

ASSESSMENT REPORT

Section 75W Modification MP 09_0187 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify Project Approval MP09_0187 MOD 4 issued in respect of 6-16 Atchison Street, St Leonards. The request has been lodged by City Plan Strategy and Development Pty Ltd, on behalf of the Holdmark Property Group (the Proponent), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The request seeks to amend the Project Approval to create three stratum lots for residential apartments, commercial units and serviced apartments respectively.

2. SUBJECT SITE

The site is located in the St Leonards town centre, approximately 150 metres to the east of St Leonards railway station in the North Sydney Local Government Area (refer to **Figure 1**). It consists of three parcels, described as Lot 1 in DP 716374, Lot 6 in DP 703275 and Lot 5 Sec 3 in DP 2872.

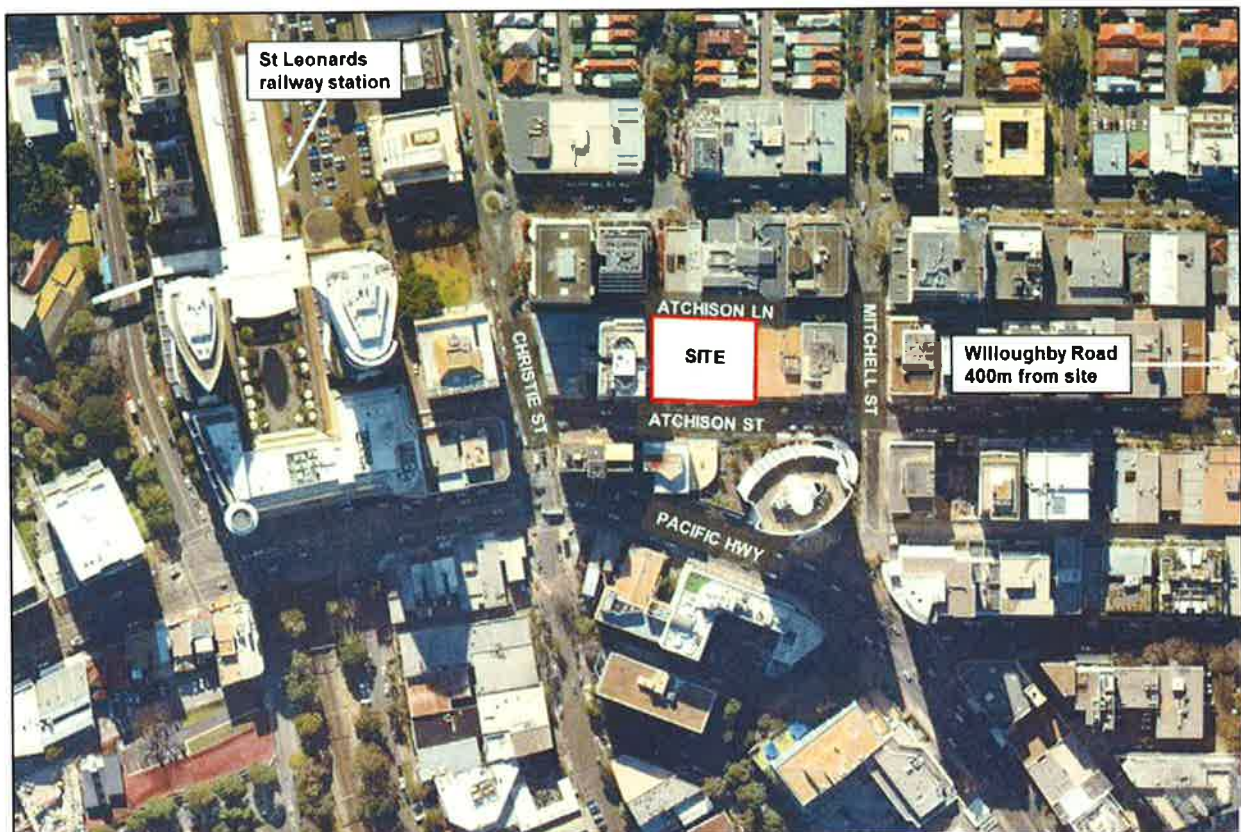


Figure 1 Local Context (Base Source: Nearmap)

The site is rectangular in shape, has an area of 1,740.6m² and has frontages to Atchison Lane to the north and Atchison Street to the south. The eastern and western boundaries of the site adjoin a commercial and a mixed use building.

3. SITE HISTORY

On 1 May 2012, the Planning Assessment Commission (PAC) approved project application MP09_0187 subject to conditions. The project application comprises the demolition of existing part 3/4 storey commercial buildings and provision of mixed use building, comprising:

- GFA of 20,819m² and FSR of 12:1;
- a six level basement, including 168 car parking spaces;
- ground floor café, public plaza, public thoroughfare and residential and hotel lobbies;
- four storeys of serviced apartments (GFA 4,445m²), including 76 apartments, conference room and gymnasium;
- 21 storeys of residential apartments including 173 apartments; and
- one level of roof top plant.

The Project Approval has been modified on three previous occasions, as follows:

- MOD 1 was approved on 27 February 2013 for staged construction and occupation, and amendments to affordable housing and post approval certificate requirements.
- MOD 2 was approved on 11 March 2014 for a reduction in GFA, reduction in serviced apartments, and reduction in non-residential floor space, and increase in residential apartments, internal and external alterations; and
- MOD 3 was approved on 10 February 2015 for increase in building height by 4 storeys, associated increase in GFA and parking provision, flexibility to allow for amalgamation of apartments in the future; and a monetary public benefit offer.

Construction of the approved 30 storey building is well advanced.

4. PROPOSED MODIFICATION

On 22 October 2015, the Proponent lodged a section 75W modification application (MP09_0187 MOD 4) seeking an amendment to the Project Approval to enable stratum subdivision of the approved development to create three stratum lots, as follows:

- Proposed Lot 1 – residential units;
- Proposed Lot 2 – commercial units (this includes retail and other areas on the ground and lower ground floors which are not specifically allocated for another use, such as the residential lobby and the serviced apartment lobby); and
- Proposed Lot 3 – serviced apartments.

The modification is requested on the basis that the Project Approval does not currently include any description of stratum subdivision. This application is sought to meet the construction and operational requirements of the development.

The proposal is accompanied by a Stratum Subdivision Plan and plans describing stratum lot details (included at **Appendix B**), including:

- Basement Level 2 and below;
- Basement Level 1;
- Lower Ground Level;
- Upper Ground Level;
- Level 1 to Level 4 (inclusive); and
- Level 5 and above.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Regional Assessments, may determine the application under delegation dated 16 February 2015 as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- no public submissions in the nature of objection have been made.

6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with North Sydney City Council (Council) about the proposed modification.

Council raised no objection to the proposed modification and confirmed that it did not wish to make a submission.

No public submissions were received.

7. ASSESSMENT

The Department has assessed the proposed stratum subdivision and is satisfied that the stratum lots would be consistent with the approved use and layout of the building. The Department is also satisfied that it would not result in any adverse impacts given no physical changes are proposed.

Standard conditions have been recommended to require easements for access and services over each lot as necessary to ensure access and services are not restricted as a result of the proposed subdivision.

Having regard to the above, the Department considers the proposed stratum subdivision is acceptable.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is acceptable on the basis that the proposed stratum subdivision would not result in any physical impact and will facilitate the construction and operational needs of the development.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Acting Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approve** MP09_0187 MOD 4 under section 75W of the *Environmental Planning and Assessment Act 1979*, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:
Helen Mulcahy
Contract Planner



Ella Wilkinson
Town Planner
Regional Assessments



Natasha Harras
Acting Director
Regional Assessments

9.12.2015

APPENDIX A: NOTICE OF MODIFICATION

The notice of modification can be found on the Department of Planning and Environment's website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7342

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request including draft Plans of Stratum Subdivision

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7342

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7342