



**Preferred Project Report  
For Project Application At  
No. 6-16 Atchison Street, St Leonards**

**On Behalf Of  
Bancor Developments Pty Ltd**

**April 2011**

## CERTIFICATION

This Preferred Project Report (PPR) 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 Preferred 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 Preferred 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 the Environmental Assessment and the Preferred Project Report, 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 key issues raised by DoP and where relevant prepared reports in response to the key issues raised.

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 Preferred Project Report has been prepared in accordance with **Section 75H(6)(b)** of the Environmental Planning and Assessment Act, 1979.

**PREPARED BY:**

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**Senior Project Planner**

  
**Signature**

**Date: 21 April 2011**

**REVIEWED BY:**

**Sue Francis**  
**Executive Director**


  
**Signature**

**Date: 21 April 2011**

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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 March 2011	SF	  Sue Francis Executive Director
	2 <sup>nd</sup> Draft	AK April 2011	SF	
	Final	AK April 2011	SF	
<b>Note:</b> This document is preliminary unless it is approved by Director of City Plan Strategy and Development Pty Ltd				

APPENDIX	DOCUMENT	PREPARED BY
1.	Letter Summarising Key Issues to be Addressed	DoP
2.	Amended Architectural Plans SEPP 65 compliance	FJMT
3.	Additional Shadow diagrams	FJMT
4.	Urban Design Analysis	City Plan Urban Design
5.	Traffic and Parking Report	TTW
6.	Traffic and Transport Information – Centre impact	CBHK
7.	Updated Construction Management plan	CPM Consulting
8.	Updated BCA Report	Dix Gardner
9.	Amended Wind Impact Statement	Heggies
10.	Amended BASIX and ESD	Steensen Varming
11.	Revised Statement of Commitments	All
12.	Table of Responses to Agency and Public Submissions	City Plan Strategy and Development
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## 1 EXECUTIVE SUMMARY

An Environmental Assessment Report (EAR) for a Project Application (PA) relating to the construction of for a proposed mixed used development at **No 6-16 Atchison Street, North Sydney** was publicly exhibited between 29 September 2010 and 29 October 2010.

In response to the public exhibition, the Department of Planning has advised that it has received 29 written submissions including those from the applicable agencies and three (3) submissions from Council (North Sydney, Willoughby & Lane Cove). In a letter dated 7 December 2010 (**Appendix 1**), the Department of Planning requested that a response be prepared in relation to a number of key issues arising from the submissions and the Department's assessment.

The proponent, and its specialist consultant team have reviewed and considered the Department's comments and the public submissions and, in accordance with **Section 75H(6)** of the Environmental Planning and Assessment Act 1979, this Preferred Project Report (PPR) presents Bancor Developments Pty Ltd response to the issues raised and outlines a number of revisions to the Project Application for which development approval is now sought.

Specifically, this PPR includes the following:-

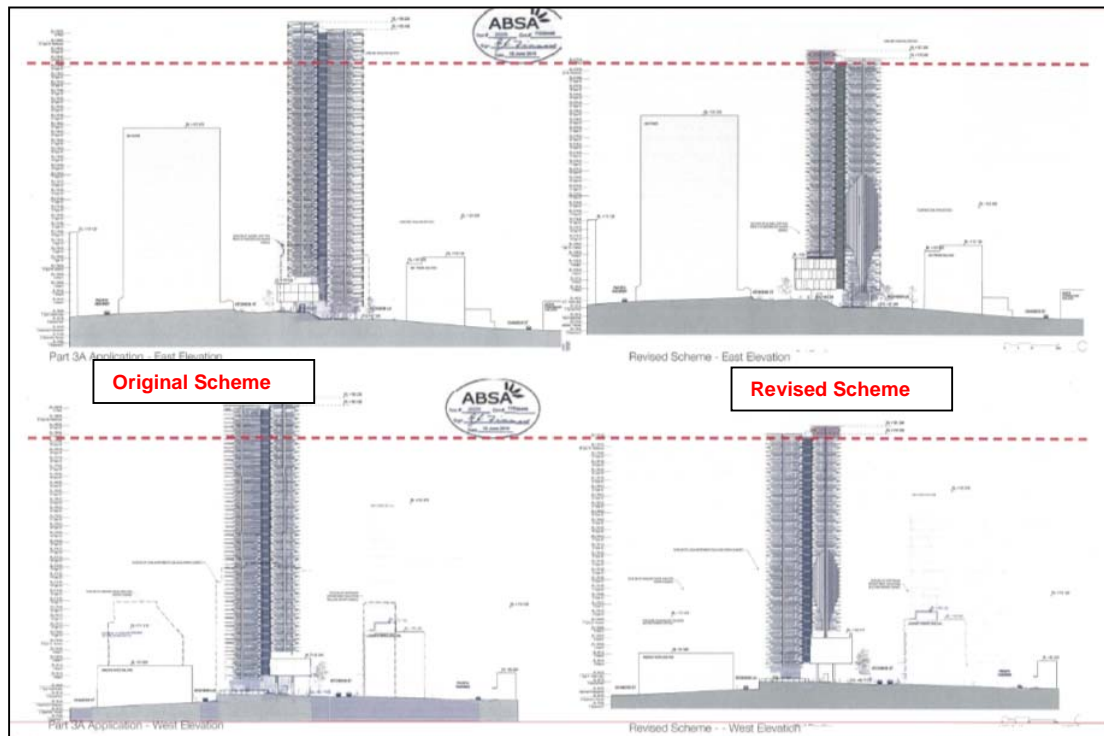
- Response to the key issues raised in the Department's letter of 7 December 2010, and advice regarding consequential changes to the Project Application for which the Minister's approval is now sought;
  - Revised Architectural plans for approval (**Appendix 2**);
  - Additional shadow analysis (**Appendix 3**);
  - Urban Design analysis (**Appendix 4**);
  - Various supporting consultants reports where relevant (see Appendix list);
  - A revised Statement of Commitments (**Appendix 11**); and
  - Response to issues raised in submissions to the public exhibition of the Project Application (**Appendix 12**).
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## 2 REVISIONS TO THE PROJECT APPLICATION

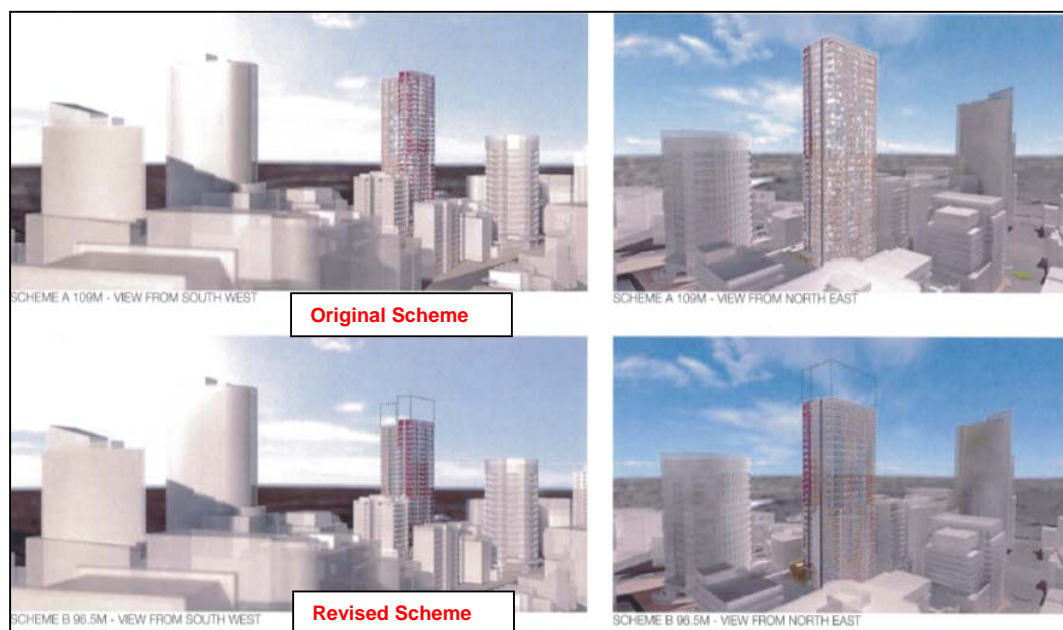
In response to the public submissions and comments raised by the Department of Planning several amendments have been made to the proposed scheme. A revised set of Architectural plans is attached at **Appendix 2**, which include the following key modifications:-

- The maximum height of the proposed development was reduced by 12.5m (4/5 storeys) from 109m to 96.5m;
- The unit mix and minimum unit sizes was amended and unit numbers reduced from 228 to 173 and an increase in Hotel rooms from 38 to 76;
- Deletion of the pool;
- Revised facade to accommodate apartment changes and SEPP 65 issues including privacy screens to the eastern and western facade;
- Revised podium height – now 4 levels (including ground level) consistent with the Linea building (No. 12 Atchison Street); and
- Reduction in number of carparking and basement levels in order to reflect reduced number of units.

Images of the scheme under the EA and the revised scheme under the PPR is provided below for comparison purposes refer to Architectural plans attached at **Appendix 2** for detail.



**Figure 1: East and West Elevation Comparison**



**Figure 2: Photomontage comparison**

## 2.1 Built Form and Height

The amended building (a reduction of 4/5 storeys) will rise to a maximum height of RL181.3 (29 storeys) or 95.6m to the top of the plant room. The height in relation to the building is measured by the architects in accordance with the definition within the North Sydney Local Environmental Plan 2001 (NSLEP 2001).

The amended built form still comprises of 2 detailed tower elements separated by a recessed circulation space, giving the effect of 2 individual towers, with an elevated podium. The Preferred Project Application allows for a total of 173 residential apartments with 100 units located within the North Tower and 73 within the South Tower.

A gymnasium is proposed on level 2 (Hotel A) of the building fronting Atchison Street. **Table 1** below outlines the aspects of the Preferred Project Application.

**Table 1: Aspects of the proposed Preferred Project Application**

PART 3A APPLICATION	USE	GROSS FLOOR AREA	INDICATIVE NO. OF UNITS
<b>Basement</b>			
Basement Mezzanine	Residential storage cages; p mechanical & plant rooms	-	-
Basement loading dock	Loading area, garbage room; hotel parking; motor bike spaces; lift lobby	-	15 car spaces 2 disabled spaces 2 motor bike spaces
Basement B2	Residential parking; motor bike spaces	-	32 car spaces 2 disabled spaces 4 motor bike spaces
Basement B3-B5	Residential parking; motor bike spaces	-	117 car spaces 12 motor bike spaces
<b>Podium</b>			
Ground floor (upper and lower ground)	Residential Lobby	101m <sup>2</sup>	-
	"Hotel" lobby	77.4m <sup>2</sup>	-
	"Refreshment room" (cafe)	238m <sup>2</sup>	-
Hotel level A (level 2)	"hotel" "recreational facility" (gym)	Hotel =802m <sup>2</sup> Gym = 222m <sup>2</sup>	12 rooms
Hotel level B (level 3&4)	"hotel"	1,994m <sup>2</sup>	42 rooms
<b>Above podium</b>			
Hotel Level C & D (levels 5 & 6)	"hotel"	1,350m <sup>2</sup>	22 rooms
Levels 7-28	"Apartment building"	16,035m <sup>2</sup>	173 units
<b>Total</b>		<b>20,819m<sup>2</sup></b>	<b>172 units</b> <b>76 rooms</b>

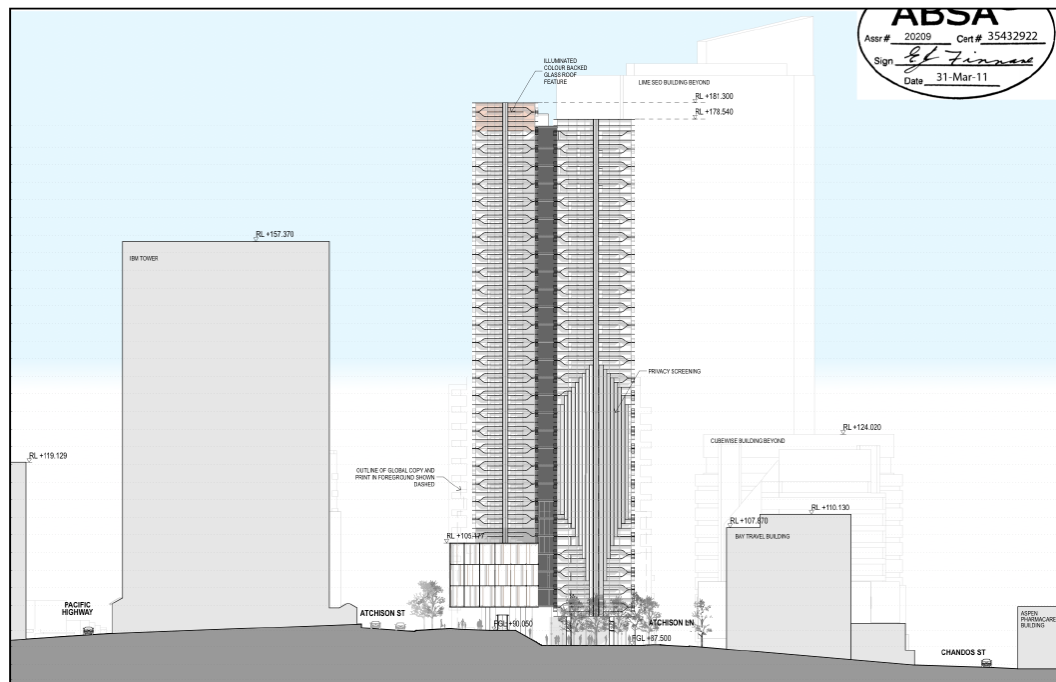
**Source: Appendix 2 Architects Area schedules**

The total proposed gross floor area for the PPR is 20,819m<sup>2</sup> (See **Table 1** 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:-

- 30 x studio (17.3%)
- 64 x 1 bedroom units (37%)
- 66 x 2 bedroom units (38%)
- 13 x 3+ bedroom units (7.5%)



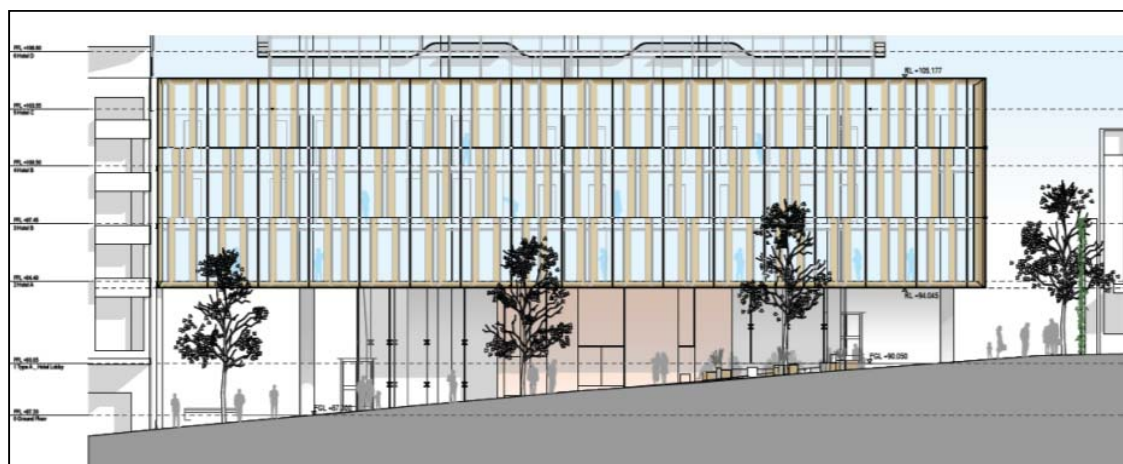


**Figure 3: Proposed built form - South elevation (reproduced here)**

**Source: Architectural plans at Appendix 2**

## 2.2 Podium

The design as submitted with the EA Report included a 3 level podium (including recessed ground floor). This was amended as part of the PPR to present as 4 levels (including recessed ground floor) consistent with the Linea Building (see **Figure 4**).



**Figure 4: Proposed podium from Atchison Street (reproduced here)**

**Source: Architectural plans at Appendix 2**

## 2.3 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 of the EA as well as the supplementary traffic report at Appendix 5 of the PPR**). 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 145 parking spaces are proposed under the PPR reflecting the decrease in number of units, consisting of the following (refer to Traffic report by TTW at **Appendix 5**): -

- 126 residential car spaces;
  - 15 Hotel car spaces – including car share scheme (2 cars);
  - 5 additional spaces for the purposes such as carwash bays; café and disabled access;
  - A loading area for delivery and for garbage vehicles;
  - 15 motorcycle spaces; and
  - 63 bicycle lockers and 15 bicycle rails.
-

### 3 KEY ISSUES

For ease of reference **Section 3** of this Preferred Project Report (PPR) has followed the order, structure and content of the Department of Planning's letter dated 7 December 2010 outlining the key issues (see **Appendix 1**) except for Height and Built form. In order to address this key issue the potential envelope analysis and additional shadow analysis raised in Schedule 2 were brought forward.

#### 3.1 Height and Built Form

##### 3.1.1 Potential envelope analysis

**Issue raised by DoP:**

**Schedule 1**

**"1. Height and Built form**

*The Department acknowledges that it may be possible to achieve building heights in excess of North Sydney Council's existing and draft planning controls for the St Leonards centre. However, building heights should be formulated in the context of existing buildings and future direction for the centre. The proposed height of 109m should be reduced to ensure it adequately responds to the existing and proposed built form within the centre. The proposed building height should reflect the site's location and provide a transition in the height from the Forum to other surrounding buildings in the centre. Consideration should also be given to the articulation of the upper levels of the building to reduce bulk"*

**Schedule 2**

*"Modelling of potential envelopes demonstrating development outcomes on adjacent sites to the east and north indicating how future mixed use envelopes could achieve an equitable development outcome consistent with the Residential Flat Design Code (including solar access)."*

**Response:**

Firstly it is important to note that DoP has acknowledged that it may be possible to achieve "buildings in excess of North Sydney Council's existing and draft planning controls for the St Leonards centre". As such additional height is achievable within the context of the existing and future direction of the Specialised Centre.

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In order to establish and appropriate height within the Specialised Centre, an urban design analysis was undertaken (see **Appendix 4**) which examines the existing height limits established by the Local Environmental Plans (LEP) of North Sydney Council, Willoughby Council and Lane Cove Council. As a result of the analysis the report recommends amendments in order to more effectively optimise the St Leonard's Specialised Centre.

The investigation found that:-

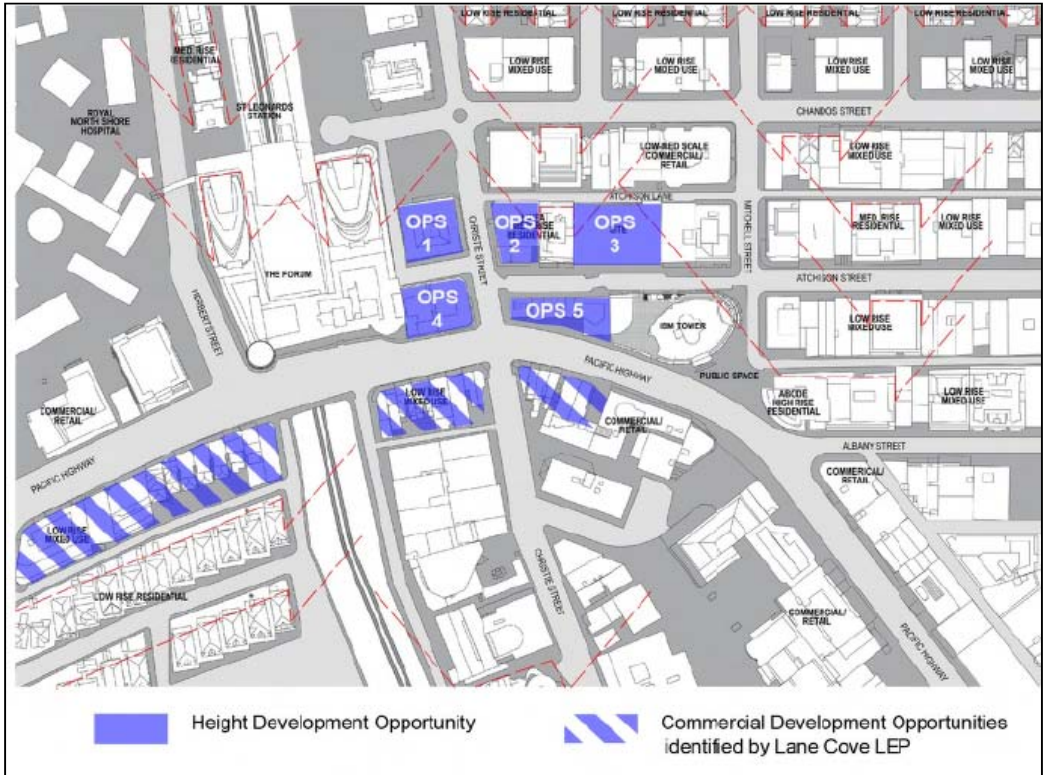
*“...presently the height limits especially of the North Sydney LEP 2001 do not reflect the goal of the development of a centre with increased density around the St Leonards train station. However, the recommendations are based on the premise that any proposed development within the centre has to consider its impact on existing structures in the centre and its surrounding”.*

General development principles were applied during the above analysis in an attempt to identify the appropriate level of development potential within the centre, they include:-

- Providing a positive relationship to the existing urban fabric;
- Land ownership;
- Existing building heights;
- Existing zoning and proposed draft zonings under Draft LEP's;
- Shadow analysis of potential highrise building on existing commercial and residential buildings;
- Envelope potential - Impact of potential high rise residential on the development potential of neighbouring sites due to their requirements for solar access; separation between buildings and privacy; and
- Skyline analysis.

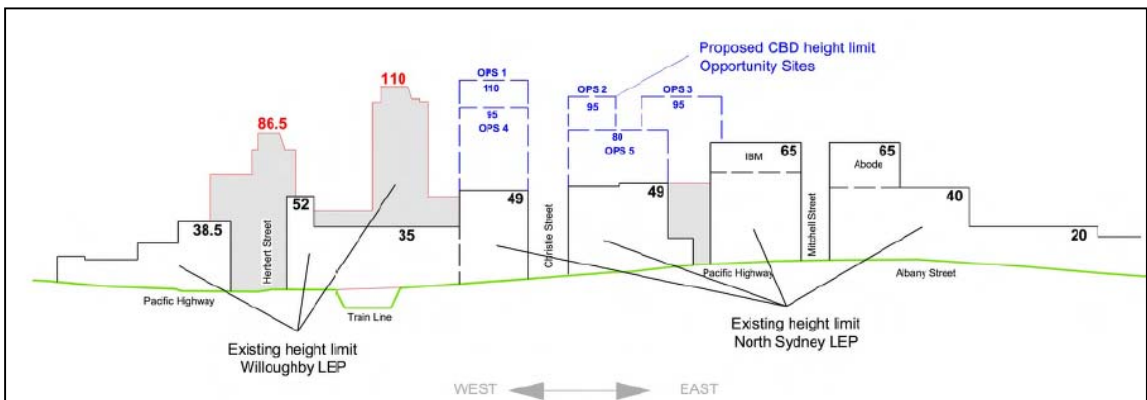
The urban design analysis, consistent with the position taken within the EA Report, demonstrates that within the St Leonards Centre, only a limited number of sites are able to be developed above the existing height limits with manageable impacts on existing structures. These have been identified as Opportunity Sites (OPS) and height limits have been established which will allow development of high rise buildings (see **Figure 5**).

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**Source: Urban Design analysis Appendix 4**

**Figure 5** and **Appendix 4** shows that the IBM building as well as the Abode building already exceed the allowable LEP height limits and as such create a second hub at the centre's eastern edge. The urban design analysis suggests an increase to the height limit for Opportunity Site 1 to 110m in order to match the existing height of the Forum tower. OPS 2 and 3 are suggested with a height limit of 95m to create a transition towards the surrounding precinct, especially the IBM and the Abode buildings (See **Figure 6**).



**Source: Urban Design analysis Appendix 4**

At present the St Leonards skyline is dominated by the Forum towers. The existing Forum towers serve as a maximum height within the centre core. From the core (the Forum at 110m) the height steps down to the IBM building and Abode building at 65m, and then lower again towards the existing areas with lower height and density at 40-20m. This enables the clear definition of a central district as well as appropriate transition towards the lowrise areas.

The skyline formed by the suggested opportunity sites, demonstrates the creation of a dome as a result of the existing buildings together with the suggested height limits to the OPS. Such skyline would clearly identify the St Leonards Centre within the Sydney metropolitan urban structure and define the business district. A transitional rising from the eastern side allows the even development of a skyline dome with the buildings around St Leonards Station at the highest level.



**Figure 7: Skyline with opportunity sites**

**Source: Urban Design analysis Appendix 4**

In addition, the urban design analysis considered potential building envelopes having regard for the separation between buildings (setbacks), overshadowing and privacy, in an attempt to achieve “equitable” development outcomes.

The analysis of the potential building envelopes prepared by City Plan Urban Design is summarised below:-

- The potential to redevelop the site to the east (No. 18-24 Atchison Street) of the subject site (OPS 3) with a height limit exceeding the present 49m is limited because it would compromise the solar access of the existing residential apartments in the Abode building.

It is noted that this site has the benefit of 3 street frontages. This allows any future building envelope to address the street with larger setbacks to the “rear” adjoining OPS



3. Notwithstanding this, to ensure adequate amenity by way of overlooking the proposed building, as amended, now provides privacy screening devices on the eastern façade in consideration of the maximum development potential of the site to the east. The development of this site is subject to detailed design for any future Development Application.

- The existing fairly new building to the west of the subject site (Nos. 2-4 Atchison Street) known as the Linea building, includes glass block apertures on the east facing facade as well as an internal light well. In response, the proposed building generally orientates rooms to the north and south. In addition the amended Architectural plans include privacy screens to lower levels on the eastern and western facades. A redevelopment of the Linea building is unlikely as it is a substantial new building with strata apartments.
- To the north of OPS 3, across Atchison Lane, the proposed distance to the existing commercial buildings (Nos. 19-21 Chandos Street) is approximately 16.5m. This is greater than the 13m required between habitable and non-habitable rooms for buildings up to 25m under the Residential Flat Design Code. However, in circumstance where the site is re-developed at a height exceeding 25m, the required separation between buildings would increase to 18m.

It can be expected that the bulk of any new building would be oriented towards Chandos Street (the north). Any future residential building envelope may include additional 1.5m setbacks for that part of the building above 25m. Such stepping is consistent with other existing developments between Atchison Lane and Chandos Street. It is noted however, that any built form on this site beyond the existing 49m height control will have a detrimental shadow impact on the existing Linea Building.

An appropriate building envelope for this site was also considered as a mixed use building, in which case the separation of 18m (up to 25m) and 24m (up to 33m) would be required between habitable rooms. The urban design analysis states that it can be expected that any residential development would result in a more narrow building (because of the need for depth of apartments and ability to provide daylight penetration) than the present commercial building depth. Again, it can be reasonably expected that the building would be oriented towards Chandos Street and the required building separation could be achieved without unreasonable impact.

The urban design analysis recommends Commercial uses to be located on the lower levels with residential uses on the upper levels. Considering the required lane setback according to North Sydney DCP a separation of approximately 13m would result in

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sufficient distance for Com/Com as well as Com/Resi up to 25m. Resi/Resi would require a distance of 18m and 24m above the 25m mark.

The proposed building at No. 6-16 Atchison Street has had due regard for the future development potential of the site to the north having located the commercial ("Hotel") use on the lower levels in anticipation of any overshadowing potential from the sites to the north.

Importantly, there is no additional impact on the development potential for the sites between Atchison Lane and Chandos Street by the suggested height increase on OPS 3.

The urban design analysis recommends as follows:-

*"It is recommended to amend the North Sydney LEP to permit increased heights within the St Leonards Centre. Opportunity sites should allow increased heights along the Pacific Highway corridor.*

*Tall tower buildings are proposed to achieve an increase of commercial and mixed uses close to the St Leonards train station. Impact on existing structures has been considered and analysed as manageable. A significant increase within the centre core will create a distinctive centre skyline with transition towards the surrounding lower density precincts. Mixed use buildings with residential portions are recommended along the northern edge of the centre, commercial uses should preferably be located along the southern side of the centre.*

*Also considered in the recommended height map is an increase to 65m for the IBM and the Abode buildings to reflect the actual situation".*

In response to the urban design analysis the proposed height of the building has been reduced to conform to the potential heights identified for the opportunity sites. The amended height at 96.5m will sit comfortably within the St Leonards skyline allowing for a transition in height from the Forum to the lower existing buildings (IBM and Abode) when viewed from the south (Pacific Highway). As such the amended height is considered to adequately respond to the existing and potential built form within the centre.

- **Traffic Generation within centre as a result of OPS**

A yield analysis for the OPS and the flow on effect of additional traffic being generated have been considered by CBHK within the supplementary traffic report at **Appendix 6**.

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The following additional yield or development potential within St Leonards has been identified if the height limits as identified by the urban design analysis are applied to the opportunity sites (including the subject site):

- 173 residential apartments; and
- 99,232m<sup>2</sup> commercial floor space.

In addition to the above, the CBHK report also allowed for the anticipated development potential under Council's Draft LEP for the remaining sites within St Leonards. The additional yield is estimated at:

- 170 residential apartments; and
- 118,000m<sup>2</sup> commercial floor space

In order to establish the likely additional traffic generated from the increase in yield area, the CBHK report relied on Council's parking rate for commercial development in St Leonards at 1 space per 400m<sup>2</sup>.

Therefore, the anticipated 118,000m<sup>2</sup> commercial floorspace would permit up to 295 parking spaces and the additional 96,330m<sup>2</sup> (excluding the subject site) would permit up to 241 parking spaces. Based on surveys of the traffic generation of other commercial buildings, parking spaces for the commercial development would generate some 0.2 to 0.4 vehicles per hour per parking space during peak periods. Accordingly, the future commercial development would generate some 110 to 220 vehicles per hour two-way at peak times.

The 170 additional residential apartments permitted under the Draft LEP controls would generate some 50 vehicles per hour, based on 0.29 vehicles per hour per dwelling from the RTA's "Guide to Traffic Generating Developments".

The CBHK report concludes as follows:-

*"Additional two-way peak hour traffic generation would therefore be as follows:*

- from existing development potential in St Leonards under Council's draft LEP (170 residential apartments plus 118,000m<sup>2</sup>): 110 to 170 vehicles per hour;*
  - from proposed development: 55 to 65 vehicles per hour; and*
  - from the four sites in paragraph 2.30, if the increase in yield proposed for the subject site was also applied to these sites (additional some 96,330m<sup>2</sup> commercial): 50 to 100 vehicles per hour".*
-

*“The traffic generation of development in St Leonards, including planned development plus additional development, would therefore be some 220 to 340 vehicles per hour two-way during peak hours”.*

The effect of an additional 340 vehicles (noting this is the anticipated maximum) was tested on the operation of intersections for the weekday morning and afternoon peak period. A summary of the findings is provided in Table 2.3 of the CBHK report. In this respect, the CBHK report states as follows:-

*“The intersections in paragraph 2.37 have been analysed using SIDRA for the additional development traffic flows shown in Figures 4 and 5. The analysis found that the intersections of Pacific Highway with Christie Street and Albany Street would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service.*

*The intersections of Christie Street with Chandos Street and Atchison Street would operate with average delays of less than 20 seconds per vehicle during peak periods. This represents level of service B, a reasonable level of service.*

*The intersection of Willoughby Road with Chandos Street would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service.*

*The intersection of Willoughby Road with Atchison Street would operate with average delays, for the highest delayed movement, of less than 25 seconds per vehicle during peak periods. This represents level of service B, a reasonable level of service.*

*Therefore, the road network will be able to cater for the additional traffic from the proposed development, as well as other development in St Leonards”.*

### **3.1.2 Additional Shadow Analysis**

#### **Issue raised by DoPI:**

#### **Schedule 2:**

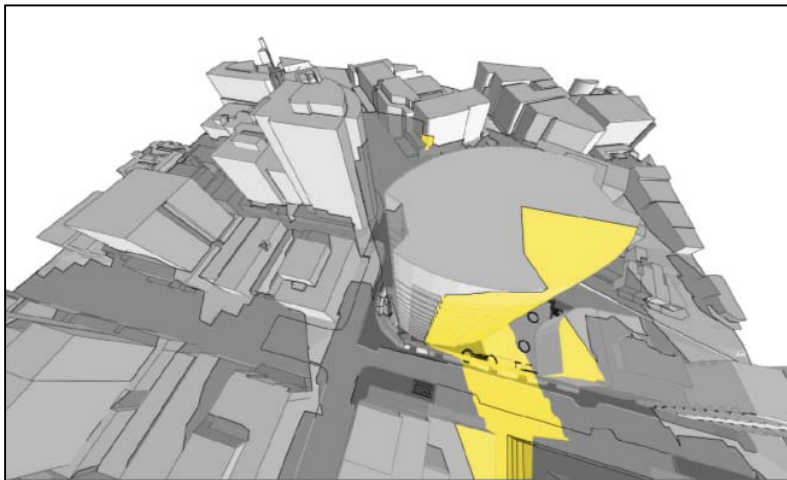
*“A shadow analysis detail the shadow cast by the proposed building on the Abode building (in elevation format).”*

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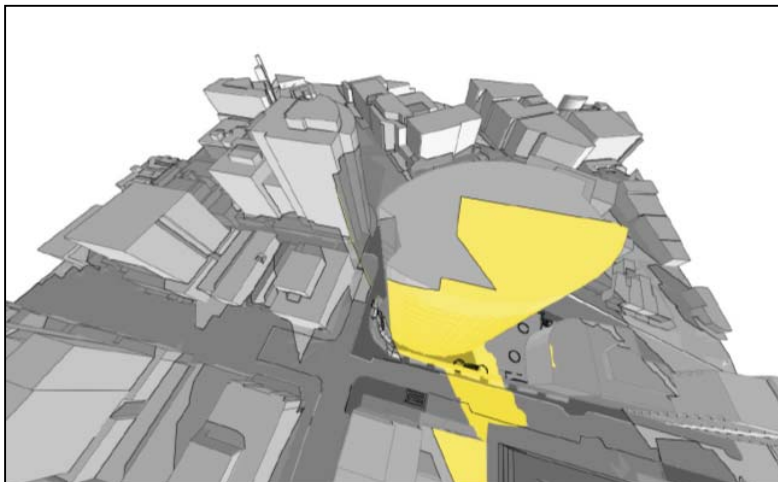
**Response:**

The proponent has undertaken additional shadow analysis on request of DoPI in order to demonstrate any additional shadow cast by the proposed building on the Abode building. In this respect, additional detailed solar analysis of the shadow impact on the Abode between 2pm and 3pm at 5 minute intervals was undertaken (see **Appendix 3**). Additional shadow was only investigated for the period 2-3pm at the Winter Solstice as this is the only time the proposed building cast shadow on the Abode.

From earlier analysis submitted with the EA Report as well as the additional analysis undertaken, it is noted that the proposed development creates only minor additional late afternoon overshadowing. This additional shadow only occurs from 2.30pm onwards during mid-winter to apartments which already incur overshadowing from the IBM tower (see **Figure 8** below and **Appendix 3** for more detail).

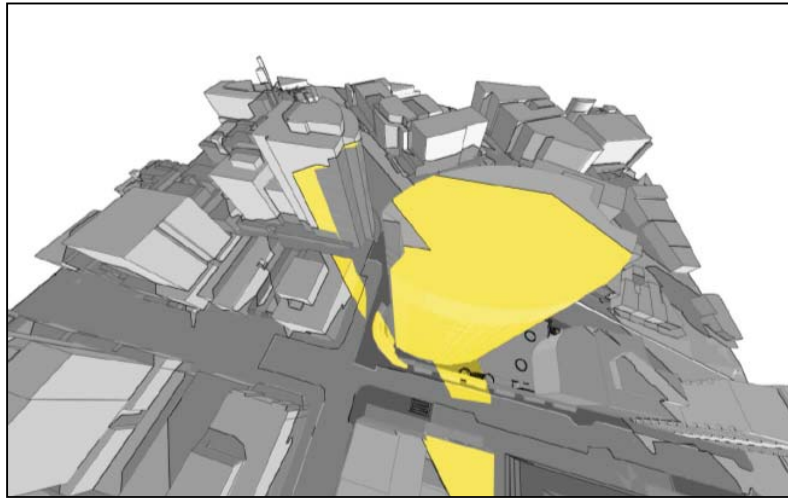


2pm – mid winter



2:30pm – mid winter

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3pm – mid winter

**Figure 8: Additional Shadow analysis on the Abode**

**Source: Architectural plans at Appendix 3**

It is estimated that the proposed development will only affect approximately 20 units between Levels 3 and 12 on the northern elevation of the Abode building only. Notably these units receive full sunlight for the period 9am to 1:30pm (4.5 hours) mid-winter when the IBM building starts casting a shadow.

As stated above the proposed additional shadow as a result of the proposed development is limited to less than 30min at mid-winter after 2:30pm (the shadow before that period is within the existing shadow of the IBM building), and as such the affected units maintain access to sunlight well in excess of 2 hours required.

Accordingly, the additional shadow as a result of the proposed development is considered negligible.

### **3.2 Streetscape and Podium**

**Issue raised by DoPI:**

**Schedule 1**

#### ***“2. Streetscape and Podium***

*Consideration should be given to extending the podium form over the western portion of the site and to the south to Atchison Street. Podium heights should match the podium height of the adjacent “Linea” building to the west.*

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*This analysis should include a consideration of the partial enclosure of the ground floor frontage to Atchison Street to activate the streetscape and relocation of the fire stairs and service utilities to a less prominent part of the Atchison Street frontage. Options for increasing the setback of the podium to the eastern (side) boundary should also be provided."*

**Response:**

The design as submitted with the EA Report included a 3 level podium (including recessed ground floor). This was amended as part of the PPR to present as 4 levels (including recessed ground floor) consistent with the Linea Building fronting Atchison Street.

With respect to street frontage podium Council's DCP requires a consistent street frontage podium that contributes to the human scale of buildings. The St Leonards Character Statement requires a Street frontage podium of 13m (4 storey) and a Laneway frontage podium of 10m (3 storey).

The "partial enclosure of the ground floor frontage to Atchison Street" or a "wall to wall" podium is considered to be counterproductive eliminating the potential for pedestrian through site linkages. The proposed raised podium and through-site link allow for the integration and extension of the recent Atchison Street improvements undertaken by Council. The raised podium allows for visual permeability and access to sunlight, and the raised podium cantilevers across the residential lobby entry in order to provide weather protection. The podium was deliberately not extended towards the north-western corner of the site in order to allow for appropriate height clearances for the driveway to the basement.

The proposed raised podium design is considered to be a site specific response which is considered more appropriate than that anticipated by Councils controls. The proposal provides greater setback at ground level than is required to Atchison Street (Council DCP requires 3m setback at ground level) in order to allow for landscaping, bike racks, public art and outdoor seating. The amended design results in a 4 storey podium, notably with a recessed ground level. The proposed raised podium at the Atchison Street frontage is considered to maintain the street character accommodating a human scale whilst adding visual interest.

The amenity gained through the proposed raised podium of the site in the form proposed includes (also refer to Architectural plans at **Appendix 2** and **Figure 9** below):-

- Pedestrian through site linkages;
  - Access to sunlight internally to the public domain whereas a zero street frontage podium would remove this; and
  - Activation of the street with lobbies and café encouraging people to "entre" the site.
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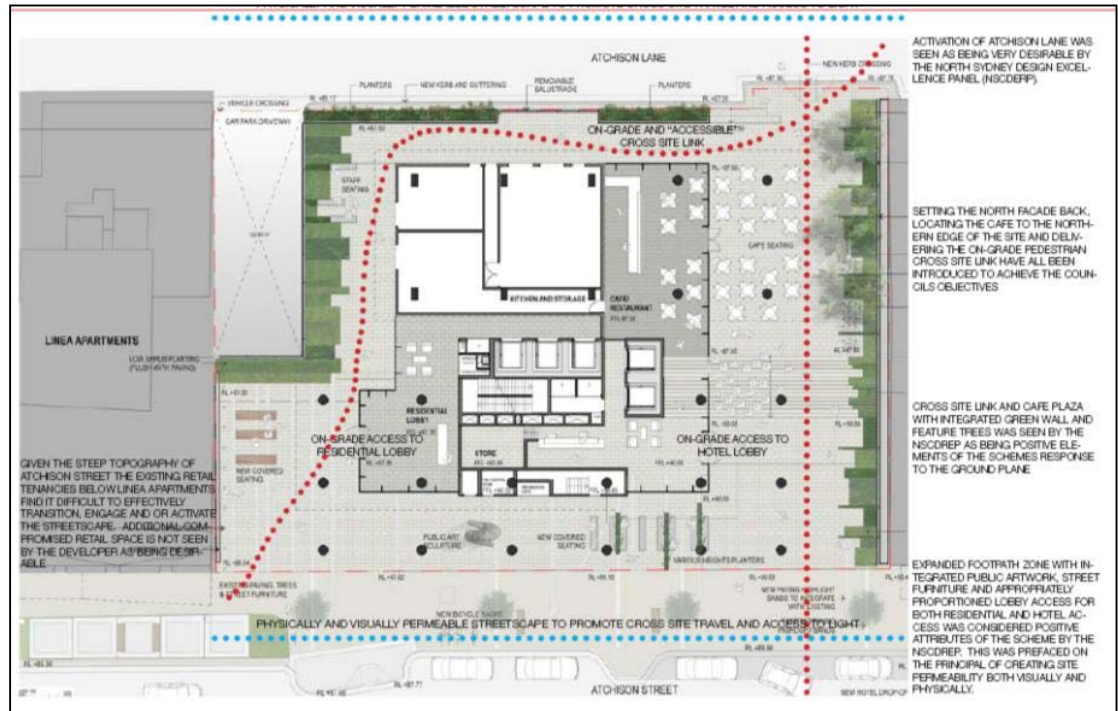


Figure 9: Amenity gained through raised podium

Source: Architectural plans at Appendix 2

With respect to DoP comment: *“relocation of the fire stairs and service utilities to a less prominent part of the Atchison Street frontage”* it is noted that these service doors are integrated into a marble stone clad facade. The cladding allows for a seamless integration of the doors to facilitated the use of the facade for building naming and service signage requirements.

With respect to DoP comment: *“options for increasing the setback of the podium to the eastern (side) boundary...”* we note as follows. The proposed podium (levels 2-4) is setback 6.8m (6m to facade treatment) from the eastern boundary whilst the tower above is setback 12m to the eastern boundary. These separation distances is considered appropriate as discussed in more detail under **Section 4.1** below.

### 3.3 Traffic

Existing road and traffic conditions, proposed design and relevant impacts associated with the Preferred Project Application are contained in the Traffic Report at **Appendix 5 & 6**.



### 3.3.1 Intersection performance

#### Issue raised by DoPI:

##### Schedule 1:

##### 3. Traffic

*A detailed assessment of implications of the proposed development on the intersections of Atchison Lane/Christie Street and Atchison Lane/Mitchell Street should be provided.”*

#### Response:

In response to the key issues raised within the letter by DoPI, the traffic implication of the proposed development on the intersections of Atchison Lane/Christie Street and Atchison Lane/Mitchell Street, CBHK undertook additional weekday morning and afternoon peak period intersection traffic counts at the intersections of Atchison Lane with Christie Street and Mitchell Street (see **Appendix 6**).

Table 2.1 within the CBHK traffic report shows the existing peak hour traffic flow. In summary Christie Street carries 900 to 1,200 vehicles per hour two-way during the surveyed morning and afternoon peak hours. Mitchell Street carries some 120 to 160 vehicles per hour two-way and Atchison Lane carries less than 100 vehicles per hour two-way.

The proposed development (under the PPR) will result in a traffic generation of 77 vehicles per hour during peak hours (refer to TTW report at **Appendix 5**). The additional peak hour traffic flow at the nominated intersections is demonstrated in Table 2.2 of the CBHK report. In summary the traffic increases in Atchison Lane would be some 15 to 45 vehicles per hour two-way at peak times as a result of the proposed development. Increases in Christie Street and Mitchell Street would be lower at some 5 to 40 vehicles per hour two-way.

The Atchison Lane intersections have been re-analysed allowing for the additional development traffic flows. The analysis found that:

*“The SIDRA analysis found that the unsignalised intersections of Atchison Lane with Christie Street with Mitchell Street are operating with average delays for the highest delayed movements of less than 15 seconds per vehicle or less during morning and afternoon peak periods. This represents levels of service A/B, a good level of intersection operation”.*

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### 3.3.2 Swept Path Analysis

**Issue raised by DoPI:**

**Schedule 2**

*“Swept path analysis of the largest vehicle that can physically entre and exit Atchison Lane and the access driveway should be provided in accordance with the RTA’s comments on the proposal.”*

**Response:**

Swept paths analysis are attached as Appendices to the TTW supplementary report at **Appendix 5** which demonstrates a 6.4 metre small rigid truck using Atchison Lane, turning into the site and exiting in a forward direction. These vehicles will be able to enter and exit the site with the proposed access and driveway arrangements.

### 3.4 Revised Statement of Commitments

The potential environmental impacts identified at **Section 5** of the Environmental Assessment report, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that have informed that report. Following the key issues raised by DoPI and the proponents response to those issues a revised draft statement of commitments have been prepared pursuant to **Section 75H(6)(c)** of the EP& A Act the proponent.

This PPR concludes that subject to the mitigation measures (including the Draft Statement of Commitments in **Appendix 11**) any significant adverse impacts would be managed and mitigated to the satisfaction of the Minister as the consent authority.

### 3.5 Response to Submissions

In response to the public exhibition, the Department of Planning has advised that it has received 29 written submissions; submissions from the applicable agencies as well as three (3) Local Councils. A Table of Responses to Agency comments and Public Submissions are contained at **Appendix 12**.

In summary, the potential environmental impacts referred to in the submissions, can be effectively ameliorated by the proposed mitigation measures recommended within the various consultant reports that have informed this report and are incorporated into the Statement of Commitments and can form part of appropriate conditions of consent.

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## 4 ENVIRONMENTAL IMPACT

This section includes additional matters which required amendment as a result of the Preferred Project Report. A short environmental impact as a result of the design changes (mostly reduction in height and apartment numbers) is also included below.

### 4.1 Residential Amenity

- **Increase visual privacy (separation between buildings)**

The table below provides a summary of the required and proposed setbacks (building separation distances). It is noted that the proposed building complies with the setback provisions of the North Sydney Council DCP.

**Table 2: Setbacks**

SEPP 65 SEPERATION RULES OF THUMB	REQUIRED SETBACK UNDER NORTH SYDNEY DCP	PROPOSED SETBACKS
<b>Street Setback at ground level (podium)</b>		
None	Streets setback 3m from street frontage to building alignment	Ground level = 5.6m Podium (levels 2-4) = 0m
	1.5m at ground level, from laneway frontage to building alignment.	Ground level = 4m Levels 2-28 = 3m <b>Exceeds</b>
<b>Street setback to tower (above podium)</b>		
None	Setback of 3m, on the street frontage from the building alignment, above podium except as follows: iv. Atchison Street and southern side of Chandos Street, between Mitchell and Oxley Streets setback 1.5m from the building alignment above podium.	4.5 metres from Atchison Street to building above-podium <b>Exceeds</b>
None	Setback of 1.5m, on the laneway frontage from building alignment, above podium.	3.0 metres from Atchison Lane to building above podium <b>Exceeds</b>
<b>Side Setbacks</b>		
<b>Podium</b> <b>Up to 4 storeys /12m</b> 12m between habitable rooms 9m between habitable and non-habitable	0m	0m to western boundary 6m to eastern boundary <b>Satisfies</b>

6m between non-habitable		
<b>Above podium (tower)</b> <b>5 – 8 storeys /25m</b> 18m between habitable rooms 13m between habitable and non-habitable 9m between non-habitable	Side setback of 3m, above podium	Min. of 6m metres above podium level to the side boundaries; <b>Satisfies</b>
<b>Above podium (tower)</b> <b>9+ storeys</b> 24m between habitable rooms 18m between habitable and non-habitable 12m between non-habitable	Separation of 6m, above podium, between windows and balconies.	6-12m to windows of adjoining buildings – no adjoining balconies <b>Satisfies</b>

Where the proposed tower is located closer than the recommended building separation distances under the RFDC, the PPR proposes screening devices to the eastern and western facades in order to minimise the opportunity for overlooking and maintaining privacy. In addition the rooms on the eastern face (worst case scenario) of the proposed building are second bedrooms or have another orientation to the north or to the south. As such the proposed separation between buildings is considered reasonable.

- **Apartment sizes and mix**

Table 3 provides a summary of the proposed unit mix as part of the PPR.

**Table 3: Proposed unit mix**

MIX REQUIRED UNDER NSDCP	PROPOSED
studio apartments maximum 15%	17.3 %
1 bedroom apartments maximum 30%	37%
2 bedroom apartments minimum 40%	38%
3 bedroom+ apartments minimum 15%	7.5%

The proposal provides slightly more studio and 1 bedroom units. The mix of housing types allows a choice consistent with more single/lone person households and single professional people within the area and is considered an appropriate response to market trends.

**Table 4: Proposed unit size**

SEPP 65 RULES OF THUMB (MIN SIZE)	NS COUNCIL DCP MIN. SIZE	PROPOSED MIN SIZE	PROPOSED AVERAGE SIZE
Studio = 38.5m <sup>2</sup>	Studio = 40m <sup>2</sup>	Studio = 34m <sup>2</sup>	Studio = 40m <sup>2</sup>
1 bedroom = 50m <sup>2</sup>	1 bedroom = 55m <sup>2</sup>	1 bedroom = 49m <sup>2</sup>	1 bedroom = 56m <sup>2</sup>
2 bedroom = 70m <sup>2</sup>	2 bedroom = 80m <sup>2</sup>	2 bedroom = 85m <sup>2</sup>	2 bedroom = 90m <sup>2</sup>
3 bedroom = 95m <sup>2</sup>	3+ bedroom = 100m <sup>2</sup>	3 bedroom = 139m <sup>2</sup>	3 bedroom = 139m <sup>2</sup>

The proposed unit sizes allow for a well-organised, functional and high quality apartment layout which ensures greater internal amenity. Moreover pursuant to Clause 30A of SEPP 65 the consent authority cannot refuse the application on apartment area if the proposed areas for each unit are equal or greater than the recommended internal and external areas. The proposed unit sizes are greater than the minimum required and as such satisfies both the SEPP 65 RFDC (rules of thumb) and North Sydney Council DCP.

- **Private open space / balcony sizes**

NS DCP requires balconies to have a minimum depth of 2m and an area of 8m<sup>2</sup> whilst SEPP 65 RFDC does not specify a minimum area, it does however, specify a minimum depth of 2m.

All hotel and residential apartments are provided with a balcony or winter garden. The balconies range in size between 4m<sup>2</sup> (for a studio unit) and 18.8m<sup>2</sup> (for a 3 bedroom unit) with all balconies having a minimum depth of 2m. The non-compliance with the NSDCP is considered minor as the minimum depth is still achieved to all balconies which allows for a usable private open space consistent with the RFDC.

## 4.2 Traffic generation and Car parking

- **Traffic generation**

The traffic report by TTW at **Appendix 5** states as follows:-

*“At a rate of 0.24 trips per unit per peak hour, the 173 units would generate some 42 vehicular trips per peak hour and the 76 serviced apartments would generate some 30 trips while the commercial site will generate some 5 vehicular trips per peak hour. This would result in a total of 77 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”.*

The report concludes that: “...all the road network will continue to operate at a better of similar level of service to the existing situation.”

In addition it is noted that the proponent has included a Car share scheme for the Hotel use (serviced apartments) within the Statement of Commitments (see **Appendix 11**).

- **Carparking**

**Table 5** below demonstrates the carparking requirements pursuant to North Sydney DCP section 9 for the PPR.

**Table 5: Carparking**

Use	Rate	GFA or number	Max. Spaces Required	Spaces Proposed
Residential	Studio & 1 bed units @ 0.5 Spaces	94	47	151 spaces (incl. 2 disabled spaces)
	2 + bed @ 1 space / unit	79	79	
Hotel	1 space per 5 units/rooms	76	15	15 spaces (incl 2 disabled spaces)
refreshment room/ café	1 space / 50 m <sup>2</sup>	229m <sup>2</sup>	5	2 space
<b>Total</b>			<b>147</b>	<b>168</b>
Motorcycles	1 space per 10 cars or part thereof (residential)	147	15	<b>15</b>
Bicycles	<b>For resi:</b> <ul style="list-style-type: none"> <li>• 1 bicycle locker per 3 dwellings</li> <li>• visitor parking 1 bicycle rail per 12 dwellings*</li> </ul> <b>for mixed use/commercial:</b> <ul style="list-style-type: none"> <li>• 1 bicycle locker per 600m<sup>2</sup> of gross floor area (GFA)</li> <li>• visitor parking 1 bicycle rail per 2 500m<sup>2</sup> GFA*</li> </ul>	<b>Resi</b> Lockers: 173/3 = 58 Rails: 173/12=14  <b>Mix / Comm:</b> Lockers: 2,902m <sup>2</sup> /600 = 5 Rails: 2902m <sup>2</sup> /2500 = 1	Lockers = 63  Rails =15	Refer to traffic report at <b>Appendix 5:</b> <i>“The provision will be met as part of the proposed development”</i>

The RTA Guide and North Sydney Council's Draft DCP were used as a tool for the calculation of appropriate parking spaces within high density residential metropolitan areas.

A comparison with the RTA Guide to Traffic Generating Development demonstrates a parking requirement of 155 spaces, whilst the parking requirements based on Council's Draft DCP would be in order of some 195 spaces.

The Traffic report at **Appendix 5** states that: *"Considering the location of the site 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 some 168 spaces will comply within the RTA's guide as well as Council's draft DCP and their parking requirements"*.

In addition, the basement levels allow for appropriate areas for the provision of motorcycles and bicycle spaces and as such the requirement can form an appropriate condition of consent.

#### **4.3 Amended BASIX Certificate**

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 Preferred Project proposal. An amended BASIX certificate for the Preferred Project Application is attached at **Appendix 10**.

#### **4.4 Amended wind impact statement**

An amended Wind Impact Study was undertaken by Heggies and is attached at **Appendix 9** as a result of the PPR.

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

Having regard for the amended plans (reducing the height) the wind report concludes as follows:-

- *"The previously identified adverse conditions will remain as before, eg the channelling of winds between the proposed development and adjacent buildings for northerly and southerly winds.*
  - *The magnitude of the previously identified adverse conditions will be no greater and, in all likelihood, decrease, compared to the previous building geometry.*
-

- *No public access areas have been identified at roof level and hence, the previous recommendation for consideration of windbreaks is not required (unless they are included for structural reasons, eg sheltering of the proposed solar panels to be located on the north half of the roof).*

*The previous recommendations for ground level landscaping remain as before and are shown in Figure 1 with the revised Ground Floor plan.*

*It is expected that wind mitigation recommendations will be reviewed and further refined (ie specific dimensions for landscaping, any vertical screening, etc) during the detailed design stage of the development (following development approval) to ensure that wind comfort goals are achieved”.*

#### **4.5 Amended BCA report**

An amended BCA report was undertaken by Dix Gardner and is attached at **Appendix 8** as a result of the PPR. The report concludes as follows: -

*“This review contains an assessment of the proposed residential, hotel and commercial building under the Deemed-to-Satisfy provisions of the Building Code of Australia 2010 (BCA).*

*It is considered that the building can achieve an acceptable level of compliance with the current provisions of the BCA upon resolution of the compliance issues identified in this report by way of complying with the Deemed-to-Satisfy provisions and/or Alternative Solutions that satisfy the Performance Requirements of the BCA”.*

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## 5 CONCLUSION

Based on the Environmental Assessment Report as well as the Preferred Project Report, it is considered that the proposed Project Application at **Nos. 6-16 Atchison Street, St Leonards** as amended, is consistent with all local regional and state planning objectives. The amended design responds to the key issues identified by the various stakeholders including North Sydney Council, the relevant agencies the community and DoPI. In summary, the proposed building, as amended would:-

- Result in minor additional shadow on the Abode building of less than 30min at mid-winter after 2:30pm. The affected units maintain access to sunlight for 4.5hours between 9am and 1:30pm;
- Allow for development on adjoining sites consistent with the character of the centre;
- Provide 6 affordable housing units within 100m of the rail station;
- Be contextually consistent with the scale and form of development in the vicinity;
- Result in a transition in height from the Forum to the lower existing buildings (IBM and Abode);
- Traffic generation as a result of the proposed development will be negligible in fact the road network will continue to operate at a better of similar level of service to the existing situation. The road network will be able to cater for the additional traffic as a result of the proposed development, as well as future anticipated development within the St Leonards Centre; and
- Have no adverse impact by way of overlooking as a result of additional privacy screening devices on the eastern facade.

The potential environmental impacts identified, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports submitted as part of the EA Report as well as the amended / updated reports as a result of the PPR, and are incorporated into the revised draft statement of commitments. This PPR concludes that subject to the mitigation measures (including revised Statement of Commitments in **Appendix 11**) 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. As such, approval is sought for the Project Application pursuant to **Section 75E**.

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