



Section 75W Application to Modify Major Project MP09_0187

Nos. 6-16 Atchison Street, St Leonards


On Behalf of Holdmark Property Group Pty Ltd

May 2014

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APPENDIX	DOCUMENT	PREPARED BY
1	Architectural Plans Shadow Diagrams	Robertson + Marks
2	Urban Design Report	City Plan Urban Design
3	BCA Capability Report	Vic Lilli & Partners
4	BASIX Certificate and BASIX Compliance Report ABSA Stamped Plans and ABSA Certificate	Cundall
5	Revised Draft Statement of Commitments	Holdmark Property Group P/L
6	Draft Public Benefit Offer	Holdmark Property Group P/L
7	Project Approval MP09_0187 Modified Project Approval MP09_0187 MOD 1 Modified Project Approval MP09_0187 MOD 2	-

Job No	Description of Issue	Prepared By / Date	Reviewed by Director	Approved by Director
13027	Draft	AM / 30.4.14	SF	 Susan E Francis Executive Director
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Note: This document is preliminary unless it is approved by Director of City Plan Strategy and Development Pty Ltd.				

1 EXECUTIVE SUMMARY

This Report has been prepared by City Plan Strategy and Development (CPSD) on behalf of **Holdmark Property Group Pty Ltd** for an amendment to Project Approval MP09_0187 pursuant to Section 75W of the *Environmental Planning and Assessment Act, 1979* ("EP&A Act"). MP09_0187 that permits the construction of a mixed use development at Nos. 6-16 Atchison Street, St Leonards, including: -

- *"6 levels of basement, containing 168 car spaces, 4 spaces for disabled drivers, and 16 motor bike spaces;*
- *a cafe, residential and hotel lobbies and public plaza at the ground floor level;*
- *a 4 level hotel (76 serviced apartments);*
- *24 levels of apartments (173 apartments); and*
- *1 level of roof top plant and equipment."*

The application is for a further modification to the approved scheme in relation Condition B3 *Height of Building* and seeks to increase the overall height of the building from RL 167.3 to RL 181.3 (the originally sought RL in the PPR) and hence increase the gross floor area of the proposed building by approximately 3,199m². The proposal also increases the overall parking provision in accordance with the additional dwellings. The proposal is supported by a Draft Public Benefit Offer to North Sydney Council. This application demonstrates that the proposal is essentially the same development as proposed within the Preferred Project Report (PPR) and provides a design scheme that is architecturally a superior design outcome which is also responsive to current market demand.

The proposal includes the amalgamation of 6 units to provide 3 larger sized units. To allow for flexibility in response to future market demand, this proposal also allows for the future amalgamation of residential units with the approval of the accredited certifier.

The proposal as sought was presented to North Sydney Council by the applicant at a specifically arranged meeting with Council staff and Councillors on 17 September 2014 with a view to gauging Council's issues. No specific issues were raised by the Council at this meeting.

Since the time of the original Project Approval, a series of development approvals have been granted in the immediate vicinity of this site and the built form of the area is continuing to transform. Therefore the proposed increase to building height is now even more appropriate.

Further details of the modifications are outlined in **Section 3** of this report.

The purpose of this report is to describe the above amendment in detail; review the applicable planning regime relating to the proposal; assess the degree of compliance; and where impacts are identified, propose appropriate measures to mitigate any harm to environmental amenity.

Section 2 of this report provides a detailed description of the site and background information in relation to the existing approval for the site.

Sections 3 and 4 outline the proposed modifications to the approved Project Application.

Section 5 assesses the environmental impacts of the proposal, addressing where relevant the applicable statutory context.

Section 6 concludes that the proposed modifications are reasonable and appropriate and it is recommended that the application be approved.

This report has been prepared in conjunction with the architectural drawings prepared by Robertson + Marks which can be found at **Appendix 1**.

2 BACKGROUND

2.1 The Site

The site is located within the St Leonards Centre and is approximately 100m east of St Leonards Railway Station as shown in **Figure 1** below. 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 the western boundary and 35.8m to the eastern boundary. 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. An aerial photo of the site is provided at **Figure 2** below. 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 20 metres, 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.

The site previously comprised 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 and a combined gross floor area of approximately 5,000m². The buildings occupied 100% of the site and as such there was no vegetation or open space on the site. The site is currently undergoing construction works in accordance with MP09_0187 Mod 2.

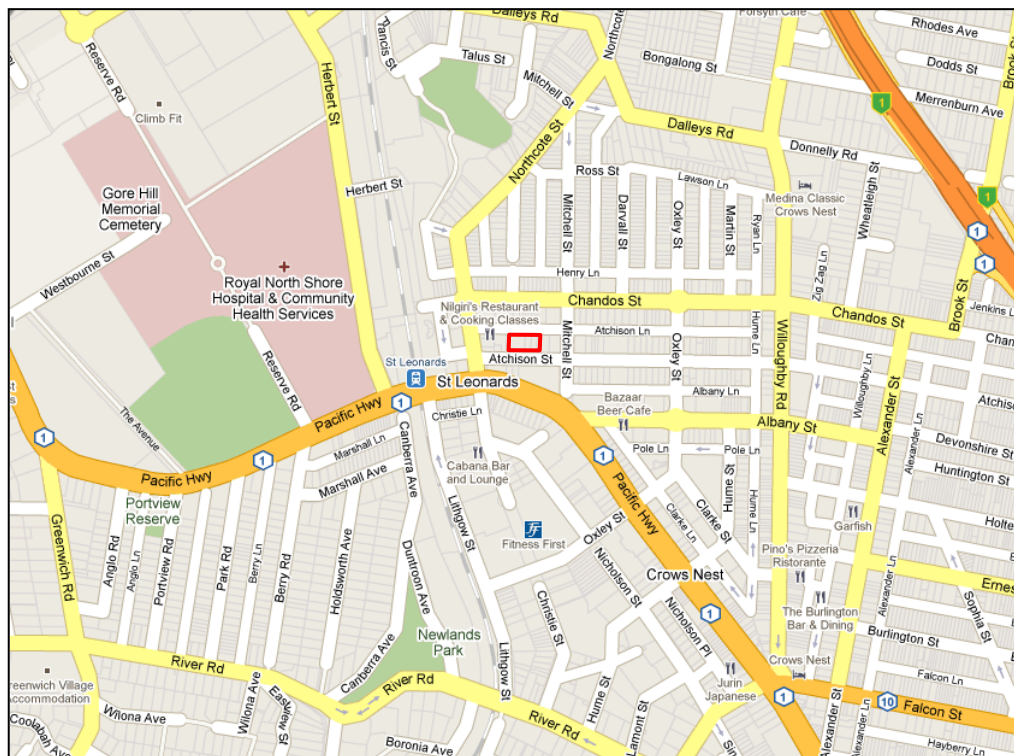


Figure 1: The locality (subject site outlined in red) (Source: Google Maps)

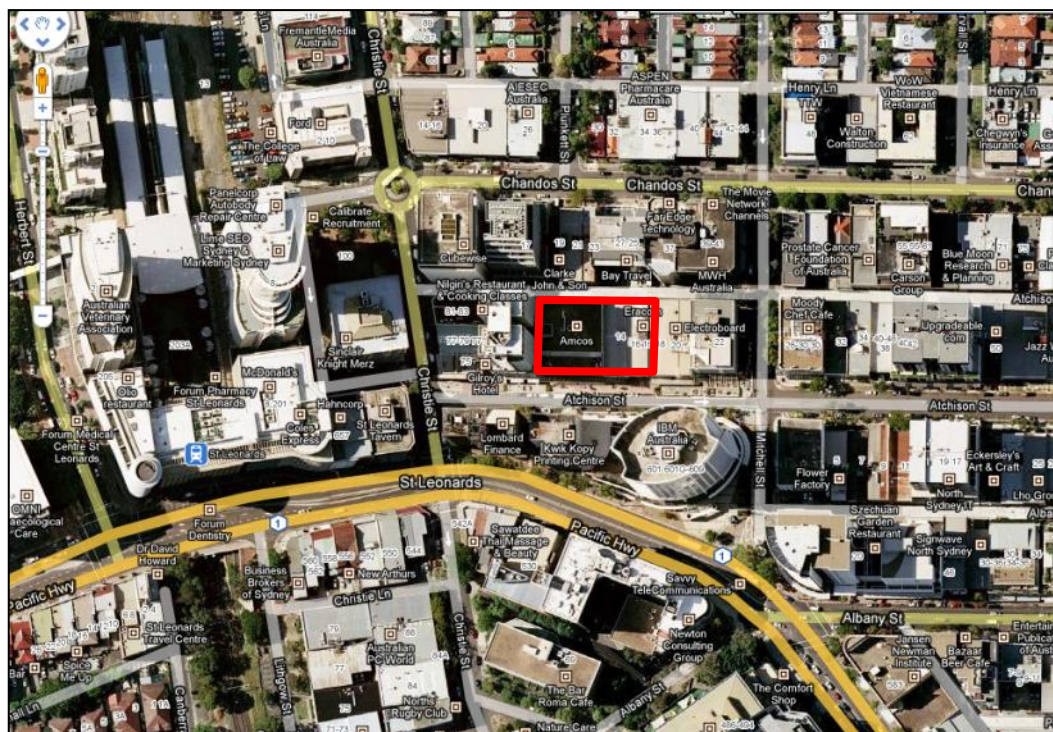


Figure 2: Aerial view of the site (subject site outlined in red) (Source: Google Maps)

2.2 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 1**).

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

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

- 11 storey mixed use development No. 11 Chandos Street known as “Habitat”,
- 2 x 3 storey commercial buildings Nos. 21 and 23 Chandos Street, and
- 7 storey commercial development No. 33 Chandos Street (see **Photo 2**).

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 Nos. 601-609 Pacific Highway known as the “IBM” building (see **Photos 4-6**).

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 5**).



Photo 1: No. 2-4 Atchison St,
Linea Building



Photo 2: Atchison Lane to the north of the
site



Photo 3: IBM open space across the subject site in Atchison Street (Source: Google Maps)



IBM Building

Photo 4: IBM tower at No. 601 Pacific Highway (Source: Google Maps)



The Forum

IBM Building

Photo 5: Atchison Street looking west (Source: Google Maps)



Photo 6: Atchison Street looking east (Source: Google Maps)

Recent Approvals

Nos. 619 Pacific Highway, St Leonards

DA163/2011 was approved by the JRPP on 5 October 2011 for the demolition of the existing 7 storey commercial building and construction of a 16 storey mixed use building (RL140) containing ground floor retail (180m²), 21 serviced apartments at levels 1-3, 48 residential apartments at levels 4-15 with four levels of basement carparking for 43 vehicles. The non-residential component of the site comprised an FSR of 3:1 (1,457m²). A photomontage of the approved mixed development is provided in **Figure 3** below.



Figure 3: Extract of a photomontage of the mixed use development at No. 619 Pacific Highway as approved in DA163/2011. This development is on the southern side of Atchison Street.

Nos. 621 Pacific Highway, St Leonards

DA136/2012 was approved by the JRPP on 12 July 2012 for the demolition of the existing 11 storey commercial building and construction of a 17-18 storey mixed use building (RL139.45) containing ground floor retail, 33 serviced apartments (“hotel”) at levels 1-4, 72 residential apartments at levels 5-17 and three levels of basement car parking (in a mechanical stacker) for 42 vehicles. A photomontage of the approved mixed development is provided in **Figure 4**.



Figure 4: Extract of a photomontage of the mixed use development at No. 621 Pacific Highway as approved in DA136/2012. This development is on the southern side of Atchison Street.

Nos. 18-24 Atchison Street, St Leonards

DA187/2013 was approved by the JRPP on 17 December 2013 in relation to Nos. 18-24 Atchison Street, adjoining the subject site to the east. The approval relates to ‘Site A’ and ‘Site B.’ The approval on Site A relates to No. 22 Atchison Street for a Stage 1 16 storey mixed use building (RL147.475). The approval on Site B relates to No. 20 Atchison Street for a Stage 2 envelope concept approval for 15 storey mixed use building (RL147.475). The detailed DA (13/2014) for Site B is currently under assessment by Council. A photomontage of the approved mixed development is provided in **Figure 5** below.



Figure 5: Extract of the approved Architectural Drawings for Nos. 18-24 Atchison Street prepared by Crone Partners approved in DA187/2013.

Nos. 472-520 Pacific Highway and 95 Nicholson Street, St Leonards

On 5 March 2014, the Department of Planning and Environment (formerly the Department of Planning and Infrastructure) determined that the exhibition for the Planning Proposal for the above sites (within the Lane Cove LGA) should proceed subject to conditions in accordance with the Gateway determination. This PP is for the amendment to the Lane Cove Local Environmental Plan 2009 to: -

- Rezone the 5 sites that comprise 472-520 Pacific Highway and 95 Nicholson Street, St Leonards from B3 Commercial Core to B4 Mixed Use for retail, commercial and residential purposes; and
- Increase the maximum building height for land at 472-486 Pacific Highway, St Leonards from 65m to 115m and 91m; and for land at 504-520 Pacific Highway, St Leonards from 72m to 138m (RL138).

The PP is also accompanied by a site specific Development Control Plan and a Voluntary Planning Agreement, to be reviewed throughout the public consultation process in accordance with the recent Gateway determination.

The PP provides three tower forms configured as per the Concept Masterplan as demonstrated in **Figures 6 and 7** below: -

FIGURE 7 – CONCEPT MASTER PLAN



Figure 6: Extract of the Concept Master Plan PP for three tower forms at Nos. 472-520 Pacific Highway and 95 Nicholson Street, St Leonards, to the south-east of the subject site.

FIGURE 10 – INDICATIVE SITE SKETCHES

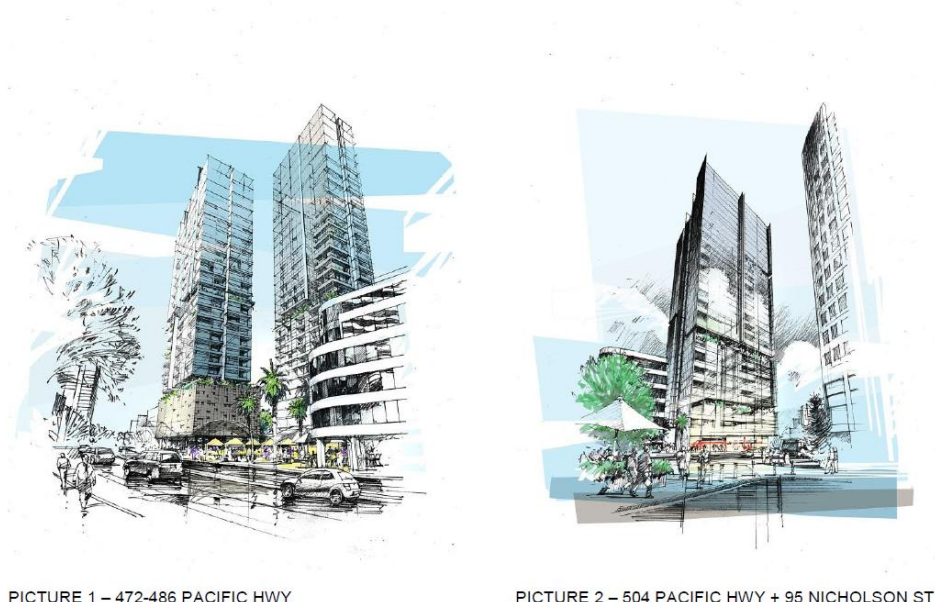


Figure 7: Extract of indicative site sketches from the PP for three tower forms to the southern side of the Pacific Highway at Nos. 472-520 Pacific Highway and 95 Nicholson Street, St Leonards.

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: -

- arbitrary 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.

2.3 APPROVED SCHEME

The approval the subject of this application is the Project Application MP09_0187 approved by the Planning Assessment Commission on 1 May 2012. MP09_0187 permits the construction of a mixed use development at Nos. 6-16 Atchison Street, St Leonards, including: -

- “6 levels of basement, containing 168 car spaces, 4 spaces for disabled drivers, and 16 motor bike spaces;
- a cafe, residential and hotel lobbies and public plaza at the ground floor level;
- a 4 level hotel (76 serviced apartments);
- 24 levels of apartments (173 apartments); and
- 1 level of roof top plant and equipment.”

As a result of the recommendations from the Department of Planning and Environment, the Major Project Approval was approved by the Planning Assessment Commission subject to conditions of consent, including, inter alia, the following: -

- the reduction of the height of the building by a further 14 metres (approximately 4 storeys) to a maximum height of RL 167.3 (82.5 metres) (refer to Condition B3). The approved development provides 5 levels of hotel and 22 level of apartments; and
- additional privacy screening to the eastern and western facades to prevent overlooking of the neighbouring properties. The additional privacy screening is to prevent overlooking between the two towers of the proposed building.

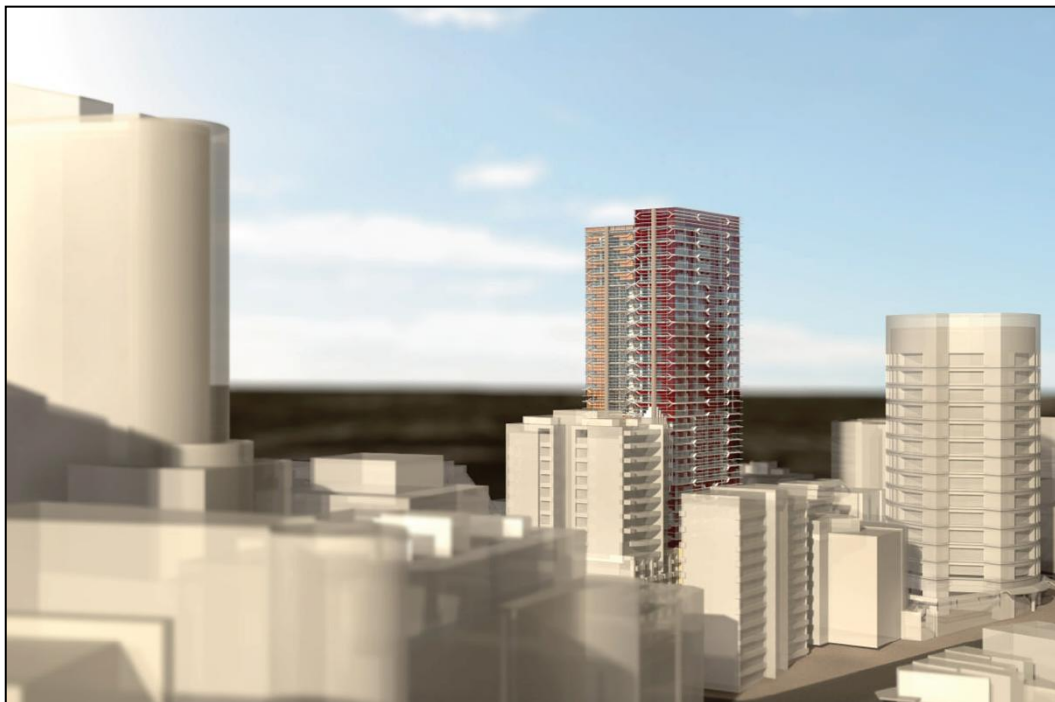


Figure 8: Photomontage of the PPR development as viewed from the south west (Source: PPR approved in MP09_0187)

2.4 APPROVED MODIFICATION 1 UNDER S75W

On 27 February, 2013, the PAC approved Modification Application MP09_0187 MOD 1 to amend several conditions of consent to facilitate the staged construction and occupation of the development and to modify the affordable housing provision mechanism.

This modification application enables the development to be undertaken in a manner which facilitates 'inter alia' the following: -

- i. Undertaking the demolition, bulk excavation works and construction of the basement levels exclusive to the construction and associated contributions of the residential and non-residential components of the development;

- ii. Providing the necessary Affordable Housing contribution to North Sydney Council via an appropriate alternative mechanism rather than the Voluntary Planning Agreement identified in the Statement of Commitments; and
- iii. Where necessary, amendments to the wording of conditions of consent to enable the staged construction and occupation of the development.

This modification application did not modify or alter the built form of the development or the relevant contributions as approved.

The following conditions were amended: -

- i. Condition A1. Development in accordance with plans and documentation;
- ii. Condition B3. Building Height;
- iii. Condition B5. Affordable Housing;
- iv. Condition B11. Section 94 Contributions;
- v. Condition B38. BASIX Commitments; and
- vi. Condition E2. Dedication of Affordable Housing Units.

Refer to **Appendix 7** for a copy of this modified approval.

2.5 APPROVED MODIFICATION 2 UNDER S75W

On 11 March 2014, the PAC approved Modification Application MP09_0187 MOD 2 to amend several conditions of consent to facilitate the staged construction and occupation of the development and to modify the affordable housing provision mechanism.

- a 1,125m² reduction in total gross floor area from 20,819 m² to 19,694m²;
- a decrease in the number of serviced apartments from 76 to 64 (a 318m² decrease in non residential gross floor area from 4,683m² to 4,365m²;
- an increase in the number of residential units from 173 to 190;
- a new swimming pool and a 184m² reduction in the size of the gymnasium on level three;
- rearranged floor plan and public domain layouts, reorientation of lift core (number 3) and access stairs, extended cafe seating area, and new retail floor space fronting Atchison Street;
- new balconies on the western facade of level four; and
- conversion of the podium rooftop fronting Atchison Street to courtyards for level four serviced apartments and minor consequential changes to the external elevation.

The site is currently undergoing construction works in accordance with MP09_0187 Mod 2.

Refer to **Appendix 7** for a copy of this modified approval.

3 PROPOSED MODIFICATIONS

3.1 REASONING FOR THE PROPOSED MODIFICATIONS

BUILDING HEIGHT

The proponent seeks to increase the height of this proposed mixed use building from an approved RL 167.3 to RL 181.3 being an increase of 19m or equivalent to 4 storeys which is the height sought within the Preferred Project Report (PPR) pursuant to MP09_0187.

In order to establish an appropriate height within the St Leonards Centre an Urban Design Analysis was undertaken as part of the PPR (see **Appendix 3**) which examined the existing height limits established by the Local Environmental Plans (LEP) of North Sydney Council, Willoughby Council and Lane Cove Council. The analysis concluded that existing height limits especially within North Sydney LEP 2001 did not reflect the goal of the development of a centre with increased density around the St Leonards train station and the report recommended amendments in order to more effectively optimise the St Leonard's Specialised Centre.

The urban design analysis also demonstrated 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 9**). It is noted that the subject site was identified as OPS 3.



Figure 9: Opportunity sites (Source: Urban Design Analysis, Appendix 2)

Furthermore, the Urban Design Analysis, as reproduced in **Figure 10** below, 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 10**).

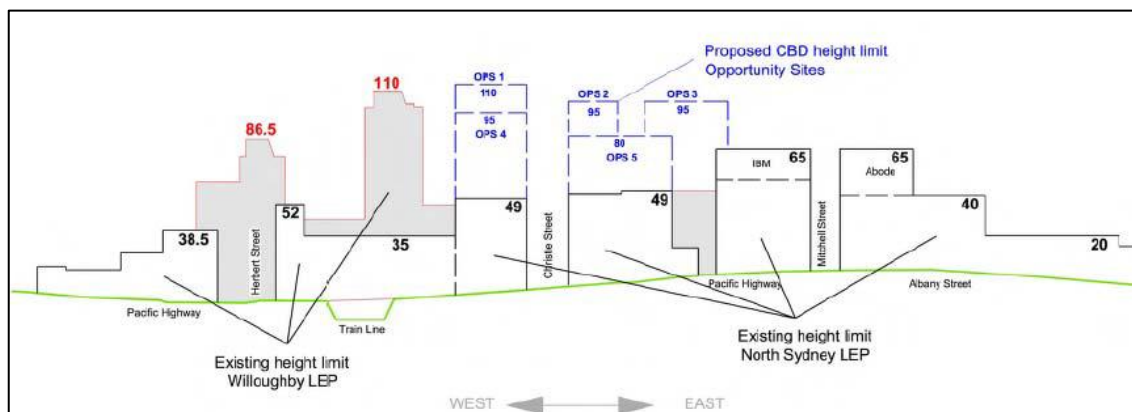


Figure 10: Opportunity sites viewed from Pacific Highway

(Source: Urban Design Analysis, Appendix 2)

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 low rise 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.

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

Since the time of the original Project Approval, a series of development approvals have been granted in the immediate vicinity of this site and the built form of the area is continuing to transformed. As identified in **Section 2.2** above, these approvals include the 15 and 16 storey mixed use development at 18-24 Atchison Street approved in DA187/2013 (RL147.475), the 16 storey mixed use development No. 619 Pacific Highway on DA163/2011 (RL139.45), and the 18 storey mixed use development at Nos. 621 Pacific Highway approved in DA136/2012 (RL140). Furthermore, we note that Nos. 619-621 Pacific Highway is the subject of potential amalgamation and a Planning Proposal (PP) for a further increase to building height. A Planning Proposal was also recently approved at Gateway for public notification in relation to Nos. 472-520 Pacific Highway and 95 Nicholson Street, located on the southern side of the Pacific

Highway in the Lane Cove LGA. This PP relates to the rezoning of part of the site to B4 Mixed Use and to increase the building height to allow for three tower forms with a height of 91m, 115m and 138m (RL138). Furthermore, we understand that No. 100 Christie Street is also the subject of discussions with Council for a PP to uplift the development standards.

These recent approvals demonstrate that the St Leonards Precinct is subject to ongoing interest for redevelopment that is continuing to transform its built form and skyline. Therefore the proposed increase to building height the subject of this proposal is now even more appropriate.

The urban design prepared by City Plan Urban Design 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 this previous urban design analysis, the proposed height of this building, being at RL 181.3 (95m) adheres, with potential heights identified for the opportunity sites. This amended height will sit comfortably within the St Leonards skyline whilst also allowing for a transition in height from the Forum (RL 196.80 at 110m) to the lower existing buildings (IBM and Abode at 65m) when viewed from the south (Pacific Highway) and ensures mitigation of potential impacts onto surrounding properties.

The proposed building height is analysed in comparison to existing buildings, recent development approvals and Planning Proposals anticipated to be lodged in the near future as follows: -

Site	Approval Details	Approved Height	Comparison of the Proposed RL181.3 (29 storeys) for the subject site
The Forum	-	RL196.8 38 storeys	We are 15.5m / 9 storeys lower than the Forum
472-520 Pacific Highway & 95 Nicholson Street	Planning Proposal approved at Gateway for public notification	37/34 storeys Three tower forms: 91m, 115m & 138m.	We are 8 storeys lower than this PP
IBM Tower	-	20 storeys	We would be 9 storeys higher

Abode Apartments	-	20 storeys	We would be 9 storeys higher
545 Pacific Highway	-	16 storeys	We would be 13 storeys higher
18-24 Atchison Street	DA187/2013	RL147.475 15 and 16 storey	We would be 33.8m higher
619 Pacific Highway	DA163/2011	RL139.45 16 storey	We would be 41.85m higher
621 Pacific Highway	DA136/2012	RL140 18 storey	We would be 41.3m higher
We understand there other sites within 100m of the subject site which are the subject of increased height via Planning Proposals.			Greater height is anticipated.

As such the amended height responds to the existing and potential built form within the centre and this will be further discussed within **Section 6.1** of this report. The proposed building height is representative of the recently approved building forms which form the St Leonards Precinct and will reinforce the character of the adjoining tower forms. The proposed building height is contextually appropriate.

AMALGAMATION OF UNITS

In order to respond to future market demand, this proposal seeks the introduction of a condition of consent to allow for minor internal modifications to the residential units to merge the units to create larger 3+ bedroom units, subject to approval by the Accredited Certifier. The proposed condition of consent will enable the amalgamation of the standard units without the need to submit further s75 Modification Application(s). This approvals pathway enables flexibility for future purchasers to achieve their desired home size and layout.

3.2 SUMMARY OF MODIFICATIONS

The application seeks to modify the approved Project Application MP09_0187 and this modification should be read in conjunction with Modification MP09_0187 MOD 2.

The following table provides an analysis of how the proposed scheme compares to the Project Approval and Modification MP09_0187 MOD 2: -

Table 1: Comparative Table

	APPROVED SCHEME	MOD 2	PROPOSED MOD 3
Height	Maximum height of RL 167.3 (82.5 metres)	Maximum height of RL 167.3 (82.5 m)	Maximum height of RL 181.3 (94 m) (PPR height)
Gross Floor Area	20,819m ^{2*}	19,694m ²	22,893m ²
Non-residential Floor Area	4,683m ^{2*}	4,365m ²	4,365m ²
Residential Floor Area	16,136m ^{2*}	15,329m ²	18,528m ²
Number of	173 over 25 levels*	190 over 20 levels	237 over 24 levels

Apartments			
Number of Serviced Apartments	76 over 5 levels*	64 over 4 levels	64 over 4 levels
Car Parking Spaces	168 car spaces over 6 levels 4 spaces for disabled drivers 16 motor bike spaces	168 car spaces over 6 levels 4 spaces for disabled drivers 19 motor bike spaces	202 car spaces over 6 levels 4 spaces for disabled drivers 19 motor bike spaces

Note: * = figure does not consider Condition B3 Building Height of the Major Project Approval MP09_0187 to reduce the building height.

Condition B5 Affordable Housing of the Project Approval provides for 4% of the dwelling space to be dedicated to North Sydney Council as Affordable Housing. This commitment is maintained for the development as approved in MP09_0187 (as modified in Mod 1), being a total residential gross floor area (GFA) of 15,329m². This proposal seeks to offer a public benefit in relation to the additional GFA on Levels 24 to 28 (inclusive) via a monetary contribution only.

This form of Public Benefit Offer is considered appropriate as it directly relates to providing public benefits to the greater community for the purpose of public domain improvements. It is noted that the rate of the monetary contribution per additional square metre has been revised upwards in lieu of providing affordable housing. Refer to **Section 3.4** below which seeks to modify Condition B5 to this effect.

Furthermore, we note that the proposed modifications will result in minor changes to the references in the Statement of Commitments approved in Project Approval MP09_0187 MOD 1. A revised draft Statement of Commitments is submitted in support of this application to ensure the appropriate details are referenced (refer to **Appendix 5**).

This report has been prepared with regard to the architectural drawings prepared by Robertson + Marks, which accompany the application at **Appendix 1**.

This application is accompanied by the following supporting documentation: -

- Architectural Plans
- Shadow Diagrams (*from PPR*)
- Urban Design Analysis
- BCA Capability Report
- BASIX Certificate and BASIX Compliance Report
- ABSA Stamped Plans and ABSA Certificate
- Revised Draft Statement of Commitments

3.3 DETAILED DESCRIPTION OF THE PROPOSED MODIFICATIONS

3.3.1 BUILT FORM

Building Height

The overall building height has been increased to RL 181.3 which necessitates a variation to the maximum permitted building height of RL 167.3 of Condition B3 *Building Height* of the Concept Approval (MP09_0187). The four additional levels will comprise residential floor space with the gross floor area increasing by 3,199m². The proposal seeks to maintain the general mix of residential and non-residential floor area, and the approved provision of 6 basement parking levels. The four additional elevations will incorporate architectural elements and features of the lower floors and the architectural appearance of the approved building will be maintained.

Upper Residential Levels

The tower form comprises Levels 5 to 28 with four additional levels being incorporated into the building design and a total of 237 residential units. A mix of 1 Bed, 1 Bed with study, 2 Bed and 2 Bed with study apartments will be provided at each level. In response to the changing demands of the market, the proposal also includes 3 x 3 bed apartments at Levels 20 and 21.

It is noted that the layout of the proposed apartments differ to the approved scheme, which generally had small studio style apartments at the lower levels and quite large apartments at the upper levels. The proposed scheme seeks to provide an even spread of apartments throughout the residential levels.

3.3.2 LAND USE AND FLOOR AREA

Gross Floor Area

The Concept Plan approved 20,819m² of gross floor area. The subject proposal seeks to increase the overall gross floor area (GFA) by 3,199m² to 22,893m². This variation results due to the increase of the overall building height. The proposed GFA is not considered to have a material impact on the environmental impact of the development on the site and surrounds and is appropriate for this type of mixed use development in close proximity to public transport services.

The gross floor area figures have been calculated, to be consistent, in accordance with the definition within the North Sydney Local Environmental Plan 2001 (NSLEP 2001) given that this instrument applied to the site until 13 September 2013 and the approval was granted pursuant to this EPI.

Residential Units

Given the increase in GFA and height, the modification seeks to increase the number of residential units to 237 to respond to the demand for housing in the St Leonards Town Centre. The residential units are located on Levels 5 to 28. Levels 20 and 21 are proposed to be modified to amalgamate 6 units to provide 3 x 3 bed units. Levels 24-28 are also proposed to provide 50 additional units. On balance, there are 47 additional apartments proposed.

The proposal also seeks to allow for future flexibility to merge individual apartments to create larger 3+ bedroom apartments, should this be sought by the market. Any such amalgamation of units will not alter the external appearance of the building. The amalgamation of units is a minor internal modification and this component of the proposal is sought with the approval of the accredited certifier, given they are qualified to endorse such internal modifications to the development. The current conditions of consent require such a modification to be sought via a s75W Modification Application. However this proposal seeks to introduction of a condition of consent to enable minor internal modifications such as this to be achieved with the approval of the accredited certifier.

The proposal seeks to provide a mixed use development which is responsive to current market demands. As previously identified by marketing and real estate specialists CBRE in their correspondence dated 7 May 2013 and provided with Modification No.2 to MP09_0187, medium density developments on Sydney's Lower North Shore within the local St Leonards / Crows Nest area experience a high level of market demand for units which comprise 1 Bed, 1 Bed and Study and 2 Bed apartments. The mix of housing types allows a choice consistent with more single/lone person households and single professional people within the area as well as oversized apartments if this is the desire of future owners, and is considered an appropriate response to market trends.

Condition B5 Affordable Housing of the Project Approval provides for 4% of the dwelling space to be dedicated to North Sydney Council as Affordable Housing. This commitment is maintained for the development as approved in MP09_0187 (as modified in Mod 1), being a total residential gross floor area (GFA) of 15,329m². This proposal seeks to offer a public benefit in relation to the additional GFA on Levels 24 to 28 (inclusive) via a monetary contribution only. It is noted that the rate of the monetary contribution per additional square metre has been revised upwards in lieu of providing affordable housing. This Public Benefit Offer is considered appropriate as it directly relates to providing significant public benefits to the community for the purpose of public domain improvements. Refer to **Section 3.4** below which seeks to modify Condition B5 to this effect.

Non-residential Floor Area

The Project Application as amended (MP09_0187 Mod 2) approved 4,365m² of non-residential floor area. The quantum of the non-residential floor area (i.e. 4,365m²) will be maintained.

3.3.3 BASEMENT LAYOUT, PARKING, SERVICES AND DELIVERY VEHICLES

The proposal generally maintains the traffic and parking arrangement as approved. All parking is provided on the basement levels including the onsite loading facilities with vehicular access provided off Atchison Lane.

Basement Layout

The proposal maintains the provision of 6 basement levels remain as per Modification Application MP09_0187 MOD 2.

The following table provides an analysis of the proposed amendments per Modification Application MP09_0187 MOD 2 and the current modification to the parking arrangements:

Table 2: Comparison of Approved and Proposed Parking

PARKING	APPROVED MOD 2		PROPOSED MOD 3	
	USE	SPACES	USE	SPACES
Basement 1	Loading area, garbage room; serviced apartment parking; disabled resident spaces; car share spaces; car wash bay; lifts; services	17 car spaces 4 disabled spaces 2 car share spaces 1 car wash bay	Loading area, garbage room; serviced apartment parking; disabled resident spaces; car share spaces; car wash bay; lifts; services	17 car spaces: 4 disabled spaces 2 car share spaces 1 car wash bay
Basement B2	Residential parking; bicycle storage; storage; services	31 car spaces 4 motor bike spaces	Residential parking; bicycle storage; storage; services	37 car spaces (plus 4 stacked spaces) 7 motor bike spaces
Basement B3-B6	Residential parking; motor bike spaces; storage; services	120 car spaces 16 motor bike spaces	Residential parking	148 car spaces (plus 16 stacked spaces) 12 motor bike spaces
Total		168 spaces		202 spaces 19 motorbike spaces

The subject site significantly benefits from existing and future public transport in the immediate vicinity and vehicular access responds to the one way traffic east on Atchison Street whilst the proposed bike racks integrate with the existing bike lane.

The following table demonstrates the additional car parking requirements pursuant to North Sydney DCP 2002 Section 9 for the proposed development with similar requirements being adopted by North Sydney DCP 2013.

Table 3: Analysis of Additional Car Parking Requirements in Accordance with the NS DCP

Use	Rate	Additional Units	Max. Additional Spaces Required	Additional Spaces Proposed
Residential	Studio & 1 bed units @ 0.5 Spaces	27	13.5	34 spaces
	2 + bed @ 1 space / unit	20	20	
Total			34 spaces	34 spaces
Motorcycles	1 space per 10 cars or part thereof (residential)	47	5	5

The proposed development seeks to increase the approved number of car parking spaces in direct relation to the parking rates for 47 additional residential units. This equates to an additional 34 car parking spaces, being a total of 202 spaces. A total of 19 motorbike spaces are provided.

Whilst it is noted that this proposal seeks the introduction of a condition of consent to allow for residential units to be amalgamated subject to approval from the accredited certifier, it is anticipated that this will only relate to a limited number of units responding to market demands. It will not impact on parking demand. Therefore, the total provision of parking spaces above is based on 237 residential units as per the attached architectural drawings.

The proposed parking provision and basement layout is wholly within the approved basement levels and allows for appropriate areas for the provision of car parking, car share spaces, motorcycles and bicycle spaces to service the transport needs of the site. The subject site is located in close proximity to public transport services and therefore 202 spaces is considered to be sufficient for this development and will not have any adverse amenity impacts onto the surrounding locality.

3.3.4 ESD

The proposed development seeks to generally maintain the level of environmental commitments as specified in the Revised Draft Statement of Commitments approved in the modified Project Approval MP09_0187 MOD 2. The proposal provides for the utilisation of materials and services which provide an energy efficient design.

BASIX applies to the “*apartment building*” component of this proposal. An amended BASIX Certificate and BASIX Compliance Report prepared by Cundall in support of this Modification Application is attached at **Appendix 4**. A Revised Draft Statement of Commitments is provided at **Appendix 5** which reflects the current BASIX commitments.

3.3.5 Draft Public Benefits Offer

In recognition of the marginal impact on the local services which the additional GFA and resulting dwellings will create, specifically impacts related to public domain improvements in Atchison Street, this proposal is accompanied by a Draft Public Benefit Offer (PBO) from Holdmark Property Group Pty Ltd to North Sydney Council. This Draft PBO is provided at **Appendix 6**.

Based on the approach of the existing St Leonards / Crows Nest Planning Study (Precinct 1 Addendum), the Draft PBO comprises a monetary offer via a Voluntary Planning Agreement (VPA) based on approximately \$600 per additional square metre. This equates to a total of approximately \$1,919,400 for the purpose of public domain improvements (final figures to be agreed by Council in the VPA).

It is intended that the additional 3,199m² of gross floor area the subject of this application is not subject an additional contribution to Affordable Housing (as per Condition B5 of MP09_0219 which is sought to be modified accordingly).

This proposal seeks to offer a public benefit in relation to the additional GFA on Levels 24 to 28 (inclusive) via a monetary contribution only. It is noted that the rate of the monetary contribution per additional square metre has been revised upwards in lieu of providing affordable housing. This Public Benefit Offer is considered appropriate as it directly relates to providing public benefits to the community for the purpose of public domain improvements. Refer to **Section 3.4** below which seeks to modify Condition B5 to this effect.

3.4 PROPOSED MODIFICATIONS TO CONDITIONS OF CONSENT

To give effect to the amendments identified in Section 3 above, the following modifications to the consent are proposed. Words proposed to be deleted are shown as ~~strike through~~ and works to be inserted are shown in **bold**.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Development in accordance with plans and documentation

A1. The Proponent shall carry out the project generally in accordance with the:

a) Architectural drawings in the table below:

Drawing number	Drawing title	Drawn by	Date
-	Indicative External Privacy Screen – Sample of Perforation Pattern	Robertson + Marks	-
PA-100-01/6	Proposed Site Plan	Robertson + Marks	22/01/14
PA-100-02/6	Ground Level Residential Entry Lower	Robertson + Marks	22/01/14
PA-100-03/8	Ground Level Upper	Robertson + Marks	22/01/14
PA-100-04/4	Level 1 Serviced Apartments	Robertson + Marks	08/08/13
PA-100-5/4	Level 2 Serviced Apartments	Robertson + Marks	08/08/13
PA-100-6/6	Level 3	Robertson + Marks	22/01/14
PA-100-7/6	Level 4	Robertson + Marks	14/04/14
PA-100-8/5	Level 5	Robertson + Marks	22/01/14
PA-100-9/5	Level 6	Robertson + Marks	08/05/2014
PA-100-10/4	Levels 7 to 19 & 22 to 27	Robertson + Marks	08/05/2014
PA-100-9/3 to PA-100-15/3	Level 6 to Level 12	Robertson + Marks	08/08/13
PA-100-16/3	Level 13	Robertson + Marks	05/08/13
PA-100-17/3 to PA-100-27/3	Level 14 to Level 24	Robertson + Marks	08/08/13
PA-100-23/4	Level 20	Robertson + Marks	08/05/2014
PA-100-24/4	Level 21	Robertson + Marks	08/05/2014
PA-100-31/1	Level 28	Robertson + Marks	14/04/14
PA-100-32/1	Roof Plan	Robertson + Marks	14/04/14
PA-100-28/3			08/08/13
PA-100-29/2	Adaptable unit	Robertson + Marks	05/06/13
PA-100-30/2	Adaptable unit	Robertson + Marks	05/06/13
PA-200-01/4- 5	North South Section	Robertson + Marks	14/04/14
			28/01/14
PA-200-02/3 4	East West Section	Robertson + Marks	14/04/14
			28/01/14
PA-200-15/4- 5	Basement Level 1	Robertson + Marks	14/04/14
			22/01/14
PA-200-16/4- 6	Basement Level 2	Robertson + Marks	09/05/14
			22/01/14

PA-200-17/3-6	Basement Level 3	Robertson + Marks	09/05/14 12/08/13
PA-200-18/3-6	Basement Level 4	Robertson + Marks	09/05/14 12/08/13
PA-200-18A/6	Basement Level 5	Robertson + Marks	09/05/14
PA-200-19/3-6	Basement Level 6	Robertson + Marks	09/05/14 12/08/13
PA-210-01/3	Podium Atchison Street	Robertson + Marks	28/01/14
PA-210-3/3	Public Domain Cafe NS	Robertson + Marks	28/01/14
PA-210-4/3	Public Domain Car Park NS	Robertson + Marks	28/01/14
PA-210-5/5	Public Domain Atchison Street Elevation	Robertson + Marks	28/01/14
PA-210-6/6	Public Domain Atchison Lane Elevation	Robertson + Marks	28/01/14
PA-300-01/7-8	North Elevation	Robertson + Marks	14/04/14 28/01/14
PA-300-2/3-4	East Elevation	Robertson + Marks	14/04/14 28/01/14
PA-300-3/4-5	South Elevation	Robertson + Marks	14/04/14 28/01/14
PA-300-4/4-5	West Elevation	Robertson + Marks	14/04/14 28/01/14
-	Schedule of External Finishes	Robertson + Marks	-

- (b) Landscape Plan, SS13-2590 drawing numbers 002, 003, 004, Issue I, dated 28/01/14, drawn by Site Image Landscape Architects;
- (c) Stormwater drainage concept plans numbered 3532 H-100 to H-117 (inclusive) all issue 01, all dated March 2010, and all drawn by Warren Smith & Partners Pty Ltd; and
- (d) The Revised Draft Statement of Commitments submitted with the Section 75W Modification Application prepared by City Plan Services Pty Ltd, dated **May 2014** ~~January 2014~~; and
- (e) the independent traffic review by ARUP in its letter to the Department of Planning and Infrastructure, dated 5 February 2014.

except for:

- Any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- Otherwise provided by the conditions of this approval.

The introduction of the following condition: -

Amalgamation of Units

Individual residential units are permitted to be amalgamated with the approval of the accredited certifier. Any such amalgamation will not alter the external appearance of the building.

PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

~~Building Height~~

~~B3. The building is to be lowered so that its maximum height or RL 167.3 AHD. Amended plans shall be submitted to the Director General for approval prior to the issue of any Construction Certificate.~~

Affordable Housing

B5. In accordance with the requirements of cl.6 (b)(iv) of the North Sydney Development Control Plan 2002, 4% of dwelling space (net dwelling area, excluding serviced apartments) **as approved in MP09_0187 Mod 2** must be dedicated to North Sydney Council for Affordable Housing prior to the issue of the Occupation Certificate for the residential component of the development. **The quantum of Affordable Housing relates to the total residential dwelling space as approved in MP09_0187 Mod 2 only and does not relate to the additional dwelling space the subject of MP09_0187 Mod 3 on Levels 24 to 28 (inclusive).**

Written agreement is to be reached with North Sydney Council for the general location and mix of these units prior to issue of the Construction Certificate for the residential component of the development. If agreement is not achieved within a reasonable time frame (4-6 weeks), the Proponent is to consult with and obtain the approval of the Director-General to determine the number, location and reasonable mix.

4 CONSULTATION

4.1 DoPE

The DoPE has been advised by the proponent that a further modification to Project Application MP09_0187 is to be lodged.

The existing Director General Requirements (DGRs) are assumed to be relevant for this application, and therefore the proposed modifications are appropriate to be assessed against those where appropriate.

4.2 North Sydney Council

A presentation to Councillors of North Sydney Council was held on 17 September 2013 outlining the amended proposal for an additional 4 storey building upon the site which focused on a visual analysis from various key localities and potential overshadowing impacts and compared the proposed building at RL 181.3 with the approved building at RL 167.3. This visual analysis demonstrates that the increased building height will have a marginal impact on the St Leonards Centre, however importantly the proposal sits comfortably within the St Leonards skyline when viewed from Chiswick, Iron Cove and Dawes Point, etc.

As discussed in **Section 3.3.5** above, North Sydney Council was informed that this proposal is accompanied by a Draft Public Benefit Offer (PBO) from Holdmark Property Group Pty. The PBO is provided at **Appendix 6** and involves a monetary offer via a Voluntary Planning Agreement (VPA) based on approximately \$600 per additional square metre. This equates to a total of approximately \$1,919,400 for the purpose of public domain improvements (final figures to be agreed by Council and the Proponent in the VPA).

It is intended that the additional 3,199m² of gross floor area is not subject an additional contribution to Affordable Housing (as per Condition B5 of MP09_0219 as modified). Refer to **Section 3.4** below which seeks to modify Condition B5 to this effect.

5 STATUTORY CONTEXT

5.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (*the Act*), Section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. As the DGR's were issued in respect of this project prior to 8 April 2011 (issued on 1 December 2010), the project is considered to be a transitional Part 3A project.

To this end, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and approval may be granted under Section 75W of the Act.

5.2 Modification of the Minister's Approval

The modification application is lodged with the Director General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval"*.

In accordance with Section 75W the proponent seeks approval for the modification of Major Project MP09_0187. The modification is considered to comfortably be considered as an application to which 75W applies for the following reasons: -

- The increase of the height of the building to RL 181.3 is consistent with the PPR for the Major Project MPO9_0187;
- The increase in GFA is attributed to increase in the overall height of the building;
- The principal use of the building, being primarily residential with lower level retail and serviced apartment uses, remains the same;
- The building remains generally in accordance with the approved building envelope and any additional floor area has been the result of the additional 4 residential levels;
- The proposal maintains the existing building envelope, setbacks, separation to neighbouring properties and provision of car parking as per the approved scheme;
- The internal amenity of residential units is consistent with approved plans;
- The proposal does not introduce any new adverse amenity impact upon the surrounding area; and
- It is noted that, to the best of our knowledge, there are no parameters against which the degree of modification need be assessed.

It is considered that the proposed modification includes changes to the terms and conditions of the existing approval and that it can comfortably be considered as modification under 75W of the *Environmental Planning and Assessment Act, 1979*. Approval to modify the application is required.

5.3 Environmental Assessment Requirements

We consider that sufficient information has been provided with this application to enable assessment to be undertaken. The application remains consistent with the key assessment requirements addressed in the original DGR's for MP09_0187.

5.4 Relevant Strategies

The Project Approval (MP09_0187) and this application have been prepared with due regard for relevant strategies including the Metropolitan Strategy: City of Cities, the NSW State Plan, The Metropolitan Review, Draft Inner North Subregional Strategy, St Leonards Strategy and the Draft North Sydney Residential Development Strategy 2008. It is noted that the Draft Metropolitan Strategy has also recently been released. This application maintains the approved mixed use development and contributes to supporting the development of St Leonards as a specialist centre through the provision of non-residential floor space, residential dwellings and public domain benefits. The proposal is considered to provide a positive contribution to the transitioning character of St Leonards which satisfies the objectives and directions of the relevant policies and strategies.

5.5 State Environmental Planning Policies

The Project Application (MP09_0187) and this application have been prepared with due regard for relevant State Environmental Planning Policies (SEPPs) including SEPP (Major Projects) 2005, SEPP 55 – Remediation of Land, SEPP 65 Design Quality of Residential Flat Development, SEPP Infrastructure and SEPP (BASIX) 2004. It is considered that this application continues to satisfy the objectives and requirements of the relevant SEPPs.

5.6 North Sydney Development Control Plan 2002

On 3 December 2009, the Minister authorised a Project Application for the subject site. Council's DCP is not applicable to this application. However, both the Project Application (MP09_0187) and this modified application have been prepared with due regard for the relevant sections of North Sydney Council DCP 2002 and this application is consistent with the DCP provisions and in particular satisfies the objectives of the applicable provisions. Council has recently adopted North Sydney DCP 2013 which contains similar provisions to North Sydney Council DCP 2002. The amended proposal satisfies the newer DCP as is demonstrated within other sections of this report.

5.7 North Sydney Local Environmental Plan 2013

North Sydney Local Environmental Plan 2013 was gazetted on 2 August 2013. The subject site is still zoned B4 Mixed Use. The proposal has been considered with respect to NSLEP 2013 and is considered to generally be in accordance with the objectives and requirements of the EPI.

6 ENVIRONMENTAL ASSESSMENT

6.1 Overview

The relevant statutory context addressed in MP09_0187 and the Director General's assessment report remains largely unchanged. The fundamental elements of the approved mixed use development are maintained, in particular in relation to the building envelope and separation to neighbouring sites, the land uses, the provision of a public domain area and car parking. As such, the current proposal results in similar environmental impacts. The modifications to the height of the proposed building are marginal. As further discussed below, the proposal provides benefits in terms of the contribution of the built form to the St Leonards locality and is not considered to result in any adverse impact.

Where any changes to the assessment undertaken are relevant, discussion is provided in the following sections of this report. We consider that the following outlines the key issues for the proposed modifications: -

- Built Form including Height and FSR;
- Visual Impacts of the Building;
- Potential Overshadowing;
- Dwelling Mix;
- Parking; and
- Potential Wind Impact.

6.2 Built Form

The Metropolitan and Sub Regional strategies support the provision of residential housing close to transport services and employment. The subject site meets these criteria and is considered to be an appropriate site to accommodate a taller building than the current controls of North Sydney Council. This has been supported by an urban design analysis for the St Leonards Centre as outlined in Section 3.1 of this report and also by the DoPE during the assessment and subsequent approval of MP 09_0187.

The St Leonards skyline is characterised by the predominance in the skyline of: -

- "The Forum" development over the rail corridor;
- "The Abode" apartments; and
- "The IBM Tower".

The subject site has been identified as a key opportunity site within this precinct and it is important to define an appropriate envelope for any such future development that enhances this Specialised Centre.

Figure 6 below demonstrates a linear approach to developing the skyline. This approach suggests a development height in the order of 90 - 100m would be appropriate for the subject site. Any envelope of this magnitude would also need to mitigate its environmental impacts on adjoining and adjacent precinct development.

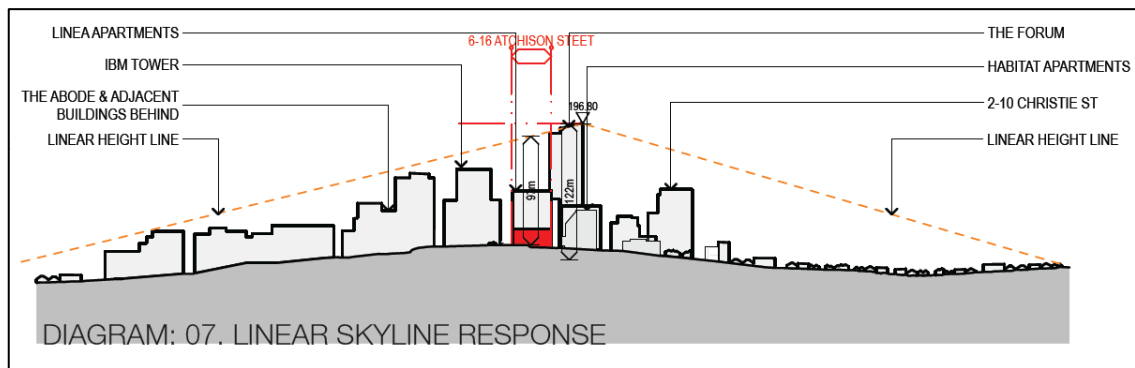


Figure 6: North South Linear Skyline (Source: PPR)

The proposed building will have an overall height of 94 metres and therefore could be accommodated within this linear skyline. Consequently the linear skyline profile could still be achieved with some stepping with the highest point being above the Forum building (RL 196.80) and then tending downwards.

The DoPE assessed the skyline profiles prepared by the proponent as part of the PPR and was of the opinion that the doomed skyline approach outlined within **Section 3.1** of this report was inappropriate for the site *“as the doomed approach requires the height controls for a series of sites to be increased and the domed approach also does not achieve a significant downscaling of buildings from the Forum as sought by Council’s current controls”*. The linear skyline approach was considered to be the *“most appropriate”* by the Department in that the proposed building has *“a closer visual relationship with the IBM and Abode buildings than the Forum, and it is appropriate that it more closely match their heights.”*

The amended proposal is consistent with the linear skyline approach in that the proposed building is still lower than the Forum building thus achieving stepping as required by North Sydney Council with the difference in height from the approved to the proposed building being marginal when viewed from the north west, south west and east as demonstrated within the visual analysis within the following section of this report. The visual relationship of the current proposal with the IBM and Abode buildings is acceptable as demonstrated by the visual analysis in the following section of this report and will assist to identify the St Leonards Town Centre within the metropolitan context.

The Department also noted *“that North Sydney LEP was gazetted in June 2001 and its provisions may not reflect the strategic aims of the more recently released metropolitan and subregional strategies.”* These same controls have now been adopted within North Sydney LEP 2013 and therefore Council’s current controls have not been updated to accord with current metropolitan and subregional strategies.

The desired built form in respect to form, massing and scale for the St Leonards Town Centre within the St Leonards/Crow Nest planning area character statement within the recently adopted North Sydney DCP 2013 is that:

“Buildings should generally step down in height from the tallest buildings, being the Forum (201-207 Pacific Highway) down to the surrounding areas and the lower scale

development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.”

The modified proposal is consistent with the desired characteristic building form and scale for the St Leonards planning area as the modified proposal steps down from the Forum tower and the word significantly has been deleted from this provision within North Sydney DCP 2013.

North Sydney LEP 2013 does not prescribe a maximum floor space ratio for the subject site; rather it prescribes floorspace ratios for non residential floor area. This modification relates to residential floor space only. The provision of additional dwellings including affordable housing within the St Leonards Centre which is close to public transport as well as employment opportunities is consistent with Metropolitan and Sub Regional strategies and is consistent with public interest.

6.3 Potential Visual Impacts on the St Leonards Centre

As demonstrated within **Section 3.1** of this report this proposal (RL 181.3, 95m) sits comfortably within the St Leonards skyline allowing for a transition in height from the Forum (RL 196.80 at 110m) to the lower existing buildings (IBM and Abode at 65m) 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.

The proposed building height is analysed in comparison to existing buildings, recent development approvals and Planning Proposals anticipated to be lodged in the near future as follows: -

Site	Approval Details	Approved Height	Comparison of the Proposed RL181.3 (29 storeys) for the subject site
The Forum	-	RL196.8 38 storeys	We are 15.5m / 9 storeys lower than the Forum
472-520 Pacific Highway & 95 Nicholson Street	Planning Proposal approved at Gateway for public notification	37/34 storeys Three tower forms: 91m, 115m & 138m.	We are 8 storeys lower than this PP
IBM Tower	-	20 storeys	We would be 9 storeys higher
Abode Apartments	-	20 storeys	We would be 9 storeys higher
545 Pacific Highway	-	16 storeys	We would be 13 storeys higher
18-24 Atchison Street	DA187/2013	RL147.475 15 and 16 storey	We would be 33.8m higher
619 Pacific Highway	DA163/2011	RL139.45 16 storey	We would be 41.85m higher
621 Pacific Highway	DA136/2012	RL140 18 storey	We would be 41.3m higher

We understand there other sites within 100m of the subject site which are the subject of increased height via Planning Proposals.	Greater height is anticipated.
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As such the amended height responds to the existing and potential built form within the centre and this will be further discussed within **Section 6.1** of this report. The proposed building height is representative of the recently approved building forms which form the St Leonards Precinct and will reinforce the character of the adjoining tower forms. The proposed building height is contextually appropriate.

An extensive view line analysis from important vistas and the St Leonards Centre surrounds has been undertaken by the proponent. Images have been created in order to demonstrate the visual impact of the current development in comparison to the approved development when viewed from certain locations. These include: -



Photo 7: View from Iron Cove Bridge



Photo 8: View from Iron Cove Bridge



Photo 9: View from Chiswick



Photo 10: View from Chiswick



Photo 11: View from Sydney Harbour Bridge, adjacent Lower Fort Street



Photo 12: View from Sydney Harbour Bridge, adjacent Lower Fort Street



Proposed 181.3m

Photo 13: View from 699 Pacific Highway St Leonards



Approved 167.3m

Photo 14: View from 699 Pacific Highway St Leonards



Figure 7: Photomontage being view from the North West



Figure 8: Photomontage being view from the North West



Figure 9: Photomontage being view from South West



Figure 10: Photomontage being view from South West



Figure 11: Photomontage being view from Atchison Street East



Figure 12: Photomontage being view from Atchison Street East

From these above photographs and figures it can be concluded that the proposal can be visually absorbed into the existing locality without detrimentally altering the desired existing or future character of the St Leonards Centre.

The view analysis also demonstrates that the proposed building at RL 181.3 sits comfortably within the existing and future anticipated skyline and when compared to the approved building at RL 167.3 the impacts are considered to be marginal. Consequently the views to and from the site are not detrimentally compromised and the views of the Centre are enhanced and satisfy the development goal of achieving a higher density development within close proximity of a railway station. Also the amended proposal is consistent with the linear skyline approach discussed within Section 6.1 of this report and its relationship and context with surrounding buildings is acceptable.

6.4 Overshadowing

A detailed assessment of the level of overshadowing on the surrounding properties during the winter and summer months has been completed (see **Appendix 1**).

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 No 6-16 Atchison Street;
- Overshadowing from the proposed development during June 21, sits generally within the existing shadow envelopes, with negligible additional overshadowing; and
- 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.

6.5 Dwelling Mix

As discussed above, the proposal seeks to increase the number of residential units by 47 units to 237 units to respond to the demand for smaller units in the St Leonards centre. The residential units are located on Levels 5 to 28. Levels 20 and 21 are proposed to be modified to amalgamate 6 units to provide 3 x 3 bed units. Levels 24 to 28 inclusively are proposed to accommodate 50 additional units comprising 6 x 1 bedroom and 4 x 2 bedroom units at each level. On balance, there are 47 additional apartments proposed.

The proposal seeks to provide a mixed use development which is responsive to current market demands. As identified by marketing and real estate specialists CBRE in their correspondence dated 14 May 2013 and provided with Modification No. 2, medium density developments on Sydney's Lower North Shore within the local St Leonards / Crows Nest area experience a high level of market demand units which comprise 1 Bed, 1 Bed and Study and 2 Bed apartments. CBRE have provided the following advice to create a development which is responsive to the local market: -

- *"The target market is driven by a younger demographic; mainly young professionals, many of whom will be First Home Buyers.*
- *Given the recent government introduction of increased incentives to First Home Buyers to purchase new homes, CBRE has experienced a significant increase in demand from this market segment seeking new apartments up to \$650,000. This will form a large segment of our target market.*
- *There will be little demand for small studio apartments (i.e. sub 50m²) without parking as they prove very difficult to finance due to mortgage insurance restrictions.*
- *There will also be minimal demand for 3 Bed apartments as Empty Nesters generally seek smaller boutique buildings in less built up areas or have bespoke requirements, satisfied by individual negotiation involving amalgamation of strata units.*
- *We therefore strongly believe that studio and 3 Bed apartments will be extremely difficult to sell within this local market.*
- *Further, the ideal net internal areas for the various product types are 1 bedrooms – 50-55m² net internal, and 2 bedrooms 70-80m² net internal."*

This proposal seeks to provide a development which is responsive to the current and changing needs of the market and to increase the flexibility of dwelling types, as is the case with the amalgamation of some units at Levels 20 and 21 as recently confirmed by their purchasers. Our client's focus is to provide a mechanism to respond to current market demands whereby future owners may amalgamate two or more smaller apartments to create larger apartments and take advantage of preferred locations within the building and to achieve desired district views. This approach was outlined in Modification No.2 and the additional residential levels will provide this opportunity as demand dictates.

By providing a dwelling mix with smaller apartments, the development offers a more flexible type of housing stock for the benefit of the dynamic housing market and the local community. This arrangement recognises that the market desires housing opportunities which are adaptable and capable of suiting their needs. Given the market is currently showing interest in relation to amalgamating units, this application seeks the introduction of a condition of consent to allow for these minor internal modifications subject to approval by the accredited certifier. Any such amalgamation of units will not impact on the external presentation of the building and will improve the residential amenity of the units in response to market demand.

6.6 Parking

The proposed development seeks to maintain the provision of 6 basement parking levels and the general basement layout as approved in the Major Project (MP09_0187) and Modification Application MP09_0187 MOD 2. The proposal seeks to increase the parking provision from 168

spaces to a total of 202 spaces. These additional 34 car parking spaces are designated for residential use in relation to the additional 47 residential dwellings. The proposal also provides for 20 stacked parking spaces, to be allocated to larger units and which can also be utilised as storage areas. The parking provision and basement layout allow for appropriate areas for the provision of car parking, car share spaces, motorcycles and bicycle spaces to service the transport needs of the site. The site and surrounding locality are capable of accommodating these car parking spaces and resulting traffic demand.

Whilst it is noted that this proposal seeks the introduction of a condition of consent to allow for residential units to be amalgamated subject to approval from the accredited certifier, it is anticipated that this will only relate to a limited number of units responding to market demand. It will not impact on parking demand. Therefore, the total provision of parking spaces above is based on 237 residential units as per the attached architectural drawings.

6.7 Potential Wind Impact

A Revised Wind Effects Statement has been prepared by SLR Consulting and was submitted as part of PPR. As the current proposal is similar the PPR this Statement is still considered to be relevant. The potential wind impacts of the proposed development have been considered in this Statement which provides the following comments: -

“... the building has essentially retained a similar floor plate design (footprint) above ground but has reduced its height by 7 storeys overall compared to the original DA design.

On this basis, the following can be concluded: -

- *There is still potential for previously identified adverse conditions to occur, e.g. channelling of winds between the proposed development and adjacent buildings for northerly and southerly winds.*
- *The magnitude of previously identified adverse conditions, especially at ground level, will almost certainly **decrease** (albeit modestly), compared to the previous building geometry, due to the decrease in overall building height.*
- *The “winter gardens” for all floors from Level 6 are fully enclosable and hence, these areas can be protected during high wind occurrences.*
- *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, e.g. for wind load reduction on the proposed solar panels to be located on the north half of the roof.”*

It is expected that wind mitigation recommendations will be reviewed and further refined (i.e. specific dimensions for landscaping, any vertical screening, etc) during the detailed design stage of the development (following 75W approval) to ensure that wind comfort goals are achieved.”

The proposed design will perform satisfactorily with regard to potential wind effects.

7 REVISED DRAFT STATEMENT OF COMMITMENTS

The potential environmental impacts identified at **Section 6** of the Environmental Assessment report, are able to be effectively ameliorated by the mitigation measures recommended within the various consultant reports that have informed this report.

As a result of the modified design, a revised draft Statement of Commitments has been prepared in response to changes to the proposed height of the building including environmental sustainability, BASIX commitments and the Waste Management Plan. The revised draft Statement of Commitments is provided at **Appendix 5** and is considered to mitigate any significant adverse impacts to the satisfaction of the Minister as the consent authority.

8 SUMMARY AND CONCLUSION

The proposed modification to the mixed use development approved in Project Application MP09_0187 at **Nos. 6-16 Atchison Street, St Leonards** involves increasing the height of the approved building from RL 167.3 to RL 181.3 which equates to four additional residential levels. Since the time of the original Project Approval, a series of development approvals have been granted in the immediate vicinity of this site and the built form of the area is continuing to transform. Therefore the proposed increase to building height is now even more appropriate and the proposed building will sit comfortably within the existing and future anticipated skyline of the St Leonards Centre.

The Metropolitan and Sub Regional strategies support the provision of residential housing close to transport services and employment. The subject site meets these criteria and is considered to be an appropriate site to accommodate a taller building than the permitted height controls of North Sydney Council. This has also been supported by an urban design analysis for the St Leonards Centre and has been acknowledged by the Department of Planning and Environment.

The proposal does not have an effect on the environmental impacts of the mixed use development as approved. In particular, the proposal maintains the setbacks of the approved development and is not likely to result in any significant impacts in relation to overshadowing, views or privacy impacts. The commitment to provide affordable housing units within 150m of the St Leonards Railway Station and the approved parking provision of 6 basement parking levels is maintained. The provision of 34 additional car parking spaces therefore maintains the impact on the surrounding road network.

The proposal is accompanied by a Draft Public Benefit Offer to be entered into with North Sydney Council to ensure that the proposed development directly contributes to opportunities for public domain improvements.

The modified proposal has been assessed against the relevant planning provisions under Section 75W and the issues raised in the Director General's Requirements have been readdressed where necessary.

The proposed modifications are generally consistent with the terms of approval, do not change the site's suitability for the development and have been adequately justified in this report in response to the site constraints.

It is considered that this modified Application contemplates a form of development that will achieve the objects of the EP&A Act, 1979. In particular, the proposal represents "*orderly and economic use and development of land*" and provides the opportunity for additional dwelling and employment generating uses within the St Leonards Centre. As such, approval is sought for this modified Project Application.