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ABN 32 353 260 317

Department of Planning and Environment

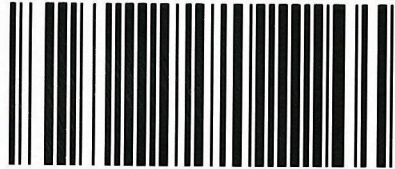
Attention: Director Industry, Key Sites and Social Projects

GPO Box 39

SYDNEY NSW 2001

Your Ref: Mod 09_0187 MOD 3
LH (PDS)

20 August 2014



PCU55277

Dear Sir/Madam

Property: 6-16 Atchison Street, St Leonards

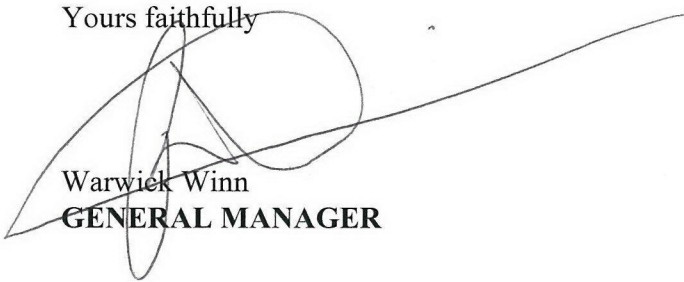
**Proposal: Section 75W Modification to allow an additional 4 levels to an approved
Mixed Use Development**

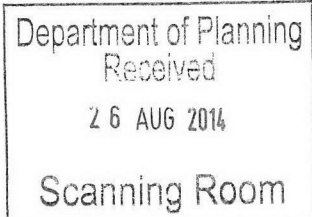
The above-mentioned application and Draft Public Benefit Offer (PBS) were considered by Council at its meeting held on 18 August 2014. Please be advised that at this meeting Council resolved as follows:-

1. **THAT** Council strongly reiterates the submission to the Department of Planning of 25 July 2014 (**attached**).
2. **THAT** Council considers the draft Public Benefit Offer is entirely inadequate and inconsistent with Council's policies and planning for public benefits in this location.
3. **THAT** Council opposes the section 75W modification on the following grounds:
 - Proposed increase in height has already been rejected by the Planning Assessment Commission in the previous application.
 - The proposal undermines Council's planning controls in the St Leonards / Crows Nest area.
 - The proposal results in excessive bulk and scale, in particular increased floor plates and inadequate separation along all boundaries.
 - The proposed incremental increases will have severe impacts on traffic on an already congested area.

Should you have any further enquiries in this regard, please contact Mr Joseph Hill, Acting Director Planning and Development Services, on telephone number 9936 8100.

Yours faithfully


Warwick Winn
GENERAL MANAGER



ENGLISH	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.
ARABIC	إذا لم يكن بمقدورك فهم هذه المعلومات، فالرجاء الاتصال بخدمات الترجمة الخفية والفورية (TIS) على الرقم 13 14 50 والطلب من مترجم فوري يتحدث العربية أن يتصل لك بمجلس مدينة شمال سيدني على الرقم 9936 8100 (02) - هذه الخدمة مجانية.
GREEK	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.
HINDI	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।
INDONESIAN	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.
ITALIAN	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.
JAPANESE	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・カウンシル (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。
KOREAN	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.
TAGALOG	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.
TRADITIONAL CHINESE	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。



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Department of Planning and Environment

Attention: Director Industry, Key Sites and Social Projects

GPO Box 39

SYDNEY NSW 2001

Your Ref: MP 09_0187 MOD 3

Dear Sir/Madam,

MODIFICATION REQUEST – SECTION 75W MODIFICATION TO MIXED USE DEVELOPMENT AT 6-16 ATCHISON ST, ST LEONARDS (MO-09_0187 MOD 3)

I refer to your letter dated 2 June 2014 concerning the above matter. The proposed modifications have been reviewed by Council Planners and are not supported the reasons set out below.

Building Height and Form

The proposed additional building height to be increased from RL167.3m (82.5m) to RL 181.3m (94m) AHD is strongly opposed. The North Sydney LEP 2013 sets a maximum Building Height of 49m on the site. Council strongly opposed the approved building height and form at the time. The proposed modification is seeking to reinstate an additional 4 levels that were previously refused by the Planning and Assessment Commission as part of the original development consent. This additional height continues to be without merit and should not be supported. The approval as it stands is considered to have compromised the orderly development of land in St Leonards.

Further, the proposed 850sqm floor plate results in excessive bulk and scale, with inadequate building separation along all boundaries adversely impacting upon adjoining properties. A reduced tower footprint providing a more slender tower should be required having a maximum of 750sqm to achieve a more appropriate building form, greater ground level sunlight access and better protection of residential amenity and views.

The NSC Strategic Planning Division is currently undertaking a review of the planning controls for land immediately east of St Leonards station with the North Sydney LGA, which includes the subject site. The review is being funded by a grant under Planning & Environment's *Planning Reform Fund*. The objectives of the study are to:

- Develop economically viable built form controls to effectively manage commercial, mixed use and residential development;
- Identify public domain upgrades and community infrastructure that will make St Leonards a desirable place to live, work and visit, and
- Establish clear funding mechanisms and a process to amend our planning controls, where needed, to deliver the scheme.

The draft review is scheduled to be exhibited later this year. The undertaking of the comprehensive Review demonstrates Council commitment to ensuring a holistic and strategic approach is undertaken for the future development of St Leonards, ensuring that dwelling and commercial floorspace targets are achieved within an appropriate built form outcome.

Should this application be approved to further increase the building height, this will impact upon and undermine the future planning framework for the entire area. The strategic planning framework of an area should not be determined by applications on an ad hoc basis, and should not be at the expense of any future development potential of adjoining sites.

Non-residential Floor Space

NSLEP 2013 requires a minimum non-residential floor space be provided on the site of 3:1 for the subject site. The approved development provides a non-residential FSR of 2.5:1 which Council strongly opposed at the time. Development Approval for only 64 serviced apartments and ground floor retail is a missed opportunity to deliver jobs in St Leonards. Serviced apartments are low employment operators.

The modification application continues to propose a non-compliance, despite proposing 3,990 sqm of additional floor area. Should the Department be minded to grant approval to the modification application, the applicant should be required to provide a complying non-residential FSR of minimum 3:1.

Car parking

The North Sydney DCP 2013 (NSDCP) specifies that a development of this size should have a maximum of 183 car parking spaces. The proposed development provides 202 off-street parking spaces which exceeds Council's maximum rate by 21% and is considered to be unacceptable.

The parking rates in NSDCP 2013 are a deliberate policy decision of Council to restrict car parking and therefore car ownership and commuting by car in the busy CBD/ retail areas close to good public transport. The proposal should be required to provide a maximum of 183 car parking spaces to comply with Council's controls.

In addition, the modification proposes to provide an additional 34 car parking spaces within the approved 6 basement levels. Concern is raised that the basement has been already approved to accommodate this quantum of additional car parking that has not yet been approved.

Amenity

All proposed apartments fail to provide the minimum balcony size required by the Residential Flat Design Code pursuant to SEPP 65. It is recommended that the apartments be required to comply with minimum standards for balconies.

Public benefit

The application includes a Draft Public Benefit Offer (PBO) to North Sydney Council in relation to the application in recognition of the impact on the local services created by the additional GFA and resulting dwellings under the subject modification. The majority of St Leonards is lacking diversity and social infrastructure and it is agreed that the 12,000sqm of additional residential floorspace above our existing controls should not be supported without an appropriate public benefit.

Notwithstanding Council's objection to this application, approval should not be issued until the applicant provides a public benefit offer that is acceptable to Council. A resolution of Council is required to confirm that the proposed offer is considered to be reasonable and fair, and to determine what the contribution will fund. It is advised that the terms of the draft PBO must be considered by Council and it is anticipated that the matter will be reported to the Planning and Development Committee on 25 August 2014. The outcome of this meeting will be reported back to the Department following this meeting.

In addition, it is considered that the 4% of dwellings which are to be dedicated to Council as affordable housing should be calculated over the total residential GFA, and not be representative of the floor area originally approved.

Any draft Public Benefit Offer to be provided to North Sydney Council by way of Conditions of Consent for the additional GFA should be conditional on payment of the monetary contribution prior to the issue of a Construction Certificate, and not an Occupation Certificate as outlined in the proposed Draft PBO submitted with the application. The payment of similar contribution prior to the issue of a Construction Certificate is a consistent practice of Council.

Section 94 Contributions

Should the Department be minded to approve the modification, Section 94 Contributions must be imposed in addition to any Public Benefit Offer, for the proposed additional floor space in accordance with Council's Section 94 Development Contribution Plan. The terms of Condition B11 must be amended accordingly.

Levels and structures adjacent to eastern boundary

It is recommended that the applicant liaise with the adjoining property owner at No.20 Atchison Street to ensure that levels between the two proposed through site links from Atchison Street to Atchison Lane relate as far as possible. Structures on the eastern boundary should be minimised as far as possible.

Height comparison

The proposal fails to provide a clear understanding of the proposed height in relation to the local context. Tables comparing the proposal to other buildings combine data in storeys, RLs and metres which does not provide an accurate assessment of the proposed height against the local context, including The Forum. Similarly, the section diagrams are schematic at best.

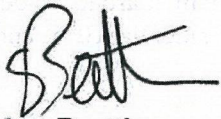
Obstacle limitation surface of 156 AHD

It is requested that a copy of the advice received from the Civil Aviation Safety Authority be made available to Council.

Conclusion

The additional building height and form proposed by the 75W modification application are entirely unacceptable. Council would strongly urge the Department to refuse the modification application for reasons set out above. The Department is urged to support Council in its on-going commitment to ensuring a high quality built form outcome is achieved in St Leonards through the implementation of a holistic strategic planning review that is currently well advanced.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Beattie', with a stylized flourish extending from the end.

Stephen Beattie
MANAGER DEVELOPMENT SERVICES