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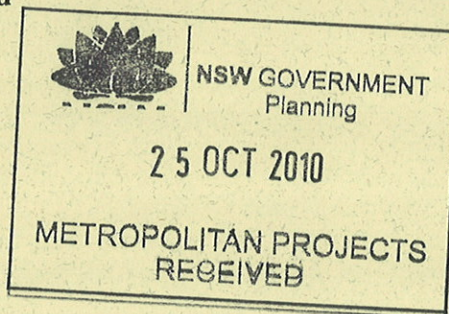
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Director Metropolitan Projects  
**Attention: Mr M Woodland**  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



IMP (PDS)

20 October 2010

Dear Mr Woodland

**RE: 6-16 ATCHISON STREET, ST LEONARDS**  
**PART 3A DEVELOPMENT – DEPARTMENT OF PLANNING REF: MP 09\_0187**

The abovementioned application was the subject of a report considered by Council at its meeting held on 18 October 2010.

At this meeting Council resolved as follows:-

- A. ***THAT*** Council resolves to ***strongly OBJECT*** to the proposed Part 3A major development application (MP 09\_0187) at No. 6-16 Atchison Street, St Leonards, and ***urges the Minister to refuse the application on the following grounds:***
1. *The proposed development does not satisfy the specific aims of North Sydney Local Environmental Plan 2001 (NSLEP 2001) as listed in Clause 3 (a) and (b) (Specific aims of this plan) of NSLEP 2001.*
  2. *The proposed development does not satisfy objectives (b) and (c) of the Mixed Use zone in that it does not result in a high quality urban environment with acceptable residential amenity and it fails to maintain commercial floor space on this site.*
  3. *Having regard for grounds 1 and 2 above, the proposal does not satisfy the provisions of Clause 14 (Consistency with aims of plan, zone objectives and desired character) of NSLEP 2001.*
  4. *The proposed development results in an excessive and unacceptable breach of Clause 29 ('Building height') of NSLEP 2001, and is inconsistent with the objectives of the building height control. The proposed extensive breach of the height control would result in a building that is not compatible with the context of the site or the desired future character of the locality. The extent of the breach is such that, in any case, a change in the strategic planning controls for the site would be required to alter the maximum height control of the site, and it is not appropriate for this proposal to be approved as one-off development bypassing the strategic planning process.*





5. *The proposed development fails to satisfy the provisions of the St Leonards / Crows Nest Area Character Statement with regard to the proposed height not satisfying the requirement for buildings to be scaled down significantly from the Forum development towards Willoughby Road. In addition, absence of a podium to the Atchison Lane frontage is unacceptable.*
  6. *The proposed development does not satisfy key Design Quality Principles set out in State Environmental Planning Policy No.65 ('Design Quality of Residential Flat Development'). In particular, the proposed height and the excessively large floor plate / site coverage of the tower would not be in context with existing and desired surrounding development and is of an inappropriate scale, with consequent amenity impacts and a poor urban design outcome.*
  7. *The application fails to satisfy the development controls for the following sections of the NSDCP 2002 and is therefore considered unacceptable:*
    - a. *Section 6.1 (a) Communal area;*
    - b. *Section 6.1 (b) Dwelling mix;*
    - c. *Section 6.2 (d) Visual privacy;*
    - d. *Section 6.3 (h) Setbacks;*
    - e. *Section 6.3 (a) Context;*
    - f. *Section 6.3 (c) Skyline;*
    - g. *Section 6.3 (l) Laneway frontage podium;*
    - h. *Section 6.4 (a.b) Balconies;*
    - i. *Section 6.4 (g) Bicycle storage;*
    - j. *Section 6.4(i) Garbage storage.*
  8. *The proposed development will result in additional cumulative traffic impacts which will exacerbate an already compromised existing situation.*
- B. ***THAT*** Council resolves that the Department of Planning be requested to forward any amended plans received to Council for comment.
- C. ***THAT*** if the Minister determines to approve the application, conditions be imposed requiring greater public benefits for such excessive breaches of the planning controls. These public benefit conditions to comprise:
1. *The dedication to Council of 12 affordable housing units;*
  2. *A cash contribution to Council in the sum of \$3 million for the acquisition of public open space within the St Leonards / Crows nest precinct west of Willoughby Road;*
  3. *More extensive landscaping and public domain works on Atchison Street;*
  4. *The provision of a car share scheme with the development to address some of the cumulative traffic impacts on the precinct.*



- D. ***THAT*** Council requests that the Department of Planning consider the imposition of the attached Draft Conditions of Approval if approval is contemplated.
- E. ***THAT*** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the authority to negotiate appropriate terms for a draft Voluntary Planning Agreement for the dedication of affordable housing units to Council and a Deed of Agreement for public access to the public domain area and the through-site link at ground level on the subject site.
- F. ***THAT*** proposed condition C2 – Loading Docks be amended to require a loading dock at ground level to accommodate removal vehicles.
- G. ***THAT*** the Mayor seeks a meeting with the Minister to discuss Council's concerns about the size of the development and its effect on the surrounding area.

Please find attached a copy of the report of Council's planners concerning this proposal considered by Council. The Draft Conditions of Approval referred to in Part D of Council's resolution are attached to the report.

Yours faithfully



Penny Holloway  
**GENERAL MANAGER**