

PLANNING PROPOSAL

**23-35 ATCHISON STREET,
ST LEONARDS**

15 JANUARY 2018 (AS AMENDED)
SA7090
FINAL
PREPARED FOR TWT

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of TWT (“the proponent”) to initiate the preparation of an amendment to North Sydney Local Environmental Plan 2013 (NSLEP 2013) pertaining to land at 23-35 Atchison Street, St Leonards (the site).

The site is currently zoned B4 Mixed Use under NSLEP 2013. The current applicable built form controls that apply to the site include:

- Height of buildings: 20 metres (maximum).
- Minimum non-residential FSR: 0.6:1
- Maximum Floor space ratio: Not applicable.

The proposal seeks to amend the above controls applying to the site to facilitate a redevelopment of the site into a mixed-use retail/commercial and residential building, as follows:

- Increase the building height control to 56 metres, equivalent to 16 storeys;
- Increase the minimum non-residential FSR control to 1.5:1; and
- Establish an overall maximum Floor Space Ratio (FSR) control for the site to 6.3:1.

1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment (DPE) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

It includes the following:

- Description of the site and its context;
- Overview of the strategic context of the site;
- Summary of the local planning controls;
- Description of concept proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provision of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the expected community consultation process; and
- An approximate project timeline.

The Planning Proposal is accompanied by the following supporting documents:

- Concept Design Report - prepared by AJ+C Architects, incorporates a Landscape Concept prepared by Aspect Studio;
- Economic Impact Assessment – prepared by Urbis;
- Traffic and Transport Advice – The Traffic Planning Partnership;
- Preliminary Site Environmental Assessment – prepared by WSP;
- Waste Management Plan – prepared by Elephants Foot.

2. SITE AND SURROUNDING CONTEXT

2.1. THE SITE

The site comprises an amalgamation of 5 properties known as 23-35 Atchison Street, St Leonards.

The site boundary interfaces are described as follows:

- The northern boundary fronts Atchison Street
- The southern boundary fronts Albany Lane.
- The eastern boundary fronts Oxley Street between the corners of Albany Lane and Atchison Street.
- The western boundary abuts the property boundary of 21 Atchison Street.

The site has a significant change in elevation from west to east of approximately 6 metres. The fall from north to south along the Oxley Street frontage is just under one metre.

The site is located 220 metres from the future Crows Nest metro station and 400metres walking distance from St Leonards train station.

The site comprises to total overall site area of approximately 2,109.8sqm. A description of the properties and existing development is outlined in Ttable 1 below.

Table 1 – Property Description and Existing Development

Property Description	Legal Description	Existing Development
23 Atchison Street	Lot 27 S10 DP2872	2 storey office building with access to Albany Lane
25 Atchison Street	Lot 28 S10 DP2872	2 storey commercial building with access to Albany Lane
27-29 Atchison Street	Lot 29 S10 DP2872	2 storey commercial building with access to Albany Lane
31 Atchison Street	Lot 30 S10 DP2872	2 – 3 storey building with a car workshop on the ground floor
33-35 Atchison Street	Lot 31 S10 DP2872 Lot 321 DP 566480	A 4 storey commercial office building with ground floor café and undercover on-site parking, located on the corner of Oxley Avenue and Atchison Street.

Figure 1 – Aerial Photograph of the Site



Source: Urbis

2.2. SURROUNDING CONTEXT

The site is located within the suburb of St Leonards in the North Sydney Local Government (LGA), at the boundary of Willoughby and Lane Cove LGAs. St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The suburb is in proximity and highly accessible to the commercial centres of North Sydney, Chatswood and Macquarie Park.

St Leonards is characterised by a mix of land uses generally including medical services, newly constructed mixed use commercial / residential buildings (with a significant number of recently approved mixed use developments currently under construction or soon to be constructed in the North Sydney LGA part of the centre) and older B and C grade commercial office stock. The suburb is bisected east-west by the Pacific Highway and north-south by the North Shore Railway Line.

The site is located on the eastern edge of St Leonards. It is within convenient walking distance of the facilities and services available within the St Leonards and Crows Nest town centres.

The area is well advanced in its transition from an older style commercial precinct into a thriving mixed use area incorporating a mix of commercial and residential land uses. This transition is being supported by current development activity, recent approvals and further planned development. The immediate surrounds include a range of building forms which are predominantly medium and high rise commercial and multi-storey mixed use residential buildings.

Key land uses near the site include:

- **The Forum:** Built over the St Leonards railway station, the Forum is a high rise development incorporating residential and commercial uses including a shopping centre. It is currently St Leonards' tallest development (38 storeys / 118 metres). Facilities and services available within the Forum, including the St Leonards rail station are within convenient walking distance of the site (approximately 400 metres). St Leonards station provides direct rail services to four primary employment areas: Macquarie Park, Chatswood, North Sydney, and Sydney CBD.

- **Royal North Shore Medical Precinct:** The Medical precinct comprises the Royal North Shore Hospital (RNSH), North Shore Private Hospital and the Northern Sydney Institute of TAFE. In addition to being a valuable community resource the facilities provide significant employment opportunities.
- **Commercial offices:** The centre has a scattering of older style suburban office blocks in the centre interspersed with residential apartment buildings. A more concentrated commercially zoned precinct is located south of the highway and east of the railway line and is characterised by a mix of commercial buildings, medical and allied health premises, along with a hotel and some residential apartments. There have been no new multi-level commercial-only building constructed in the centre for over a decade.
- **Emerging mixed use residential development:** While recognised as an important employment precinct, the land use character of St Leonards is quickly evolving to support a greater diversity of uses including residential apartments above commercial uses. There have been multiple new residential towers approved and pending approval that will transform the centre into a taller building profile exceeding the Forum as the 'marker' and resulting in a more residential focused area.



Source: AJC Architects

St Leonards is extensively served by both bus and rail services. It has developed as a transport hub with a high level of connectivity to surrounding suburbs and centres with high frequency of services. The subject site is located in close walking distance to the existing and planned rail stations. St Leonards Station is a major interchange having one of the highest levels of rail and bus accessibility in the Sydney Metro Area. Regular train services to the major employment centres of Chatswood, Macquarie Park, Sydney CBD, and North Sydney are available from this station.

A bus interchange is located on the Pacific Highway south of the railway station which provides services to the Sydney CBD and Lane Cove, Chatswood and Epping. The Pacific Highway is a major metropolitan route which connects to the M2 and Gore Hill Freeway 2.5 kilometres to the north.

The future Sydney Metro line will also greatly benefit the site, with the Crows Nest Metro station located only 200m away at the corner of Oxley Street and Pacific Highway, providing high frequency service linking the site from north west through to south west Sydney.

2.3. ST LEONARDS DEVELOPMENT TRENDS

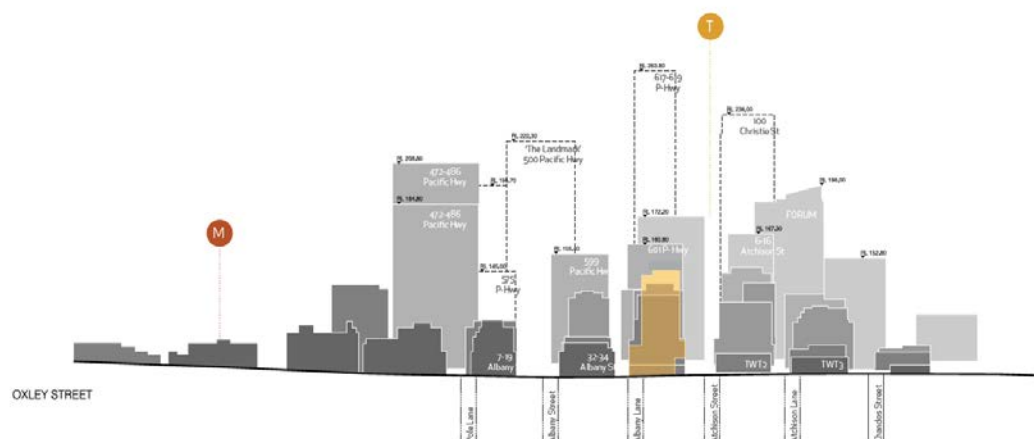
Increased density and scale: Recent development has redefined the character of the area and this will continue to evolve over the coming years in line with State government policies for the area (as articulated in A Plan for Growing Sydney and supported by the soon to be released District Plans). New higher density development has been approved as illustrated in **Table 2** and **Figure 3** below.

Residential use: The character of St Leonards is evolving from a purely employment based precinct to support a more diverse range of uses. New development includes high density residential uses which complement (rather than replace) the traditional commercial focus and help to activate the Precinct outside of business hours. New residential uses are generally concentrated around the St Leonards train station. Recent approvals and current applications for mixed use development within and around St Leonards are described in Table 2 below.

Table 2 – Local Development (Major New Projects)

Site	Development	Building Height
84-90 Christie Street	Lane Cove LEP Amendment Gazettal (December 2017). DA to be lodged in December 2017.	46 storey mixed use residential tower
472-468, Pacific Highway	DA consent	42 storey mixed use residential tower and 28 storey mixed use residential tower
500, 504-520 Pacific Highway	DA under assessment	46 storey mixed use residential tower
619-621 Pacific Highway	Gateway Determination (November 2017)	50 storey mixed use residential tower
100 Christie Street	Planning Proposal lodged	36 storey mixed use residential tower
6-16 Atchison Street	Project completed	30 storey residential tower
1-13A Marshall Street	Current DA: Residential flat building	29 storey residential tower

Figure 3 – Subject Site in Existing and Planned Context



Source: AJC Architects

2.4. ROYAL NORTH SHORE HOSPITAL

The Royal North Shore Hospital (RNSH) meets the health needs of Mosman, Willoughby, Lane Cove and North Sydney LGAs and beyond. RNSH has recently been redeveloped and expanded. The redevelopment of the medical and clinical uses of RNSH will be complemented by the development of a 10,000sqm “support zone” which will include staff accommodation, childcare facilities, administration buildings, car parking and commercial / retail uses. Medical and health related services are principal employment uses within St Leonards accounting for 25 per cent of jobs within St Leonards (based on 2011 data). The importance of the health industry to local employment is expected to continue and grow into the future supported by the major redevelopment of RNSH.

As detailed in the both the Draft North District Plan (GSC, 2017) and the Interim Statement (DPE, 2017) the Royal North Shore Hospital provides an important opportunity to leverage on existing medical assets in close proximity to public transport and it strengthen the role of the Precinct to create knowledge-intensive jobs in the health, medical education and ancillary industries.

3. EXISTING PLANNING CONTROLS

This section provides a summary of the existing local planning controls that apply to the site under the current legislative framework.

3.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The *North Sydney Local Environmental Plan 2013* (NSLEP 2013) is the principal Environmental Planning Instrument governing development on the site. Key provisions applying to the site are summarised below.

3.1.1. Zoning

The site is zoned B4 Mixed Use, as shown in **Figure 4** below.

The objectives of the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The range of permitted and prohibited uses within the B4 zone are set out within NSLEP2013 as follows (emphasis added):

2. Permitted without consent

Nil

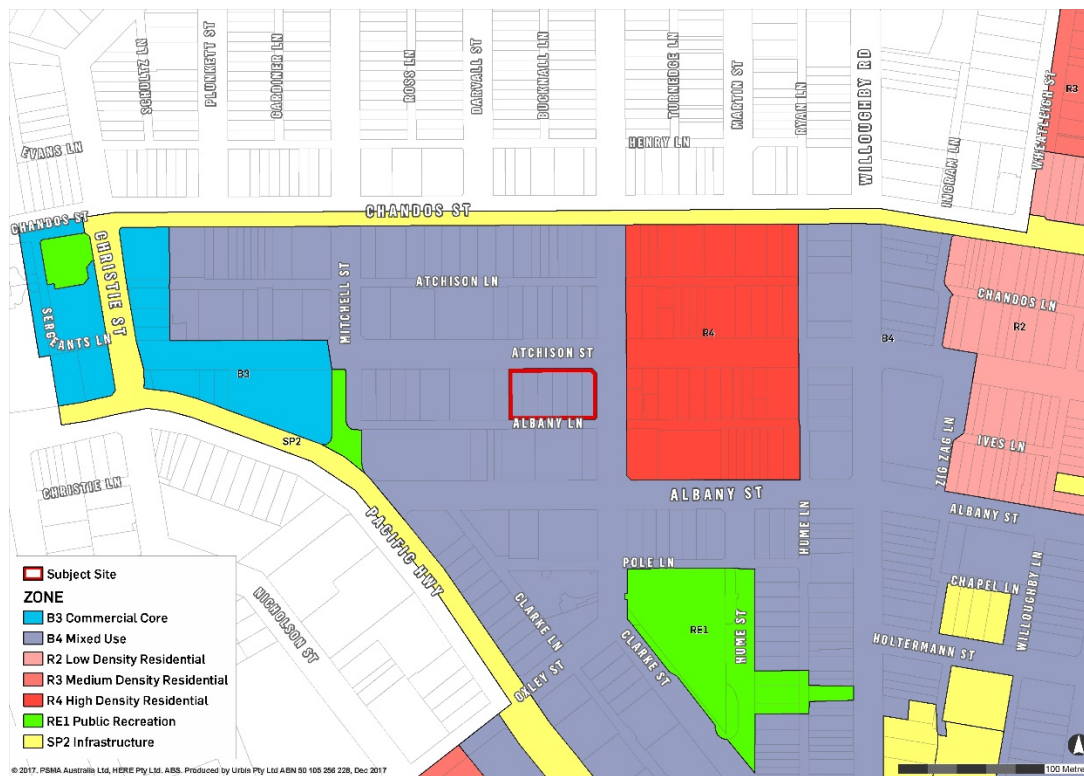
3. Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

4. Prohibited

Any development not specified in item 2 or 3

Figure 4 – NSLEP 2013 Zoning Map



Source: Urbis

3.1.2. Maximum Height of Buildings

The maximum building height under NSLEP 2013 that applies to the site is 20 metres, as show in the **Figure 5** below.

Figure 5 – NSLEP 2013 Height of Buildings Map



Source: Urbis

3.1.3. Floor Space Ratio

NSLEP 2013 does not have a maximum FSR that applies to the site. The NSLEP 2013 does have a minimum non-residential FSR of 0.6:1 that applies to the site, as shown in **Figure 6** below.

Figure 6 – NSLEP 2013 Minimum Non-Residential FSR Map



Source: Urbis

4. CONCEPT PROPOSAL

4.1. INDICATIVE CONCEPT SCHEME

This Planning Proposal is informed by an urban design study and concept architectural schematic, prepared by **AJ+C Architects**.

The following factors informed the development of the proposed concept design:

- St Leonards Crows Nest Planning Study – Precinct 2 and 3
- Feedback from Council Staff and Council's Design Review Panel
- Existing and future development context.
- Shadow Analysis.
- Public domain presentation and street activation
- Provision of residential amenity for future occupants.

To demonstrate that the proposed built form controls are suitable for the site, a concept design has been prepared that includes indicative basement car parking arrangements, ground level street address, above ground commercial uses and residential apartments above. Adequate building separation and an assessment of solar impacts within the site and neighbouring properties have also been considered.

The Concept Design Report including architectural plans are submitted with the Planning Proposal at **Appendix E**.

4.2. DESIGN CONSIDERATIONS

The key features of the Preliminary Concept Design are summarised in **Table 3** below:

Table 3 – Key Features of the Proposal

Element	Proposed
Land uses	Lower and upper ground and first floor retail/commercial tenancies Residential apartments above the lower three floors
New pedestrian lane	Provide a 6-metre building setback along the western boundary to create a north-south pedestrian link that will connect with a future extended pedestrian link
Indicative yield	3,165m ² retail/commercial GFA 102 residential apartments (10,127m ² residential GFA)
Gross Floor Area (GFA) Total	13,292m ²
Residential Floor Space Ratio (FSR)	4.8:1
Non-residential floor space (GFA/ FSR)	1.5:1
Building height	56m

4.2.1. Basement

Car, motorcycle and bicycle parking, plant and services will be located in a basement. The design of the car park basement and total overall spaces will be subject to detailed design during the development application stage.

The car park will be accessed from Albany Lane. The driveway will provide access to at-grade loading and waste collection, with designated collection and bin store areas adjacent.

4.2.2. Ground Floor & Podium

The ground floor plan provides the following:

- Separate lobby access for the commercial use via Atchison Street.
- Residential lobby access via the pedestrian through site link located along the western edge of the site.
- Proposed multi-functional retail uses fronting Oxley and Atchison Streets, Albany Lane as well as the proposed new pedestrian lane along the western site boundary.
- A new pedestrian link along the western site boundary.
- Vehicular access to the basement and carpark via Albany Lane.
- In terms of the podium, Level 1 will be occupied by retail/commercial floor space suitable to accommodate a range of business types and formats. Level 2 of the podium will be occupied by residential uses.

Figure 7 – Photomontage of the Proposed Podium



Source: AJC Architects

Figure 8 – Photomontage of the Proposal from Atchison Street



Source: AJC Architects

4.2.3. Tower Form

A slender single tower form is proposed above the podium base, with a height of 16 storeys to 66 metres, that will have a stepped form, responding to the sloping nature of the site. Apart from Level 2 (contains 11 units), the typical floorplates have between 6-8 apartments per floor, with the upper level containing only 2 apartments.

The future development will provide a mix of unit types as follows:

- 33% one bedroom (34 units);
- 58% two bedroom (59 units); and
- 9% three bedroom units (9 units).

4.3. PUBLIC BENEFIT OFFER

The proposed LEP changes will facilitate future development that will deliver a number of public benefits such as:

- Delivery of housing supply to contribute to the targets of the North District
- Creation of additional retail/commercial space to meet the needs of the residential population as well as provide employment opportunities.
- Improvement to the public domain by creating widened footpaths to facilitate outdoor dining and deep soil planting along the streetscape.

In addition, the proponent understands that the gazettal of the Planning Proposal would create additional demand for services and facilities in the locality beyond what Council's Section 94 Contributions Plan can levy can support. Accordingly, the proponent intends to enter into a Voluntary Planning Agreement (VPA) with Council to enable the delivery of additional public benefits commensurate with the value uplift of the land arising from the LEP amendments.

The specifics of the draft VPA will be developed with Council post lodgement of the Planning Proposal, with a view to the draft VPA accompanying the Planning Proposal during public exhibition post Gateway determination.

The intended public benefits proposed to be offered by the proponent include:

- Creation and dedication of a pedestrian link along the western site boundary
- Creation of the part of the Oxley Street linear park, along the site frontage and associated embellishment works.
- Potential additional monetary contribution dependant on cost/value of the above two contributions

A formal VPA offer will be issued to Council separate to the lodgement of this application to inform further Council discussions before the preparation of a draft VPA document suitable for public exhibition.

5. PLANNING PROPOSAL ASSESSMENT

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A with consideration of DPE's *A guide to preparing Planning Proposals* (August 2016).

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

An assessment of the proposal against the above parts is outlined in the following chapters.

6. PART 1 - OBJECTIVES & INTENDED OUTCOMES

6.1. OBJECTIVES

The primary objective of the Planning Proposal is to amend NSLEP 2013 to provide for:

- A taller building form on the subject site; and
- Increase the threshold of non-residential floor space required.

6.2. INTENDED OUTCOMES

The proposed amendments to the NSLEP 2013 controls have the following intended outcomes:

- To satisfy State government objectives in the Greater Sydney Region Plan, the North District Plan as well as relevant Section 9.1 directions;
- To enable the redevelopment of the land in a manner consistent with the building height and FSR parameters envisaged by the St Leonards/ Crows Nest Planning Study (Precincts 2 and 3).
- To integrate the subject site with the surrounding area through improvements to adjoining public domain spaces.
- To deliver significant public domain improvements including active street frontages, high quality public domain and improved connectivity between the St Leonards train station and surrounding areas.
- To provide a mixed-use development with residential commercial and community facilities that will contribute to the creation of a vibrant and active community
- Contribute to the rejuvenation of St Leonards by encouraging and supporting development activity and supporting the diverse mixed use nature of the precinct.

7. PART 2 - EXPLANATION OF PROVISIONS

The section provides an explanation of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed through an LEP amendment.

The Planning Proposal incorporates amendments to the NSLEP as it relates to the site at 23-35 Atchison Street, St Leonards. To achieve the objectives outlined in Part 1 above, this Planning Proposal seeks to amend the NSLEP as shown in **Table 4** below.

Table 4 – Existing Controls and Proposed Amendments

	Existing	Proposed
Land use zone	B4 Mixed Use	No change
Building Height	20 metres	56 metres
Minimum non-residential FSR	0.6:1	1.5:1
Total maximum FSR	Not applicable	6.3:1

7.1. BUILDING HEIGHT

It is proposed that a 56 metre maximum height control be applied to the site.

This outcome will be achieved by amending the *NSLEP, 2013 Height of Buildings Map-Sheet HOB_001* to provide for a building height of 56 metres on the subject site at 23-35 Atchison Street, St Leonards (as shown in **Figure 10**).

7.2. FLOOR SPACE RATIO

The planning proposal incorporates an amendment to the existing FSR maps.

This outcome will be achieved by amending the *NSLEP 2013 Minimum non-residential Floor Space Ratio Map-Sheet LCL_001* to 1.5:1 on the subject site 23-35 Atchison Street, St Leonards (as shown in **Figure 11**).

In addition, a maximum FSR is also proposed to be imposed on the site. As such the intended outcome, will be achieved by amending the *NSLEP 2013 Minimum non-residential Floor Space Ratio Map-Sheet FSR_001* to 6.3:1 on the subject site 23-35 Atchison Street, St Leonards (as shown in **Figure 12**).

8. PART 3 - JUSTIFICATION

8.1. NEED FOR THE PLANNING PROPOSAL

Q1 - Is the planning proposal a result of any strategic study or report?

Yes. North Sydney Council has completed a strategic review of its planning framework for the St Leonards/ Crows Nest area and endorsed the St Leonards/ Crows Nest Planning Study – Precinct 2 and 3 (the ‘Planning Study’) in May 2015. The purpose of the Planning Study was to explore opportunities for the further intensification of development across the area. The Planning Study acknowledges that existing capacity is available to support more intensive development within St Leonards.

The subject site is included within the defined study area, and is situated within Precinct 3. The Planning Study recognises the large landholding of TWT in this precinct and identifies the landholding group as the *Oxley Street Masterplan*.

The planning Study envisages that the subject site will be redeveloped to accommodate an increase in building height to 16 storeys. This Planning Proposal has therefore been prepared as a direct response to the recommendations of Council’s Planning Study.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best means of achieving the objectives and intended outcome of the proposal.

We have considered a range of statutory measures to give effect to achieving the objectives of the proposal, including:

- Option 1: do nothing
- Option 2: Applying a Schedule 1 site specific clause to permit additional floor space and building height;
- Option 3: Amend the Height of Building and FSR maps

Option 3 was chosen as the most suitable way to achieve the desired development outcome of the site represents the most conventional means to give statutory effect to the proposal and that can be clearly understood by the public.

Without an amendment to the statutory planning controls, the proposed Design Concept for the site cannot be achieved and the associated public benefits and desired building outcome by Council would be lost. The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA being within an area designated for future growth and development and conveniently located near to services and public transport infrastructure.

The other alternative to apply a Schedule 1 amendment. This approach is undesirable and is best uses for additional permitted uses in a zone rather than permitted additional building height and/or floor space.

8.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable strategic plans and policies discussed below.

8.2.1. NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth.

The increased density proposed and future redevelopment of the site is consistent with the State Plan as it will provide jobs and encourage housing diversity in a location that is close to nearby services and facilities.

8.2.2. A Plan for Growing Sydney (2014)

At the time of submission of the planning proposal, A Plan for Growing Sydney (2014) was the current adopted regional strategy. Since submission of the Planning Proposal, the updated Regional Plan has been adopted and to avoid confusion in the upcoming public exhibition period, the assessment against the 2014 strategy has been removed.

8.2.3. Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

This section provides a summary of the *Greater Sydney Region Plan* (GSRP) and demonstrates how the Planning Proposal is consistent with the relevant objectives and actions therein.

The GSRP sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. **Table 5 below** sets out some of the relevant directions and actions of the GSRP and explains how the Planning Proposal responds and aligns to these.

Table 5 – Planning Proposal Response to the *Greater Sydney Region Plan*

Greater Sydney Region Plan	Planning Proposal Response
Direction 1: A City supported by Infrastructure	
<i>Objective 4: Infrastructure use is optimised</i>	<p>The proposed increase in density on site is considered highly appropriate given its proximity to existing rail and future metro rail services, which positively contributes to this objective by placing density in a highly convenient location that will encourage use of existing and new transport infrastructure.</p> <p>Furthermore, the inclusion of potential for residential land uses on the site adds diversity of use, which will ensure the public transport infrastructure is further optimised.</p> <p>As per the attached Traffic Report, development in accordance with the Planning Proposal the surrounding roads have existing capacity to account for the proposed density uplift of the site.</p> <p>Delivering density in the right location, such as the site, will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
Direction 2: A Collaborative City	
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	<p>St Leonards, Frenchs Forest and Macquarie Park are defined as a Collaboration Area, in order to share resources and coordinate investment.</p> <p>This Planning Proposal will assist in the collaboration of government, community and business as follows:</p> <ul style="list-style-type: none"> • Renewal of this site for mixed-use would assist government in contributing towards housing and employment targets for the centre, ensuring the proposal positively contributes to housing and economic policy of government. • The community will be enhanced through providing residential land uses in proximity to services, and as the

Greater Sydney Region Plan	Planning Proposal Response
	<p>population grows, government expenditure will increase.</p> <ul style="list-style-type: none"> The proposal is consistent with the sites designation in the Interim Statement as within the St Leonards and Crows Nest station area which is proposed to be a 'true high density centre' characterised by a mix of uses.
Direction 4: Housing the City	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> 0-5 year target (2016-2021): 25,950 additional homes; 20-year (2016-2036): 92,000 additional homes. <p>The renewal of this site for mixed-use will assist the government in reaching housing and employment targets for the centre ensuring the proposal positively contributes to housing and economic policy of government.</p> <p>The proposal comprises a mix of 1,2 and 3 bedroom apartments to enable household diversity, which a focus on 1 and 2 bedroom apartments to deliver more affordable dwellings.</p> <p>The community will be enhanced through providing a new pedestrian through site link, as well as high quality outdoor dining spaces in addition to new residential dwellings in a highly desirable place to live.</p> <p>The concentration of density within the centre will enable the retention of existing low density residential areas surrounding St Leonards, preserving local character and creating housing diversity. The concentration of density within walking distance of two public transport nodes is considered an appropriate location for additional housing.</p>
Direction 5: A City of Great Places	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>The proposal will positively contribute to the transformation of St Leonards into a more mixed land use environment and thus the need for improved amenity and services. The provision of a new pedestrian link, high quality retail spaces with outdoor north facing dinner opportunities will positively contribute to this objective.</p>
Direction 6: A well connected City	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p>	<p>St Leonard is defined in the GSRP as forming part of the 'Eastern Economic Corridor' and continuing to be defined as one of Greater Sydney's nine commercial office precincts. The</p>

Greater Sydney Region Plan	Planning Proposal Response
<i>Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</i>	<p>maintenance of commercial floorspace on the site safeguards the commercial offerings into the future.</p> <p>Concentrating employment and housing growth in St Leonards supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
Direction 7: Jobs and skills for the City	
<p><i>Objective 21: Internationally competitive health, education, research and innovation precincts</i></p> <p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>As demonstrated in the Economic Impact Advice, St Leonards is transitioning from a suburban corporate office market to a health and medical focused mixed use precinct. The provision of flexible commercial space in this Planning Proposal supports growth in small-medium enterprises and/or medical and health for ancillary industries.</p> <p>The proposal provides opportunity to contribute to an enhanced Atchison Street and Oxley Street frontages by providing land uses that will create attractive and active interfaces with the public domain.</p> <p>This Planning Proposal seeks to retain and strengthen the employment role of the site by imposing a minimum non-residential FSR control specific to the site. This will ensure that the site continues to make a contribution to jobs and economic growth of the St Leonards Strategic Centre.</p>
Direction 8: A city in its Landscape	
<i>Objective 31: Public open space is accessible, protected and enhanced</i>	<p>The proposal provides opportunity to contribute to an enhanced Atchison and Oxley Street frontages by providing land uses by widening the public domain area in order to create attractive and active interfaces with the public domain</p> <p>In addition, the proposal will create a new public space through site link connection which aligned with Council's vision for new public spaces in the centre.</p>
Direction 9: An Efficient City	
<i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	<p>The proposal will promote walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the St Leonards train station and future Crows Nest Station, as well as existing bus services.</p> <p>The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements, and assisting the objective to create low-carbon cities.</p>

8.2.4. North District Plan (2018)

The site is located within North District of Greater Sydney. The North District Plan reflects the broader vision of the Sydney as a three-city metropolitan, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – St Leonards is listed as having a job target of 54,000-63,500 by 2036, compared to 2016 figures of 47,100 existing jobs. This represents a minimum target of 7,000 new jobs over 20 years.

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 6** below.

Table 6 – North District Plan Assessment

North District Plan	Planning Proposal Response
<p><i>N1. Planning for a city supported by infrastructure</i></p> <p><i>N12. Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The Planning Proposal leverages the new Crows Nest metro to plan for the population growth of St Leonards. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of St Leonards in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p> <p>In 2024, the indicative travel time to Central Station will be 11 minutes from Crows Nest Station, and 5 mins to North Sydney, locating St Leonards well within the desired 30 minutes travel model.</p>
<p><i>N3 Providing services and social infrastructure to meet people's changing needs</i></p>	<p>The proposal meets this objective by providing medium-high housing that contribute to walkable neighbourhoods connected by public transport which will appeal to a wide demographic. The state government through the propriety precinct process will plan for the district level social infrastructure to support the increased population in the centre.</p>
<p><i>N4 Fostering healthy, creative, culturally rich and socially connected communities</i></p>	<p>The site lies within the area identifies as the West Oxley Creative Quarter and will positively contribute to the cultural expression of the centre, through the creation of a public art laneway.</p> <p>The laneway will be based on a public art concept of an external gallery space so that in the interim that No.21 Atchison Street (Eckersleys) remains undeveloped the wall space can be used as an exhibition space to add colour, culture and art. The layout of the laneway will be flexibly designed so that any future development on No.21 can also have shop fronts and residential lobbies to the lane frontage. It will be a hard-edged urban space designed to contribute to the idea of a 'village enclave' with open green space surrounded by specialty retail, so that the community can engage with inspiring arts activities.</p>

North District Plan	Planning Proposal Response
<p>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p>N10. <i>Growing investment, business opportunities and jobs in strategic centres</i></p>	<p>Increasing housing capacity in the St Leonards Town Centre will assist in the retention of low and medium density housing outside of the Town Centre, whilst still contributing to the provision of housing in line with Councils targets. In turn, this encourages the diversity of housing in terms of the age and character of housing stock.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes St Leonards strategic centre a highly attractive location for residential. The current DPE study approach is seeking to balance residential intensification with the role to maintain a strong employment function. The subject site can play an important role in this regard.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p>
<p>N6 <i>Creating and renewing great places and local centres, and respecting the District's heritage</i></p>	<p>The proposal will provide a strong positive contribution to improving the public realm through widened street level setbacks to Oxley Street creating generous outdoor public space together with the creation of a new pedestrian laneway which will shape the desired new street level character and quality.</p>
<p>N9. <i>Growing and investing in health and education precincts</i></p> <p>N13. <i>Supporting growth of targeted industry sectors</i></p>	<p>The District Plan recognises that the main focus of the St Leonards specialised centre is the RNSH, North Shore Private and TAFE; the aim being to grow jobs in complementary health services and existing education facilities.</p> <p>As demonstrated in the Economic Impact Study (Appendix G), St Leonards is transitioning from a corporate office market to a health and medical focused mixed use precinct. The provision of flexible commercial space in this Planning Proposal supports growth in medical and health for ancillary industries.</p> <p>Contemporary and flexible employment space is a focus for the proposed commercial space, to promote diversity in industries and provide variety of job opportunities.</p> <p>Further detail about the economic impacts and benefits is provided in response to Q9.</p>
<p>N12 <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The site is within close walking distance to the St Leonards train station and future metro station. Being a mixed-use development, it will deliver an integrated land use and transport outcome consistent with this direction.</p>

North District Plan	Planning Proposal Response
N 20 Delivering high quality open space	The proposal incorporates the provision of a new public pedestrian link, contributing to the network of accessible pedestrian spaces in the centre.

8.2.5. Draft Interim Statement 2017

The Draft Interim Statement (the Statement) provides the current direction of DPE in its strategic planning of the St Leonards / Crows Nest Priority Precinct. The Statement defines the site as located within the 'St Leonards Centre' Character Area. This area is designated for mixed use, as a high-density centre where employment capacity and diversity is maintained, together with improvements to the public domain.

The Planning Proposal adheres closely to the vision outlined for St Leonards in the Interim Statement and provides minimum non-residential floor space to ensure employment floor space is provided to cater for the future demand for jobs.

Table 7 – Alignment with the Draft Interim Statement outlines how the Planning Proposal aligns to the key Principles of the Statement, as well as the more specific considerations of the Character Area.

Table 7 – Alignment with the Draft Interim Statement

Draft Interim Statement 2017	Planning Proposal Response
<i>Promote design excellence through contextually responsive design and encourage variation in built form and building heights.</i>	<p>The indicative concept design comprises a stepped podium and tower form that responds to the topography of the site.</p> <p>This will create a form that positively responds to the context, delivering an interesting profile and creating communal open spaces on the podium and lower roof level that improves the amenity for future residents.</p>
<i>Consider a varied skyline with height and density to be focused around St Leonards and Crows Nest stations, and along the Pacific Highway corridor between the stations.</i>	As previously noted, the building height proposed responds to the heights adopted by Council in its Planning Study. This Planning Proposal will positively contribute to this emerging character in height, scale and orientation in order to create an interesting skyline the complements the varied (higher and lower) planned building heights that surround.
<i>Support a range of diverse employment, retail, residential and community uses to create a truly mixed use and vibrant Precinct.</i>	This Planning Proposal incorporates all diverse range of uses including retail, commercial and residential. These uses are able to be delivered on a site which has historically been commercial only, contributing greatly to the achievement of a truly mixed use precinct at the Centre of St Leonards.
<i>Encourage local living by focusing new growth within a short walk of centres and public transport.</i>	This highly accessible site in close walking distance to rail stations, Willoughby Road "eat street", medical services and schools.
<i>Prioritise employment growth and leverage off government investment in infrastructure to increase employment capacity.</i>	The inclusion of a minimum Non-Residential Floor Space Ratio control will safeguard commercial uses in the centre.
<i>Ensure the Precinct strengthens its role as a high performing employment area and</i>	A redevelopment of the site would provide the opportunity to commence the establishment of the planned Oxley Street

Draft Interim Statement 2017	Planning Proposal Response
<i>remains a major contributor to the knowledge, health and innovation economy in NSW.</i>	Masterplan that is envisaged to attract creative industries, small start-up businesses and the like.
<i>Allow for a well-designed and resilient public domain.</i>	The concept will deliver a significantly improved public domain (from existing) that will facilitate a range of high quality ground floor uses.
<i>Ensure new housing contains high levels of amenity in relation to solar access, sustainability and private open space.</i>	In preparing the indicative concept design, the Apartment Design Guideline has been taken into consideration, not only at apartment level but also contextually, in terms of the planned buildings adjacent the site. As such the proposal satisfies the key ADG apartment amenity measures (solar access and natural ventilation, apartments per floor, minimum apartment and private open space sizes).

Additionally, the following opportunities and constraints are detailed in the Draft Interim Statement specific to the St Leonards Centre and Crows Nest Station Character Area in which the site is located:

Table 8 – Alignment with the Draft Interim Statement

Opportunity and Key Considerations	Planning Proposal Response
<i>“A mix of commercial, retail, community, residential and public domain uses that complement St Leonards and Crows Nest.”</i>	<p>The objective of this Planning Proposal is to facilitate the future delivery of a genuine mixed-use outcome for this site, which would incorporate a range of land uses including:</p> <ul style="list-style-type: none"> • Retail – located on the ground floor with active frontages to three streets, a ‘laneway’ style eat street between adjoining sites, and a central courtyard flanked by retailers. • Commercial – non-residential space in the podium which could include flexible office floor space, or enterprise or learning hub • Residential – apartments within the tower with a mix of dwelling types
<i>“A true high density centre that ensures the Precinct strengthens its role as a major commercial centre in Sydney.”</i>	The site is part of a large landholding which provides a transition between the lower density area of Crows Nest and the St Leonards CBD. The proposed height is consistent with Council’s Planning Study in providing a transitional building scale.
<i>“An improved public domain through varied building types, improved connections and a high-quality streetscape will be delivered.”</i>	<p>A redeveloped site would provide the opportunity to deliver the desired public domain, landscape and amenity outcomes for the broader community through:</p> <ul style="list-style-type: none"> • Increased provision of public domain – through the creation of an additional setbacks at the ground plane, to allow for more landscaping and easier pedestrian passage through the site.

- Creation of a new pedestrian through link between Albany Lane and Atchison Street, desired by Council, which will form part of a future fine grain pedestrian link through the centre.

8.2.6. NSW Long Term Transport Master Plan & the Draft Future Transport 2056 Strategy.

The draft Future Transport 2056 strategy (the Strategy) is the 2017 update of the NSW Long Term Transport Master Plan (the plan) is a 40-year vision for mobility in NSW. The strategy is in draft format and was the subject of public consultation at the time of writing, as such regard to both plans has been had in this proposal.

The NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan outlines a number of projects that will impact Sydney. It aims to build efficiently on existing transport connections, including those with the Sydney CBD through the Global Economic Corridor, to connect people with jobs and other opportunities which in turn will support productivity and economic growth.

The Plan recognises that businesses and precincts have the opportunity to grow and expand with investment in transport. It includes strategies to improve road capacity, reduce journey times and public transport solutions to promote accessibility across Sydney.

This Planning Proposal is consistent with the objectives of the *NSW Long Term Transport Master Plan* by providing high density residential, commercial and community development in close proximity to train and bus networks, which provide excellent linkages to key nearby employment centres.

These short term and long term objectives promote the connectivity of St Leonards to the CBD and surrounding centres as well as ease of travel within the north. The proposal to increase the residential densities and strengthen the employment population on the subject site is timely given the proposed infrastructure upgrades planned to improve travel times between northern Sydney and the CBD.

Draft Future Transport 2056 strategy

The strategy outlines the vision for the Greater Sydney mass transit network, detailing St Leonards as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD) via North Sydney.

The draft Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

St Leonard's and the site are well placed to gain from the future transport network proposed through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

Q4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes. The St Leonards/ Crows Nest Planning Study – Precinct 2 and 3 (the 'Planning Study') May 2015, which has been adopted by Council provides the framework to inform future proposals in the locality.

The subject site is included within the defined study area, and is situated within Precinct 3. This Precinct is identified by the Planning Study as a medium density mixed use residential area.

The Planning Study envisages that the subject site will be redeveloped to accommodate a 16-storey building. This Planning Proposal responds directly to the recommendations of the Planning Study and provides a mixed use 16 storey residential building as recommended in Council's Planning Study.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 9**.

Table 9 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP Amendment (Child Care) 2017	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Urban Renewal) 2010	The site is located within the St Leonards/Crows Nest precinct that the state government has commenced an urban renewal investigation. Given this proposal has responded to a comprehensive earlier precinct study from council, processing of this application can and should proceed independently of the wider precinct investigation.
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Rural Lanes) 2008	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	The future development application will trigger the referral requirements for traffic generating development of the to the RMS.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP No. 1 Development Standards	Not applicable
SEPP No. 14 Coastal Wetlands	Not applicable

State Environmental Planning Policy	Comment
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 26 Littoral Rainforests	Not applicable
SEPP No. 30 Intensive Agriculture	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 44 Koala Habitat Protection	Not applicable
SEPP No. 47 Moore Park Showgrounds	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 55 Remediation of Land	<p>The preliminary Site Investigation by WSP (see Attached report) consisted of background searches, a review of information available on publicly listed websites, and a site inspection. It found:</p> <ul style="list-style-type: none"> • The aerial photographs indicate that the site was developed to its current layout between 1951 and 1961. • The building and site configuration appear to have remained the same since 1961 to current date. Prior 1961 the site appears to be residential properties. • The aerial photographs indicate that the surrounding areas underwent gradual development over time. As the site is situated in an area unlikely to be impacted by industry. • The storage of waste oil in an above ground storage tank (AST) and a rinse trap with oil separator system and its associated AST was identified within the automotive workshop at 31 Atchison Street. The risk of leakages to underlying soil was determined to be low as the surface is fully covered with concrete and asphalt. • No potentially asbestos-containing materials was observed in or outside the building • No licences or notices have been issued for the site under the <i>Protection of the Environment Operations Act 1997</i> or notices or orders to investigate or remediate the site under the CLM Act. • The site is not listed on the register of contaminated sites notified to the EPA. <p>Based on their assessment, WSP consider that the environmental liability associated with the site is low and is suitable for the future proposed uses.</p>
SEPP No. 62 Sustainable Aquaculture	Not applicable

State Environmental Planning Policy	Comment
SEPP No. 64 Advertising and Signage	Not applicable
SEPP No. 65 Design Quality of Residential Apartment Development	<p>An analysis of the indicative concept design has been undertaken by AJC Architects. This analysis confirms that the development could achieve an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation and privacy. Based on the indicative apartment layout tested by AJC, the following is noted:</p> <ul style="list-style-type: none"> The residential component consists of 102 apartments suited to a variety of lifestyles. An indicative dwelling mix is 1 bedroom units (33%) 2 bedroom units (58%) and 3 bedroom units (9%). The residential floors have floor to floor height of 3.2 metres enabling the achievement of the minimum ceiling height. Each apartment has access to a secure private open space such as a balcony with minimum areas of 8-12m² based on apartment size. Most apartments are able to achieve greater private open space than the minimum prescribed by the ADG. A communal open space area with indoor lounge/meeting rooms will also be provided for residents. Approximately 77% of living areas and 66% of apartment balconies will receive 2 hours of mid minder solar access which is a good outcome when taking into account the planned building form uplift around the site. Some 60% of apartments will achieve cross ventilation. A maximum of 15% of apartments have no direct sunlight which meets the ADG guide.
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 Coastal Protection	Not applicable

Table 10 – Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment
Sydney REP No. 8 – Central Coast Plateau Areas	Not applicable
Sydney REP No. 9 – Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay	Not applicable
SREP No. 20 – Hawkesbury-Nepean River	Not applicable
SREP No. 24 – Homebush Bay Area	Not applicable
SREP No. 26 – City West	Not applicable
SREP No. 30 - St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not applicable

Regional Environmental Plan	Comment
Greater Metropolitan REP No. 2 – Georges River Catchment	Not applicable
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable
Murray REP No. 2 – Riverine Land	Not applicable

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions (formerly s117))?

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in **Table 11**.

Table 11 – Section 9.1 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
<p>1.1 Business and Industrial Zones</p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p>	<p>The Planning proposal will result in a small net reduction in floorspace from the current total estimated floorspace of 3,829sqm.</p> <p>This minor variation to this Direction is supportable for the following reasons:</p> <ul style="list-style-type: none"> While there would a minor numeric reduction the existing space is not directly comparable to that proposed, some of the space is for uses such as motor mechanics, art studios and galleries which have low employment rates. Furthermore the buildings aren't readily adaptable for use as commercial office space, meaning the proposal would not result in a loss of employment. The proposal complies with Council's adopted Planning Study that stipulates a minimum non-residential FSR of 1.5:1 The concept design will encourage retail and commercial office uses. These uses will generate higher employment number per square metre than the current non-office buildings, thus resulting in a net increase in employment form the existing situation. The proposed concept and uses, will support the viability of the centre as it transitions into a mixed use centre requiring more retail service offering than presently are available. <p>The Planning Proposal facilitates development that would yield:</p> <ul style="list-style-type: none"> A total of 43 direct jobs and 61 indirect jobs from the construction phase Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses An overall net increase of 42 direct jobs from the existing on-site uses. The total spend associated with an additional 237 new residents on the subject site has the potential to improve turnover performance of retail precincts near the subject site by \$4.7 million per annum. <p>Despite the small reduction in commercial floorspace, owing to the design and planned use of the retail/commercial floorspace, the proposal will actually increase employment levels from the existing situation. This coupled with satisfying Council's recommended non-residential minimum FSR, means that the proposal achieves the objectives of this Direction.</p>
1.2 Rural Zones	Not applicable

Ministerial Direction	Comment
1.3 Mining, Petroleum Production and Extractive Industries	The proposal satisfies the objectives of this Direction
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such the proposal does not trigger further consideration.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The proposal provides a mix of dwelling types to meet the future needs of residents. The subject site is well placed to accommodate high rise residential accommodation.</p> <p>The proposed mixed use development will make efficient use of existing services and infrastructure and will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the precinct and sites are already developed, and is consistent with the scale supported by Council through its adopted Planning Study.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The proposal to increase density on the B4 mixed use zoned site supports the principle of integrating land use and transport. • The site exhibits excellent access to public transport, being within walking distance of the St Leonards train

Ministerial Direction	Comment
	<p>station and future Crows Nest Station, as well as existing bus services.</p> <ul style="list-style-type: none"> The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements. The proposal would provide additional employment within the North Sydney LGA within close proximity to existing services and infrastructure. <p>The site is extremely well located to make use of existing services and employment opportunities in nearby centres and will complement and support these existing uses. Additional local service provision within walking distance of new dwellings would be incorporated into the future design of the site.</p>
3.5 Development Near Licensed Aerodromes	<p>The site is not in close proximity to Sydney Airport however it is affected by obstacle limitation surface of 156 AHD. While the proposed height is below the OLS height, during construction the crane may exceed this height. Accordingly, the provisions of clause (4) to the Direction applies.</p> <p>As such an aviation safety assessment referral as a 'controlled activity' will be required by CASA and Airservices Australia as part of this planning proposal assessment.</p>
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	There is no mapping of acid sulfate soils (ASS) by Council. Given the location of the site high on a ridge the likelihood of ASS is low. Evidence of recent construction close to the site demonstrate ASS is not a constraint to the future proposed development of the site. Further assessment can be carried out if necessary as part of the development application.
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Lane	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable

Ministerial Direction	Comment
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent with this Direction. This proposal outlines an assessment demonstrating the achievement of the objective of this Direction.
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The proposal is consistent with this direction as it does not seek to impose unnecessarily restrictive site-specific planning controls, rather conventional LEP amendments such as building height and FSR changes to Council maps.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is consistent with the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. This is further discussed at Section 7 .
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable

Ministerial Direction	Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable

8.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The site is fully developed and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts is minimal.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Preliminary investigations have been undertaken as outlined below.

8.3.1. Site Isolation

The subject landholding does not include 21 Atchison Street which falls within the Oxley Street Masterplan Precinct as identified in Council's Planning Study. Accordingly, our client has undertaken the following steps:

- In Late 2013, undertook research to identify the land owner and contact their representative, and made representation enquiring about acquisition of the site through the landowner's accountant.
- Our client commissioned LandMark White to prepare a valuation of the property to inform an offer to the adjoining land owner. Report completed 13 October 2015, estimating the site value of \$4,200,00.
- A real estate agent was used to attempt to contact the landowner's legal representative in late 2105 to discuss the valuation and offer to purchase the site for \$4,500,000.
- Email correspondence undertaken between our client's solicitors and the adjoining landowner's legal representative during 2015-2017.
- Advice from the landowner's legal representative on 5 December 2017 to our client's legal representative, was that the landowner *does not want to make a commitment of any kind in relation to the property at this time and do not want to pursue anything.*

Copies of this correspondence can be provided separately if required. Given the above history, we consider that our client has engaged in best endeavours to engage with the adjoining landowner and make a formal offer to acquire the land. It is clear that the neighbouring landowner is not interested in selling of the property or being part of a process to change the planning controls.

At this point in time we have assumed the acquisition prospects are unlikely. Accordingly, AJC Architects have undertaken analysis to examine how the adjoining property could be developed in future assuming the subject site is developed as proposed having regard to ADG principles. A copy of this work is included in the Appendix of the Design Study. In summary, it identifies the following:

- The adjoining site is narrow and deep, with 10.17m wide frontage and 35sqm in depth.
- To the west of 21 Atchison Street is the Nexus building which has a zero boundary setback to 8 storeys which a light well that is 6m by 3m in dimension. Having regard to the Nexus building it was determined

that 21 Atchison Street site would not be able to be higher than 8 storeys as it would create privacy impact issues.

- Having regard to the constraints and the applicable ADG provisions, the concept prepared by AJC was as follows:
 - 2 x level basement with car lift for 8 vehicles
 - Retail space (58sqm) and lobby entry at ground
 - 2 x levels of commercial floor space (total 537sqm)
 - 5 x levels of residential floor space (totalling 11 apartments, typically two through-apartments per floor except for the first floor of residential).
 - Total FSR 4.45:1, (non-residential FSR 1.69:1)
 - Light-well cut outs provided on both side boundaries to achieve natural light and ventilation. All through apartments achieve solar access and natural cross ventilation.

A copy of the indicative concept is provided below.

Figure 9 – Concept Plans for 21 Atchison Street

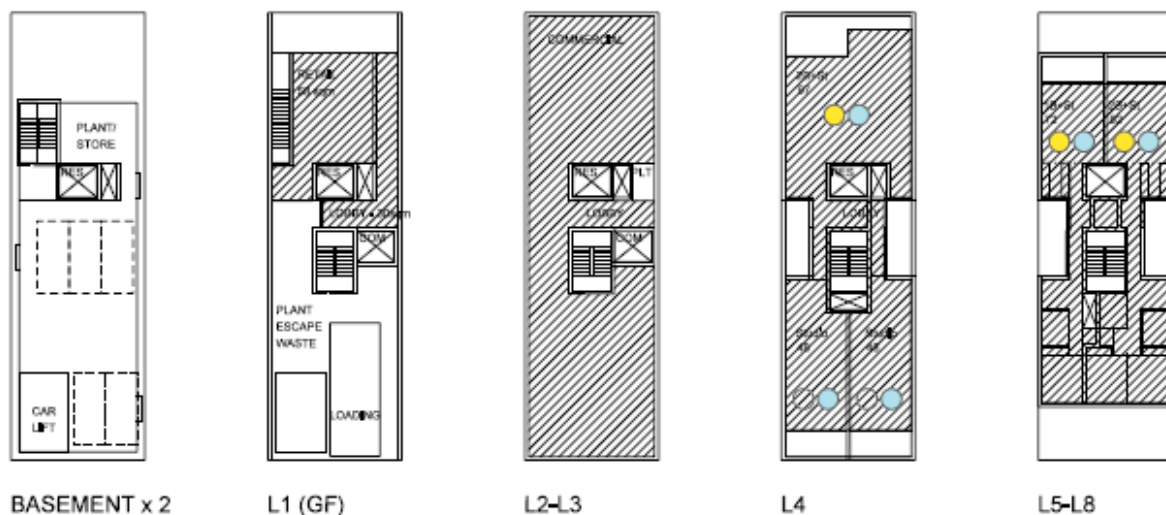


Figure 40: Figure 6.2.01, Potential Development Concept for Isolated Site

Source: AJC Architects

From a planning perspective, the above concept for the neighbouring site represents an appropriate development layout and scale for the site having regard to its constraints and considerations of the ADG. It is a concept that, if formally advanced in future, could achieve development approval. Therefore, for the reasons outlined above, in our opinion, the development of the subject land would not prevent the achievement of reasonable future redevelopment outcome on 21 Alexander Street if amalgamation of the site does not occur.

8.3.2. Overshadowing

An assessment of the potential shadow impacts of the concept has been undertaken within the Concept Design Report at **Appendix E**.

The analysis has considered the overshadowing impact arising from a compliant LEP envelope, a Compliant Planning Study envelope and the proposed building envelope.

As the proposal involves an increase in building height to 16 storeys, additional overshadowing beyond the existing LEP envelope will occur. This impact is considered reasonable as by virtue of the Planning Study constituting adopted Council policy, there is an expectation that the current levels of solar access from surrounding properties will not remain in perpetuity especially given the site and locality is located within a

Strategic Centre which is required to continue to grow housing and employment numbers, meaning building form must also expand.

Notwithstanding this, the architects have sought to reduce the shadow impact from the compliant Planning study envelope. This has been achieved through a combination of design moves to articulate the podium and tower form, creating 'cut outs' as well as creating the through-site link along the western boundary which has resulted in a positive impact on a number of apartments in nearby developments at 38-46 and 30-36 Albany Street and 7-19 Albany Street (*refer to Section 6.3 in Appendix of AJC Design Report*). In summary 23 apartments will achieve improved solar access from these design moves compare with a compliant Planning Study envelope. This is considered to be a positive outcome that can be further refined at the development application stage.

8.3.3. View Impacts

The height and bulk of the St Leonards area has already begun its transformation with a number of tall building forms recently approved or pending approval on surrounding sites (*refer to Figure 20 in AJC Report*). The surrounding lands will continue to undergo building height increases over the coming years through the priority precinct vision. This change will impact current view of existing buildings.

In this regard, the concept design has been prepared in accordance with the St Leonards/ Crows Nest Planning Study which recognises that the site is suitable for a 16 storey building. This will result in a building form taller than its neighbouring properties to the immediate west, south and east, however views impacted from the proposal are not iconic in nature, but rather views of buildings in the centre. To the north is part of the wider TWT site holding and that is also planned for 16 storeys.

Only two buildings in Atchison Street have the potential to suffer loss of existing views as a result of development on the subject site with increased building heights.

- No. 48 Atchison Street (Arden) enjoys district views to the east and north. The building is 11-storey high. Generally the eastern elevation windows are secondary windows to living spaces or bedrooms. Views to the Sydney CBD are restricted by the built form of the Nexus building at No. 15 Atchison Street.
- No. 15 Atchison Street (Nexus) enjoys district views to the east and Sydney CBD views to the south. The building is 13-storey high. District views to the east are only available from the top four levels. Sydney CBD views are generally available from the top four levels on the southern facade.

Any visual aspect impacted from neighbouring lower-scale properties is justified on the grounds that the Council Planning Study has endorsed the height of the proposed site, and consistent with the broader change in density and visual impacts in the centre.

In summary, the proposed built form presents a well-considered building form with a defined podium base and tower above, that responds to the key site characteristics and framework set by the St Leonards/ Crows Nest Planning Study to ensure the built form is appropriate for this location and compatible with the surrounding built form typologies.

8.3.4. Traffic Impacts

The Transport Planning Partnership (TPPP) has undertaken a transport assessment of the planning proposal for the site. The traffic generation potential of the current Planning Proposal for the Site has been estimated utilising the RMS guidelines (TDT 2013/04a) and specifically the surveyed results of St Leonards site contained in the RMS guidelines. In addition, the traffic generation assessment had regard to the existing traffic movements on the site generated by 33 spaces for the office development.

After taking that into account, the assessment found:

- There is expected to be a **net decrease to the total volume of traffic** accessing the site during the AM and PM peak hour periods compared with the existing site uses.
- The reduction in traffic generation is a direct result from the reduction in parking spaces allocated to office uses (ie 33 spaces) and the removal of the existing vehicle repair business which by its very nature generates vehicle movements with the drop off and / pick up of vehicles for repair.

The advice further concluded that:

- The construction of the Sydney Metro rail line with a new station within 3 minutes walk of the Site will facilitate urban developments such as the Planning Proposal and further enhance St Leonards functionality as a Transit orientate hub for travel to, from and through the centre.
- The planning proposal is consistent with the transport objectives of the various state and local government strategic plans for the St Leonards precinct.

8.3.5. Wind

The effect of wind activity typically emanates from three predominant wind directions; namely the north-easterly, southerly and westerly winds. Of these three wind paths, the north-easterly is of lessor importance to consider mitigation measures in this case.

A formal examination of the potential wind impacts on the proposed building envelope has not been carried out. The primary reason being is that based on wind assessment reports for nearby sites in the centre (472-476 and 500-520 and 617-621 Pacific Highway), the most critical wind impact condition to manage is the southerly wind event. While the proposal will result in the building becoming a taller element to its immediate neighbouring property to the south, given that there are taller building forms to the south fronting Pacific highway, the expectation is that the wind velocity would have been significantly reduced when reaching buildings north of Pacific Highway such that it would be unlikely to need specific mitigating measures to be applied to the proposed building. Similarly, the site is shielded by existing and planned taller buildings immediately to the west. The concept has scope to incorporate enclosable balcony space is required or desired as part of the future DA stage.

Furthermore, the concept design incorporates a generous public domain area off the street edge which is protected by building forms (awning and podium) above. This will act to avoid any down draft wind impacts on people in the outdoor dining area ensuring the required amenity levels are achieved. Street trees along the site frontages will also act to mitigate adverse wind effects.

8.3.6. Waste Management

Elephants Foot have been engaged to provide advice with respect to waste management. A copy of their advice is attached in **Appendix D**.

The key aspects of the waste and recycling strategy include:

- A garbage chute and waste discharge rooms for every residential level
- Bulky Goods storage rooms located on the parking level for each building
- A residential bin holding room located for easy loading to and from the street.
- A retail waste room accessible to all retail tenants and adjacent to vehicle loading area.

The Concept can accommodate the spatial requirements for waste and recycling, further details will be provided at development application stage.

8.3.7. Sustainability

The indicative concept design has been prepared with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.

8.3.8. Noise

The site is situated a short distance away from road noise associated with the Pacific Highway, and surrounded by existing buildings that would shield noise intrusion. As such mitigation measures are unlikely to be required to address noise impacts at the development application stage.

8.3.9. Servicing

The site is located centrally within the St Leonards Town Centre close to existing services. In liaison with service providers the proposal will be subject to further capacity testing to determine the suitability of existing service infrastructure and any upgrades required.

8.3.10. Summary

Overall, it is considered that the site, if developed in accordance with the Planning Proposal, will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for high density mixed use.

Q9 - Has the planning proposal adequately addressed any social and economic effects?

An assessment of the economic impacts of the Planning Proposal has been undertaken by Urbis, as detailed in the attached Economic Assessment (**Appendix A**).

To determine whether the proposal adequately addresses economic effects, it is important to understand the current market conditions and how the proposal responds. Through realising economic benefits, a positive social on-flow effect will also occur with the public benefiting through job creation and public domain upgrades.

Economic and Social Benefits

The proposed development at 23-35 Atchison Street will result in a number of direct economic benefits, during the construction stage and during ongoing operations. These include:

- A total of 43 direct jobs and 61 indirect jobs from the construction phase
- Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
- An overall net increase of 42 direct jobs from the existing on-site uses.
- The total spend associated with an additional 237 new residents on the subject site has the potential to improve turnover performance of retail precincts near the subject site by \$4.7 million per annum.
- Improved public spaces through the creation of a new through site link, incorporating public art, and generous outdoor north-facing spaces fronting retail shops to foster social gathering and interaction.

8.4. STATE & COMMONWEALTH INTERESTS

Q10 - Is there adequate public infrastructure for the planning proposal?

Yes. The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at St Leonards.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days and North Sydney Council must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of *A guide to preparing local environmental plans*.

9. PART 4 - MAPPING

The Planning Proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map Sheet - HOB_001_010;
- Non-Residential Floor Space Ratio Map Sheet - LCL_001_010; and
- Maximum Floor Space Ratio Map Sheet FSR_001_010.

The proposed mapping changes are outlined below:

Figure 10 – Proposed Height of Buildings Map (NSLEP 2013)



Source: Urbis

Figure 11 – Proposed Maximum FSR



Source: Urbis

Figure 12 – Proposed minimum non-residential FSR



Source: Urbis

10. PART 5 - COMMUNITY CONSULTATION

Clause 57 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the Planning Proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on the North Sydney Council website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

In terms of consultation with Council, the proponent has had a long history of engagement with Council. The proposal has also been presented to the Design Excellence Panel for comment. The proponent has taken on board all of council's and the Design Excellence Panel's feedback and refined the scale and definition of the building envelope and the community space design to satisfy their requirements.

11. PART 6 - PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

Table 12 – Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by North Sydney Council	June 2018
Planning Proposal referred to DPE for Gateway Determination	July-August 2018
Gateway Determination by DPE	To be determined
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

12. CONCLUSION

This Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to allow for high density mixed use development at 23-35 Atchison Street, St Leonards. The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant DPE guidelines. It sets out the justification for the proposed LEP amendments applicable to the subject site to allow for a high density mixed use development.

The Concept Design accompanying the Planning Proposal has been informed by a detailed site analysis and pre-lodgement engagement with Council and its design review panel. As a result, it is considered that the proposed amendments to the NSLEP 2013 will achieve an appropriate development outcome for the following reasons:

- **From a local context perspective:** The Planning Proposal achieves an appropriate built form and scale outcome having regard to the vision for the St Leonards precinct expressed by local planning policy and the existing and emerging scale of development on adjacent and surrounding lands.
- **From a strategic policy perspective:** The proposal will positively contribute to the State planning strategic goals of increasing employment and housing densities in centres with access to existing and planned public transport.
- **From a net community benefit perspective:** The proposal will deliver a range of benefits for the community, including:
 - A total of 43 direct jobs and 61 indirect jobs from the construction phase
 - Ongoing employment of 216 direct and 88 indirect jobs from the retail and commercial uses
 - An overall net increase of 42 direct jobs.
 - This represents a real growth of employment from the current uses that are consistent with the new direction and forecast need for retail and commercial uses.
 - The proposal includes an offer to deliver public benefits for the community that amongst other things includes the dedication and delivery of a public pedestrian link on the western boundary and a linear public civic space strip along the Oxley Street frontage to enhance usability of the outdoor dining and public congregation space. The specifics of the offer will be discussed with Council during the assessment of the planning proposal and ultimately formalised through a Voluntary Planning Agreement.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport will achieve environmental benefits by encouraging more trips within and outside of the centre without cars.

Overall, it is considered that the proposal will result in significant public benefits facilitating the development of a high quality mixed use development. This Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities.

The Planning Proposal achieves the right balance of maintaining an employment element to the project while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits this part of the St Leonards Strategic Centre can provide. In considering the tangible community and economic benefits of the proposal, we consider that this proposal has strategic planning merit and warrants Council's support.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ECONOMIC IMPACT ASSESSMENT

APPENDIX B PRELIMINARY SITE ENVIRONMENTAL ASSESSMENT

APPENDIX C TRAFFIC ASSESSMENT

APPENDIX D WASTE MANAGEMENT

APPENDIX E DESIGN REPORT



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