meeting time.

Yours faithfully



SUE FRANCIS
EXECUTIVE DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT

12 February 2010

Ref: 29186

General Manager
Willoughby City Council
PO Box 57
Chatswood 2057

Attention: Greg Woodhams, Director of Planning

Dear Greg,

RE: MAJOR PROJECT APPLICATION AT NO. 6-16 ATCHISON STREET, ST LEONARDS - REF - (MP09_0187)

On 3 December 2009 the Minister for Planning formed the opinion that the above proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005 and is therefore a project to which Part 3A of the Act applies. Subsequently the Director General's requirements were issued on the 21 January 2010.

As part of the Environmental Assessment process, a consultation process in accordance with the Department's Major Project Community Consultation Guidelines is required. 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.

We therefore respectfully request a consultation meeting with the Director of Planning and the Manager of Strategic and relevant senior staff 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.

We enclose for your information a briefing sheet of the site and the project application proposal.

I hope you find the attached in order. Please do not hesitate to contact Annelize Kaalsen on 8270-3500 if you wish to discuss the matter further or to arrange a meeting time.

Yours faithfully



SUE FRANCIS
EXECUTIVE DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT

BRIEFING SHEET

The Site

The site is known as Nos. 6 – 16 Atchison Street, St Leonards (*'the site'*), and is located within the St Leonards centre, approximately 160m east of St Leonards station as shown in **Figure 1**. The site is rectangular in shape and has an area of 1,740m². The site has two frontages, the main frontage on Atchison Street on the southern side of the site and a secondary frontage on Atchison Lane to the north of the site. The site is currently occupied by 3 commercial buildings which range in height between 3 and 4 storeys.

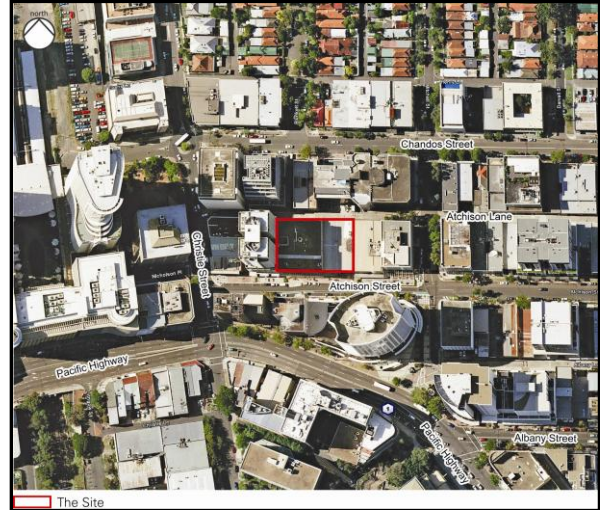


Figure 1: The site context and location source: RP Data

Proposal - Project Application

The project application is for the demolition of the existing structures and construction of a new mixed use, (commercial and residential) building that will rise to a height of 109 metres and comprising (refer **Figure 2** and **Figure 3**):

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

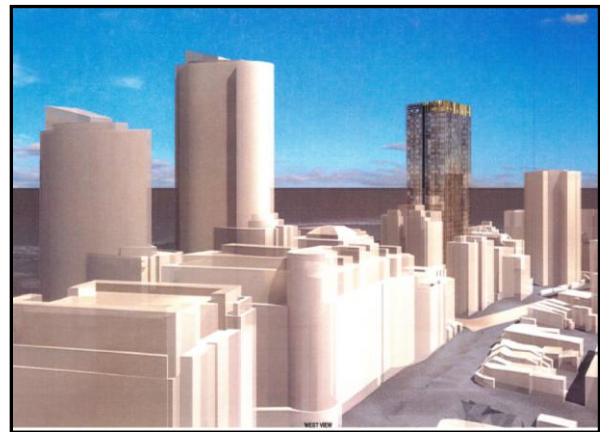


Figure 2: View west of the Proposal source: FJMT Architects

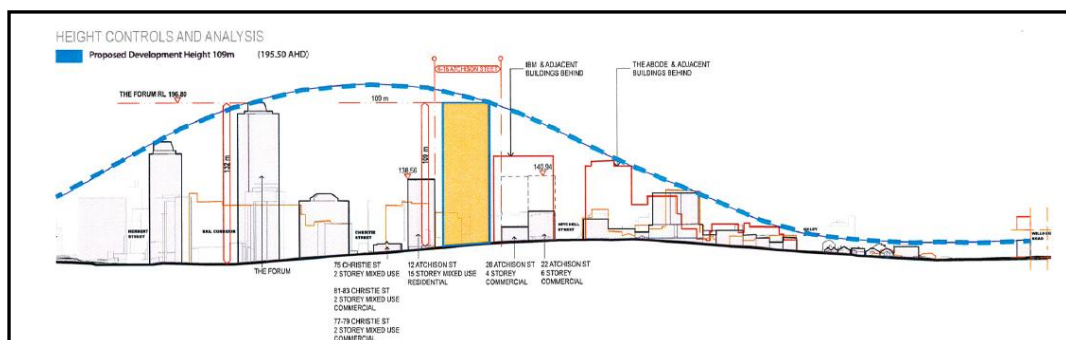




Figure 3: Height Analysis source: FJMT Architects

12 February 2010

Ref: 29186

Rail Corporation
New South Wales
PO Box K349
Haymarket 1238

Attention: Jim Tsirimiagos, Manager: Land Use & Planning

Dear Jim,

RE: MAJOR PROJECT APPLICATION AT NO. 6-16 ATCHISON STREET, ST LEONARDS - REF - (MP09_0187)

On 3 December 2009 the Minister for Planning formed the opinion that the above proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005 and is therefore a project to which Part 3A of the Act applies. Subsequently the Director General's requirements were issued on the 21 January 2010.

As part of the Environmental Assessment process, a consultation process in accordance with the Department's Major Project Community Consultation Guidelines is required. 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). Moreover, a necessity of the Director-General's Requirements is to consult with RailCorp in regard to the Central Business District Rail Link corridor which adjoining the site. The goal of consultation is to strengthen decision making by ensuring all relevant issues are considered. Specifically, it has been requested that we consult with RailCorp in regard to the practicability and cost of carrying out rail expansion projects on the land in the future, the structural integrity or safety of, or ability to operate, this project and the land acquisition costs and the costs of construction, operation and maintenance of this project.

We therefore respectfully request a consultation meeting with the Manager of Land Use and Planning and relevant senior staff in order to provide a presentation of the proposal outlining the project, the reasons behind the project, the relationship to adjoining RailCorp facilities and services and the opportunities for RailCorp.

We enclose for your information a briefing sheet of the site and the project application proposal.

I hope you find the attached in order. Please do not hesitate to contact Annelize Kaalsen on 8270-3500 if you wish to discuss the matter further or to arrange a meeting time.

Yours faithfully



SUE FRANCIS
EXECUTIVE DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT



Figure 3: Height Analysis source: FJMT Architects

3 March 2010

Ref: 29186

General Manager
North Sydney Council
PO Box 12
North Sydney 2059

Attention: Warwick Winn, Director Planning and Development

Dear Warwick,

RE: MAJOR PROJECT APPLICATION AT NO. 6-16 ATCHISON STREET, ST LEONARDS - REF - (MP09_0187)

On 3 December 2009 the Minister for Planning formed the opinion that the above proposal meets the mandatory criteria for a Major Project under the State Environmental Planning Policy (Major Projects) 2005 and is therefore a project to which Part 3A of the Act applies. Subsequently the Director General's requirements were issued on the 21 January 2010.

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In this respect, consultation is occurring with Lane Cove and Willoughby Councils as well as yourselves. Further consultation with adjoining landowners is also planned.

We understand that Council was notified of the original proposal on 8 December 2009 by the Department of Planning (Proposed Major Project Application – MP09_0187). We also understand that the proposal was presented to Council's Design Excellence Panel on 11 November 2009 and the minutes of this meeting were provided to the applicant as an annexure to Council's letter dated 17 December 2009.

Following receipt of this information and the Director General's Requirements the original design has been amended in response to the concerns raised. In this respect, we therefore respectfully request a consultation meeting with the Director of Planning and Development and the Manager of Strategic Planning and relevant senior staff in order to provide a presentation of the amended proposal.

At this meeting we would also like to establish whether Council has any community/public land use desires that could be incorporated into the proposal and form a commitment of the development. Initial assessment has identified the following possible opportunities:- child care centre; local/branch library; affordable housing; public domain improvements; and public art etc.



We enclose for your information an initial briefing sheet of the site and the project application proposal.

I hope you find the attached in order. Please do not hesitate to contact Annelize Kaalsen on 8270-3500 if you wish to discuss the matter further or to arrange a meeting time.

Yours faithfully

**SUE FRANCIS
EXECUTIVE DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT**

BRIEFING SHEET

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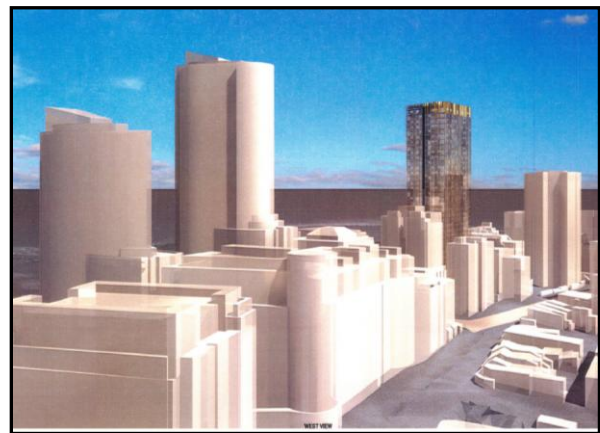


Figure 2: View west of the Proposal source: FJMT Architects

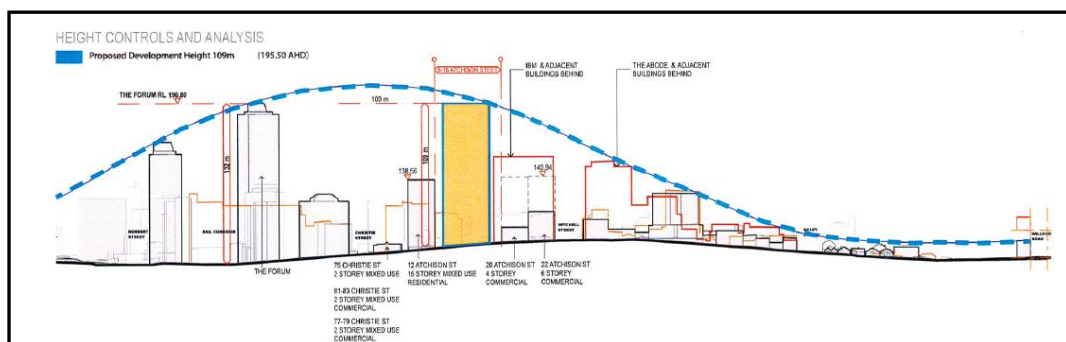


Figure 3: Height Analysis source: FJMT Architects