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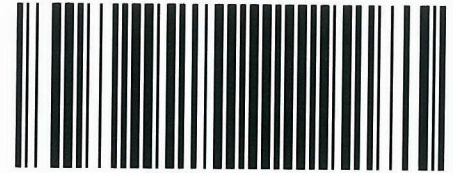
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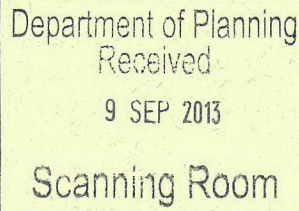
Heather Warton  
Director, Metropolitan & Regional Projects  
Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001



PCU047770

Your Ref: MP 09\_0187 MOD 2

6 September 2013



Dear Ms Warton

**RE: SECTION 75W REQUEST TO FURTHER MODIFY APPROVED MIXED  
USE DEVELOPMENT PROJECT AT 6-16 ATCHISON STREET, ST  
LEONARDS (MP 09\_0187 MOD 2)**

I refer to your letter dated 21 August 2013 concerning the above matter.

The proposed further modifications and the applicant's Response to Submissions have been reviewed by Council planners. As a result of this review, Council makes the following comments:

**Significant reduction in the non-residential floor area:**

The Part 3A Project Approval (May 2012) involved a non-residential floor area with a floor space ratio (FSR) of 2.67:1. This did not comply with the minimum 3:1 non-residential FSR for the subject site under the North Sydney LEP 2001.

The current modification proposal would further reduce this non-compliance to only 2:1.

It is noted that North Sydney Local Environmental Plan 2013 gazetted on 2 August 2013 retained the minimum requirement for non residential floor area at 3:1 as are adjoining sites. This required floor space was endorsed by the Department of Planning at a strategic level with the recent gazettal of North Sydney Local Environmental Plan 2013 and was also endorsed by the underlying St Leonards Planning Study. Any further reduction in the FSR would set an undesirable precedent for other development sites in St Leonards and is contrary to recently established statutory controls.

The hotel component is now proposed to be reduced from the approved 76 serviced apartments to only 38, and basically returns to the original unacceptable proposal submitted in July 2010. Council notes that the proponent substantially increased the number of serviced apartments to address the concerns nominated by the Department of Planning and Infrastructure in regard to the original scheme.



<b>ENGLISH</b>	If you do not understand this information, please ring the Translating and Interpreting Service (TIS) on 13 14 50, and ask for an interpreter in your language to contact North Sydney Council on (02) 9936 8100. This is a free service.
<b>ARABIC</b>	إذا لم يكن بمقدورك فهم هذه المعلومات، فالرجاء الاتصال بخدمات الترجمة الخطية والفورية (Translating and Interpreting Service (TIS)) على الرقم 13 14 50 والطلب من مترجم فوري يتحدث العربية أن يتصل لك بمجلس مدينة شمال سيدني على الرقم (02) 9936 8100 – هذه الخدمة مجانية.
<b>GREEK</b>	Αν δεν καταλαβαίνετε αυτές τις πληροφορίες, παρακαλώ τηλεφωνήστε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Translating and Interpreting Service (TIS)) στο 13 14 50, και ζητήστε να σας διαθέσουν ένα διερμηνέα στη γλώσσα σας για να επικοινωνήσει με το Δήμο του North Sydney στο (02) 9936 8100. Αυτή είναι μια δωρεάν υπηρεσία.
<b>HINDI</b>	यदि आप इस जानकारी को समझ नहीं सकते हैं तो कृपया अनुवाद और दुभाषिया सेवा (Translating and Interpreting Service - TIS) को 13 14 50 पर फ़ोन करें और अपनी भाषा के दुभाषिए द्वारा उत्तरी सिडनी काउंसिल (North Sydney Council) को (02) 9936 8100 पर फ़ोन करने के लिए कहें। यह सेवा निःशुल्क है।
<b>INDONESIAN</b>	Jika Anda kurang memahami informasi ini, silakan telepon Translating and Interpreting Service (TIS) di 13 14 50, dan mintalah seorang juru bahasa dalam bahasa Anda untuk menghubungi North Sydney Council di (02) 9936 8100. Layanan ini tidak dipungut biaya.
<b>ITALIAN</b>	Se non capite queste informazioni, chiamate il Servizio di Traduzione e Interpretariato (TIS - Translating and Interpreting Service) al numero 13 14 50, e chiedete ad un interprete nella vostra lingua di contattare il North Sydney Council al numero (02) 9936 8100. Il servizio è gratuito.
<b>JAPANESE</b>	上記の情報について何かご質問がございましたら、通訳・翻訳サービス (Translating and Interpreting Service (TIS)) 電話番号 13 14 50 までお問い合わせください。また、ご自分の国の言語で通訳の手配をご希望の方は、ノース・シドニー・カウンスル (North Sydney Council) 電話番号 (02) 9936 8100。まで電話でお問い合わせください。尚、このサービスは、無料です。
<b>KOREAN</b>	이 정보를 이해하지 못하실 경우 번역 통역 서비스 (Translating and Interpreting Service (TIS))에 13 14 50으로 연락하셔서 한국어 통역사를 요청하시고 노스 시드니 카운슬 (North Sydney Council) 연락처인 (02) 9936 8100로 연결하도록 요청하십시오. 이 서비스는 무료입니다.
<b>TAGALOG</b>	Kung hindi ninyo naiintindihan ang impormasyong ito, mangyari lamang na tumawag sa Translating and Interpreting Service (TIS) sa 13 14 50, at hilingin sa interpreter ng inyong wika na tawagan ang North Sydney Council sa (02) 9936 8100. Ito ay isang libreng serbisyo.
<b>TRADITIONAL CHINESE</b>	如果你不明白這份資料，請致電13 14 50聯絡Translating and Interpreting Service (TIS)，要求一名能說你的語言的傳譯員，代你致電(02) 9936 8100聯絡North Sydney Council。這是免費服務。



Council objects to this component as it cannot be justified, and would further compromise the perfunctory support of the low non-residential floor space based on creation of jobs and hotel rooms close to the Royal North Shore Hospital complex.

The applicant's response with regard to this issue does not relate to the controls for the site. It cannot be given any credibility. There is no requirement under the controls for a ratio between residential and non residential floor space. There is however a minimum ratio between non residential floor space to site area. Any residential component is required to be built above the non residential space and is controlled by the 49m height control and SEPP 65 considerations. It must be noted that the proponent has received a considerable increase in residential density with an approval that increased the height from 49m to 82m.

The site is zoned Mixed Use and it is important that the minimum non residential floor space requirements are achieved. Council recommends that the residential apartments on levels 3 and 4 form part of the serviced apartments as hotel and non residential floor area.

#### **Combined hotel and residential entry lobby and lifts:**

The modified plans propose that the main entry lobby will be shared between the residential and hotel (serviced apartments) components of this development. This is inconsistent with the guidelines for 'Building Configuration – Mixed Use' on page 80 of the *SEPP 65 Residential Flat Design Code*. These 'better design practice guidelines' provide that the commercial and residential components of mixed use developments should have clearly distinguished entries, vertical access points and servicing needs. Adherence to the recently renewed statutory controls would make this separation more appropriate. The amendment to the orientation of lift 3 does little to address this issue.

#### **Garbage storage and holding facilities:**

The modified plans do not comply with the requirements of condition B17 of the Project Approval. This condition requires the garbage storage area is to be provided with its entrance within 2m of a street, or if garbage storage facilities are provided elsewhere (as is the case with this modified proposal – the garbage and recycling storage area and compactor being located on basement level 1), then a complementary garbage bin holding area shall be provided no more than 2m from the street boundary of the property.

The modified plans are unsatisfactory in that the proposed garbage holding adjacent to the loading dock is totally inadequate to provide for temporary holding of compacted garbage bins for 200 apartments for the once per week collection by Council's waste collection contractors.



If the garbage bin holding area remains inadequate Council's contractors will not pick up residential waste from this property, having regard for the contractual arrangements in place. In this situation the owners will have to arrange for private waste collection but will still be liable for payment of Council rates/ charges for residential garbage collection. The placement of bins within the lane will not be allowed. The applicant/ developer and all future owners of dwelling units within the development must be made aware of this situation by way a S.88B instrument under the Conveyancing Act 1919 placed on the title of the property.

Council recommends that the area in front of the loading bay and under the pergola adjacent to the lane be used for temporary storage on the collection day.

**Change to through site link:**

Council has concern generally about the changes in regard to the through site link from the street to the lane. The movement of the substation and siting of the loading dock has limited the pedestrian link and it is now uninviting and narrow for members of the public that are unable to use the stairs.

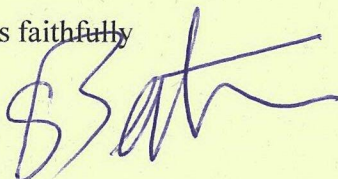
**Further changes to the development:**

No objection is raised in principle to the following additional modifications:

- relocation of the commercial waste services to basement Level 1;
- rearrangement of the ground level lower bathrooms to enable drainage to stay clear of the deep beam below and the relocation of the kiosk substations;
- increase the extent of pergola over the vehicular entry point to screen the car exhaust and achieve the visual impression of continuing the pergola structure;
- new balconies on the western facade of Levels 3 and 4 provided the apartments are used as serviced apartments; and
- provide the rooftop of the podium fronting Atchison Street as a terrace area accessible for the use of the Level 4 tenancy.

Should you wish to seek clarification of the matters raised in these comments, please contact Council's Executive Planner, Geoff Mossemeneer or the undersigned on 9936 8100.

Yours faithfully



STEPHEN BEATTIE  
MANAGER DEVELOPMENT SERVICES