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URBIS

REVISED PLANNING PROPOSAL

50-56 Atchison Street, St
Leonards

Prepared for
EPIC LEISURE PTY LTD
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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis for Epic Leisure Pty Ltd (“**the proponent**”) to request that North Sydney Council amend the North Sydney Local Environmental Plan 2013 (**NSLEP 2013**). This report follows the issue of the Gateway Determination for the proposal on 15 March 2021.

The planning proposal relates to the land at 50-56 Atchison Street, St Leonards (**the site**). The amendment will enable the development of a mixed-use retail/commercial and residential building on the site.

The proposed amendments to the NSLEP 2013 are as follows:

- Increase the maximum building height control from 20m to 56m (RL145);
- Introduce a maximum floor space ratio (**FSR**) of 6.4:1;
- Increase the minimum non-residential FSR control from 0.6:1 to 1.7:1; and
- Introduce a new site-specific provision that allows a lift overrun to provide access to communal open space at the rooftop to exceed the maximum building height control to a maximum building height of 58.1m (RL147.1).

1.2. REPORT STRUCTURE

The Planning Proposal has been prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**). The NSW Department of Planning, Industry and Environment (**DPIE**) has prepared the following guidelines which have been considered in this planning proposal: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The report contains the following information:

- 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 ‘provisions’ of the proposal;
- A justification for the proposal;
- The expected process for community consultation; and
- An indicative project timeline.

The following supporting documents accompany the Planning Proposal:

- Concept Design Report - prepared by Kann Finch (**Appendix A**);
- Concept Architectural Plans – prepared by Kann Finch (**Appendix B**);
- Transport Impact Assessment – prepared by ARUP (**Appendix C**);
- Waste Management Plan – prepared by Elephants Foot (**Appendix D**);
- Building Services Report – prepared by Cardno (**Appendix E**);
- Preliminary Site Investigation – prepared by Douglas Partners (**Appendix F**).
- Endorsed Voluntary Planning Agreement – prepared by Sparke Helmore Lawyers (**Appendix G**).
- Existing Technical LEP Mapping – obtained from North Sydney Council (**Appendix H**).
- Proposed Technical LEP Mapping – prepared by North Sydney Council (**Appendix I**).

2. SITE AND SURROUNDING CONTEXT

2.1. THE SITE

The site is known as 50-56 Atchison Street, St Leonards. As shown in **Figure 1**, the site has a primary street frontage to Atchison Street and secondary street frontage to Atchison Lane. The site is located between Oxley Street to the east and Mitchell Street to the west.

Figure 1 Aerial Photograph of the Site



Source: Kann Finch

As shown in **Figure 2**, the site is located 400 metres from St Leonards train station and around 200m from the nearest entrance to the future Crow's Nest metro station. The site is located on the eastern edge of St Leonards within walking distance of the St Leonards and Crows Nest town retail centres.

Figure 2 Surrounding Context and Distance to existing and future stations



The site is occupied by two commercial buildings on separate titles as outlined in **Table 1** below.

Table 1 Property Description and Existing Development

Property Description	Legal Description	Existing Description
50 Atchison Street	Lot 7 Sec 11 DP 2872	2 storey commercial building with frontage to Atchison Street and secondary vehicular access from Atchison Lane
52 – 56 Atchison Street	Lots 5 and 6 Sec 11 DP 2872	3 storey commercial building with frontage to Atchison Street and secondary vehicular access from Atchison Lane.

The site has a fall from east to west of 2.3 metres along Atchison Street. The site has an area of 1080 sqm comprising boundary dimensions as described in **Table 2** below.

Table 2 Site Boundaries

Boundary	Description	Distance
Southern Boundary	Primary frontage to Atchison Street	30m
Northern (rear)	Secondary frontage to Atchison Lane	30m
Eastern Boundary	Adjoins 58 Atchison	36m
Western Boundary	Adjoins 48 Atchison Street	36m

2.2. SURROUNDING CONTEXT

2.2.1. Land Use Context

The site is located within the North Sydney Local Government Area (**LGA**). Administratively, St Leonards is split between North Sydney, Willoughby and Lane Cove LGA's.

St Leonards is located on Sydney's Lower North Shore. St Leonards is strategically located to high frequency public transport which connects it to the nearby centres of Sydney, North Sydney, Chatswood and Macquarie Park.

The land uses in St Leonards comprise a mix of uses including:

- Medical and hospital related uses associated with The Royal North Shore Hospital.
- Older B and C grade commercial office stock.
- Recently constructed and/or approved mixed use developments.

St Leonards is split east-west by the Pacific Highway and north-south by the North Shore Railway Line. St Leonards is undergoing urban renewal from a lower grade commercial office centre to a thriving mixed-use centre.

The urban renewal of St Leonards has been underpinned by:

- The existing strategic planning framework and priority precinct program.
- Ongoing major upgrade to the nearby Royal North Shore Hospital.
- Substantial State Government investment in the Sydney Metro and new Crows Nest Metro Station.

Recent developments include medium and high rise commercial and multi-storey mixed-use residential buildings. Some lower density residential uses remain on the fringe of the CBD to the east of Oxley Street. These areas are likely to undergo significant transition to higher densities as part of the priority precinct *St Leonards Crows Nest*. Currently under investigation by the NSW State Government.

Key land uses near the site include:

- **The Forum:** A 38 storey mixed use development built over the St Leonards railway station. The Forum includes local facilities including a supermarket, gym, restaurants and other essential services.
- **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. The hospital is a major employer and economic driver for the area.
- **Commercial offices:** The main commercial area is located east of the railway line. This area is characterised by a mix of commercial buildings, medical and allied health premises, hotel and residential apartments. No new commercial office buildings have been constructed east of the rail line for over 10 years.
- **Emerging mixed-use residential development:** St Leonards is undergoing transition to a mixed-use centre. New planned residential towers will transform the development profile and land uses within St Leonards. The centre will support greater diversity of uses including residential apartments above commercial podiums. At the street level, new retail uses provide activity which add to the character and vibrancy of the area.

2.2.1.1. Royal North Shore Hospital

The Royal North Shore Hospital (**RNSH**) is a major regional hospital and serves the surrounding Local Government Areas (LGAs). The hospital is a principle tertiary referral centre and NSW Trauma Centre. RNSH also includes specialist state wide health services. RNSH is a tertiary teaching hospital of the University of Sydney (medicine, allied health), University of Technology, Sydney (nursing), and Australian Catholic University (nursing and allied health).

RNSH is currently undergoing a major upgrade. Construction of the Acute Care building was recently completed in 2015. A 10,000sqm "support zone" is also planned to complement the redevelopment of RNSH. This zone will include:

- Staff accommodation,
- Childcare facilities,
- Administration buildings, car parking, and
- Commercial / retail uses.

Health care services are significant employers within St Leonards. Based on 2011 census data, up to 25% of jobs within the suburb were provided by the health care sector. The importance of the health industry to local employment is emphasised within the North District Plan (GSC, 2018) and the Interim Statement for St Leonards and Crows Nest (DPE, 2017). Future development will leverage the existing medical assets to strengthen the role of the precinct. This will create knowledge-intensive jobs in the health, medical education and ancillary industries. This growth will support housing and infrastructure within the precinct.

2.2.2. St Leonards-Crows Nest Area

The St Leonards-Crows Nest area has undergone significant planning and growth in accordance with the strategic growth opportunities for the area, and the development of the Crows Nest Metro Station. This development has largely redefined the character of St Leonards, resulting in a medium-high density centre with mixed-use and employment functions. Mixed use development will enable the renewal of older commercial stock whilst also providing for additional housing. This renewal allows the commercial function of the centre to continue. Retail frontages will activate the precinct outside traditional office hours in the evening and on the weekends.

These changes are supported by the *St Leonards Crows Nest 2036 Plan*, which aims to revitalise the area and create a thriving economy of work opportunities in the industrial, medical, research and commercial sectors. The location of the site within the St Leonards-Crows Nest area is identified in 'red' in **Figure 3**.

Figure 3 Identification of the site in the St Leonards Crows Nest area



Source: *St Leonards-Crows Nest 2036 Plan*

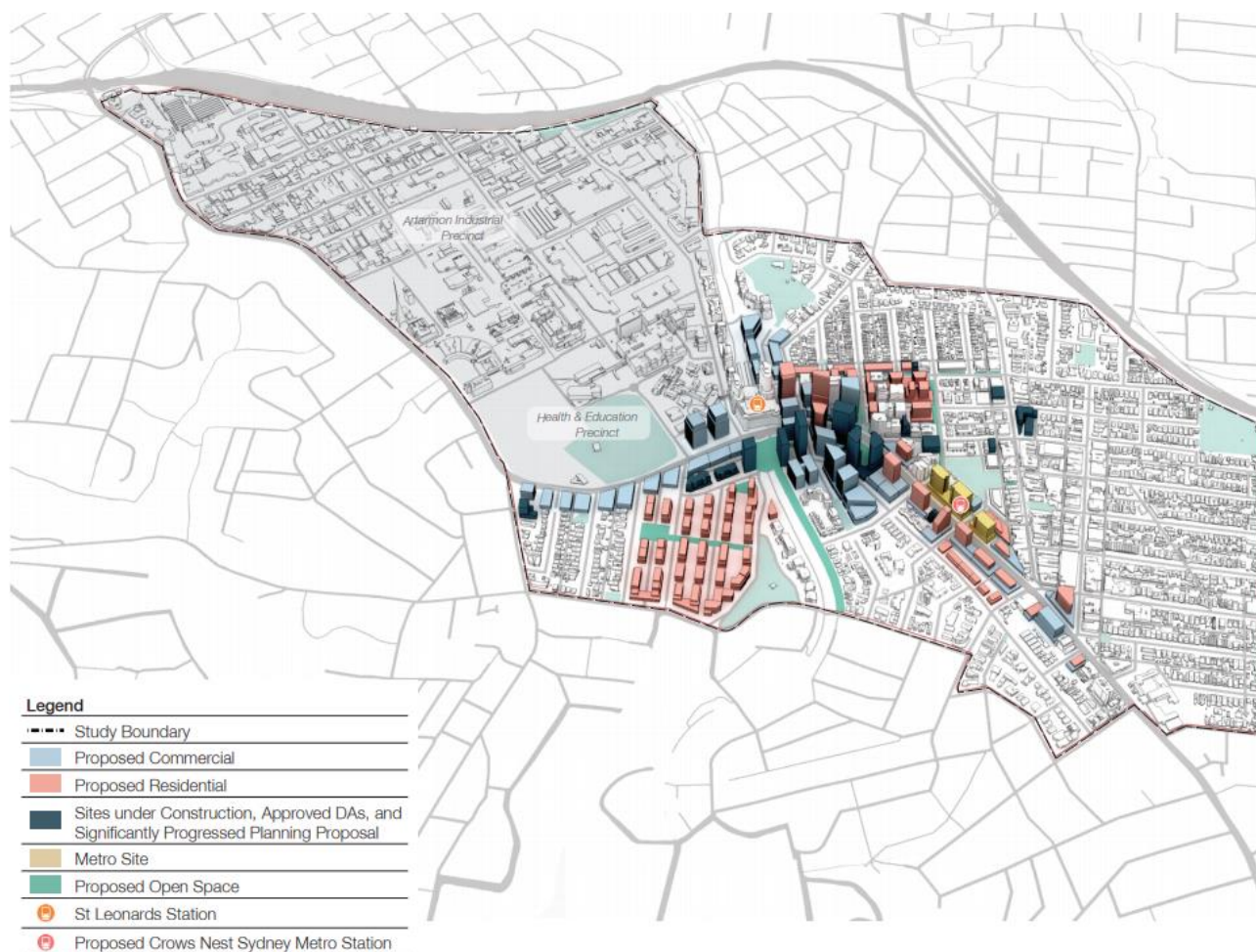
Major mixed use and residential projects being undertaken within St Leonards are detailed in **Table 3**.

Table 3 Local Development (Major New Projects)

Site	Development Type	Built Form	Status
23-25 Atchison Street	Planning Proposal	<ul style="list-style-type: none"> ▪ Increase building height to 56m as recommended by Council officers and as adopted by the North Sydney Local Planning Panel ▪ Minimum non-residential FSR 1.5:1 ▪ Total maximum FSR 6.3:1 	<p>LEP amendment gazetted 14 May 2020.</p> <p>DA lodged 24 July 2020, currently under assessment.</p>
84-90 Christie Street	Planning Proposal, Development Application	<ul style="list-style-type: none"> ▪ 46 storey mixed use residential tower 	LEP amendment gazetted 30 November 2017.
472-468, Pacific Highway	Development Application	<ul style="list-style-type: none"> ▪ 42 storey mixed use residential tower and 28 storey mixed use residential tower 	
500, 504-520 Pacific Highway	Development Application	<ul style="list-style-type: none"> ▪ 46 storey mixed use residential tower 	
619-621 Pacific Highway	Planning Proposal	<ul style="list-style-type: none"> ▪ 50 storey mixed use residential tower 	LEP amendment gazetted 12 June 2019.
100 Christie Street	Planning Proposal	<ul style="list-style-type: none"> ▪ 36 storey mixed use residential tower 	LEP amendment gazetted 14 May 2020.
6-16 Atchison Street	Development Application	<ul style="list-style-type: none"> ▪ 30 storey residential tower 	
1-13A Marshall Street	Development Application	<ul style="list-style-type: none"> ▪ 29 storey residential tower 	
71-79 Lithgow Street, 82-90 Christie Street, 84A Christie Street, and 546-564 Pacific Highway St Leonards	Development Application	<ul style="list-style-type: none"> ▪ 14 storey commercial building ▪ 26 storey mixed use tower ▪ 47 storey mixed use tower 	DA determined November 2018

The potential built form massing of the future St Leonards-Crows Nest area as envisaged in the Urban Design Study prepared by SJB to support the *St Leonards Crows Nest Plan 2036* is provided in **Figure 4**.

Figure 4 SJB potential built form massing for St Leonards-Crows Nest area



Source: SJB

2.2.3. Transport Network

St Leonards is a major public transport interchange. St Leonards station has one of the highest levels of rail and bus services in the Sydney Metro Area. Regular train services connect St Leonards to the major employment centres of Chatswood, Macquarie Park, Sydney CBD, and North Sydney.

- The Crows Nest Metro station will be located close to the site south of Oxley Street and east of the Pacific Highway. The Metro will offer frequent and high capacity services to employment centres throughout Sydney. The Metro is currently under construction and is anticipated to be operational by 2024.
- Regular bus services connect surrounding suburbs to St Leonards Station. A bus interchange is located on the Pacific Highway south of the railway station. The interchange provides bus services to the Sydney CBD and Lane Cove, Chatswood, Epping and the Northern Beaches.
- The Pacific Highway is a major regional road which connects to the M2 Motorway 2.5 kilometres to the north. The Pacific Highway continues further north to link with the M1 Pacific Motorway. The Pacific Highway provides the main route north linking Sydney to the Central Coast, Newcastle and the North Coast.

3. EXISTING PLANNING CONTROLS

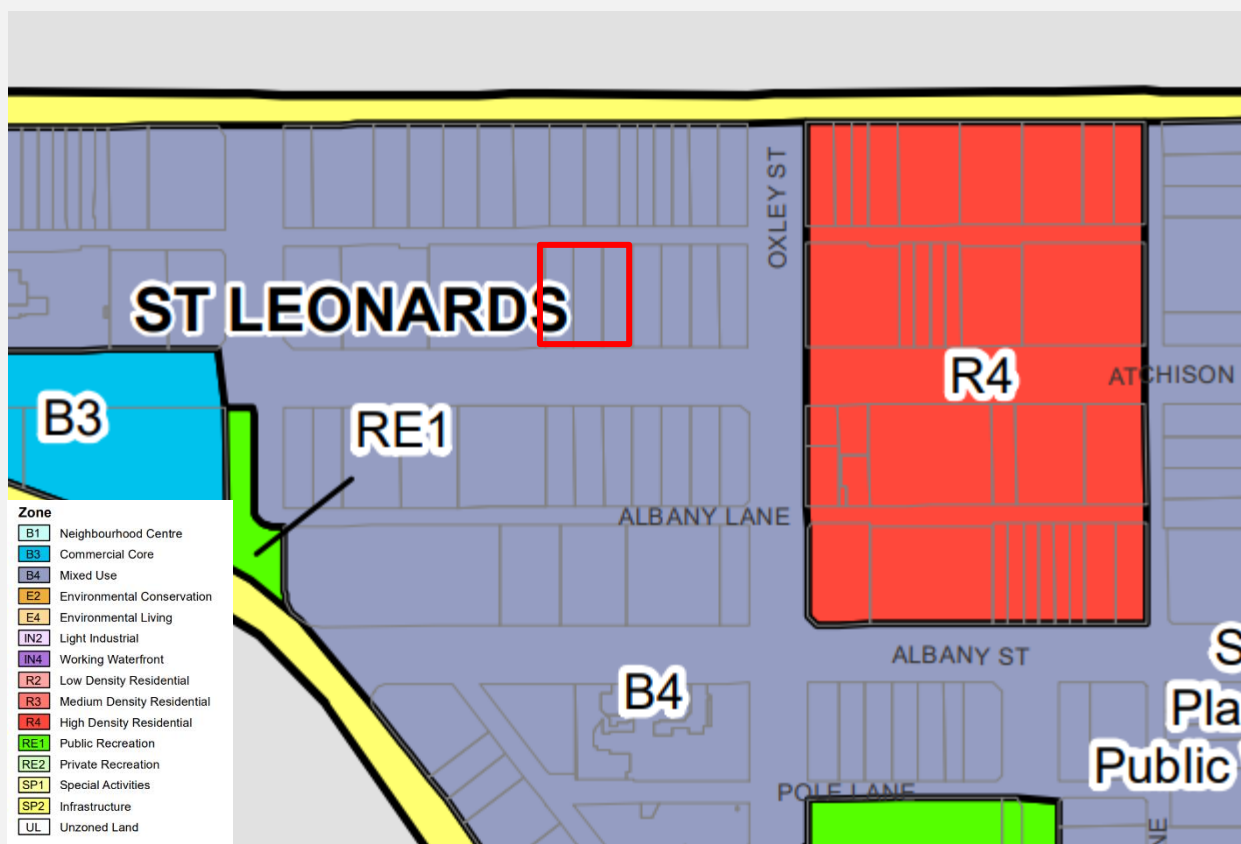
3.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The NSLEP 2013 applies to the site. The key provisions and objectives are summarised in **Table 4**. Extracts of the existing technical mapping are provided below and in **Appendix H**.

Table 4 North Sydney LEP 2013 – Key Development Parameters

Parameters	Control	Objectives
Zoning B4 – Mixed Use	<i>Residential flat buildings Commercial premises and Shop top housing are permitted with consent.</i>	<ul style="list-style-type: none"> 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. <p>Refer site identification in 'red' in Figure 5.</p>

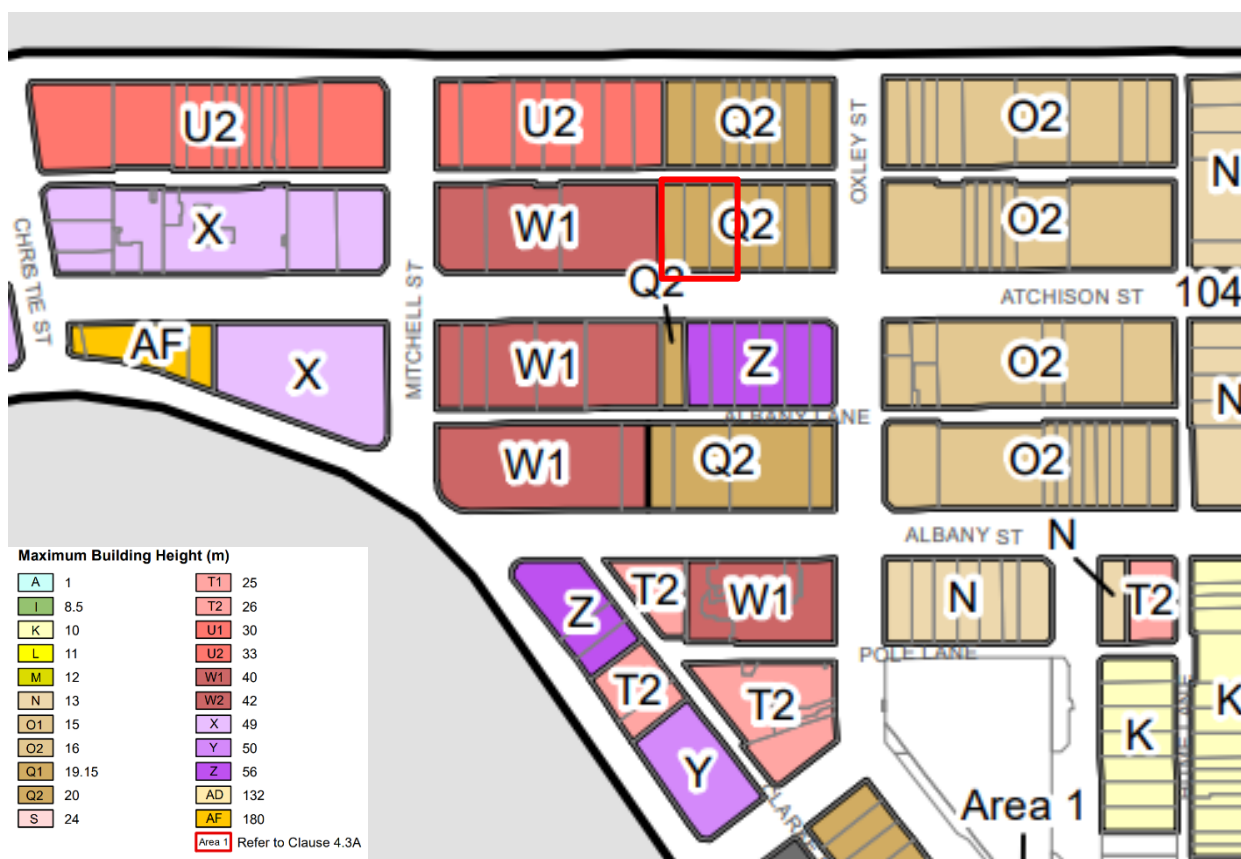
Figure 5 Identification of site zoning



Source: North Sydney LEP 2013

Parameters	Control	Objectives
Clause 4.3 Building Height	20m	<p>(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</p> <p>(b) to promote the retention and, if appropriate, sharing of existing views,</p> <p>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</p> <p>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</p> <p>(e) to ensure compatibility between development, particularly at zone boundaries,</p> <p>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.</p> <p>Refer site identification in 'red' in Figure 6.</p>

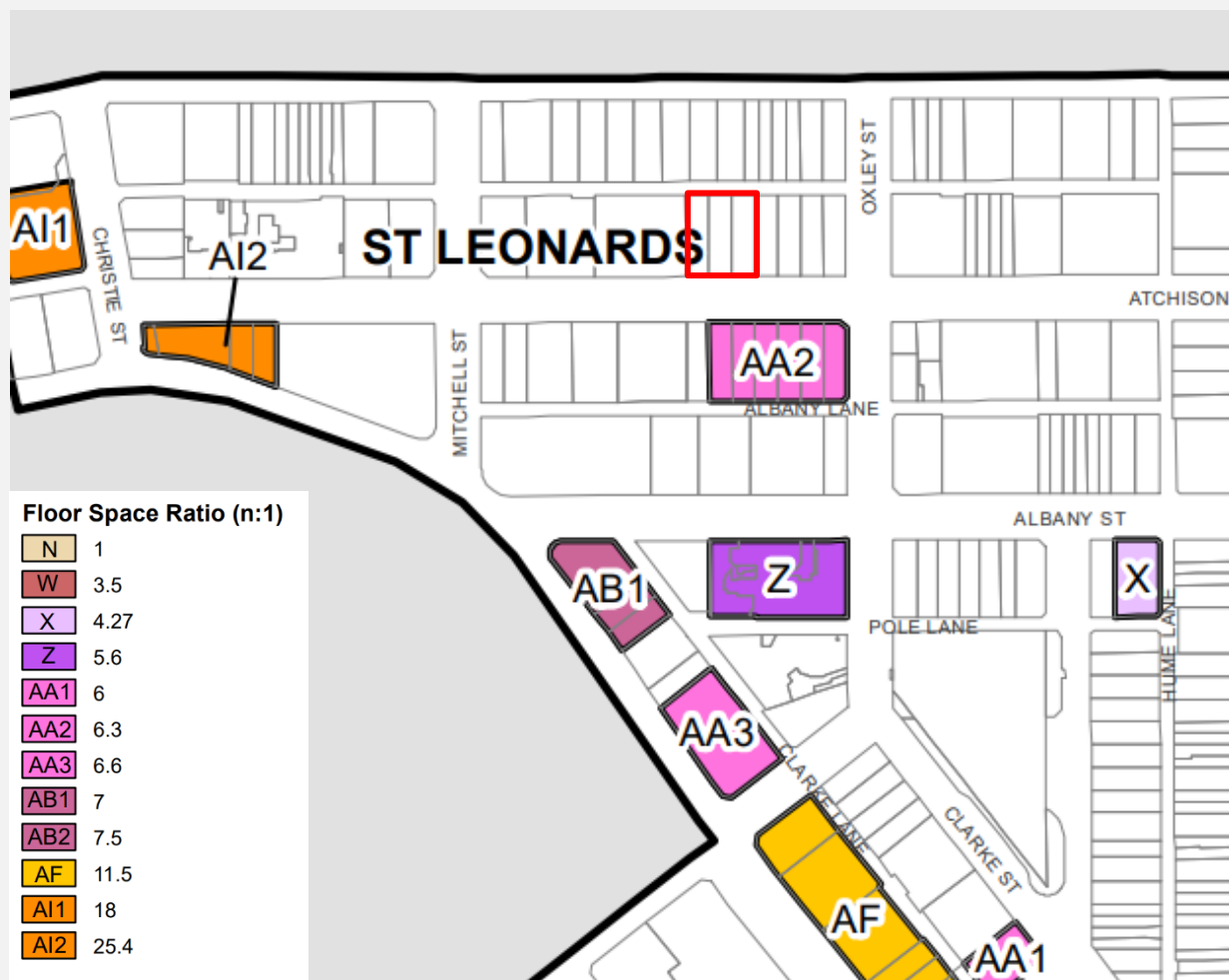
Figure 6 Identification of maximum building height control



Source: North Sydney LEP 2013

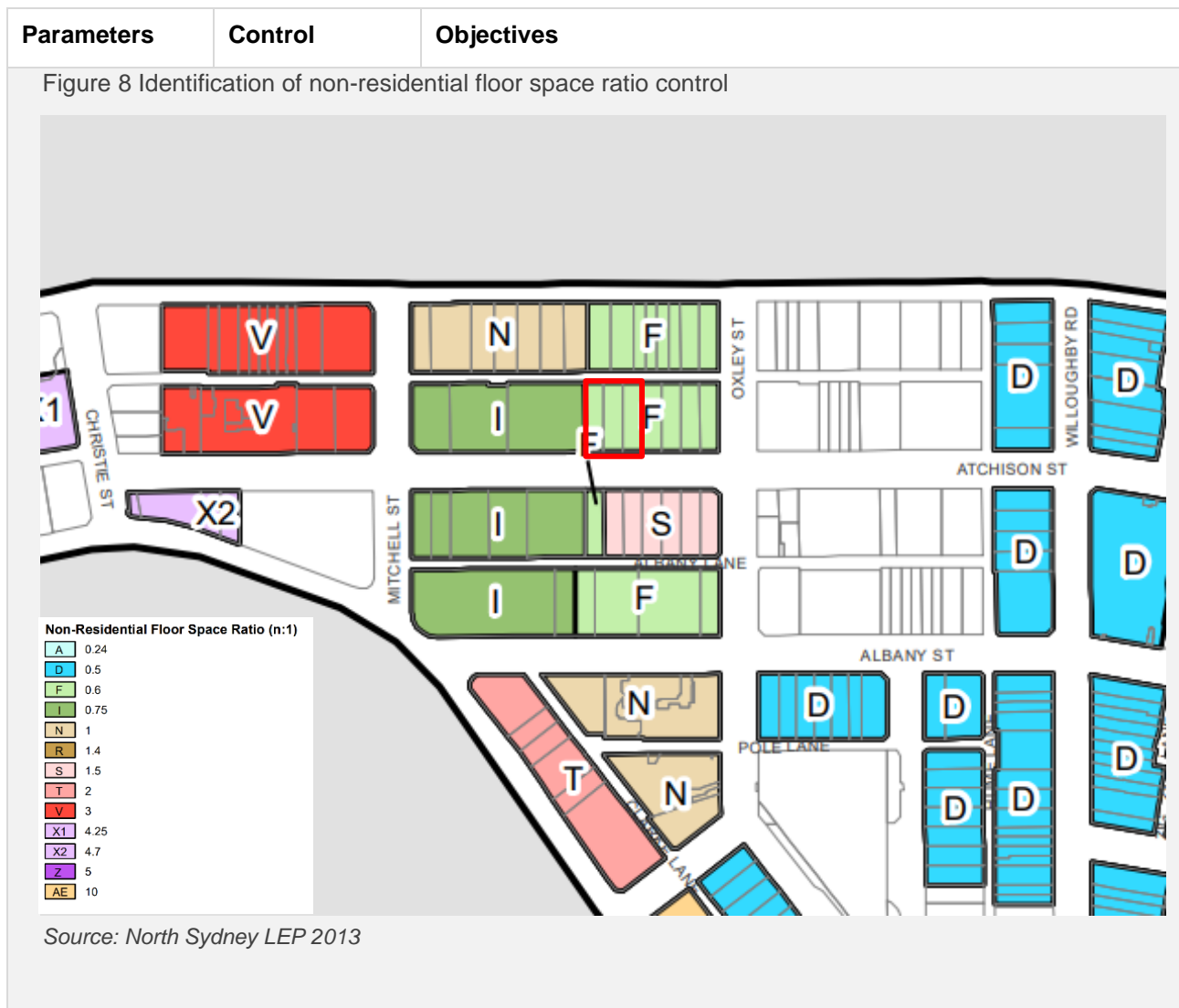
Parameters	Control	Objectives
Clause 4.4 Floor Space Ratio	Not applicable	<p>(a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,</p> <p>(b) to limit the bulk and scale of development.</p> <p>Refer site identification in 'red' in Figure 7.</p>

Figure 7 Identification of floor space ratio control



Source: North Sydney LEP 2013

Clause 4.4A Non-residential Floor Space Ratio	Minimum non- residential FSR 0.6:1	<p>(a) to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,</p> <p>(b) to encourage an appropriate mix of residential and non-residential uses,</p> <p>(c) to provide a level of flexibility in the mix of land uses to cater for market demands,</p> <p>(d) to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.</p> <p>Refer site identification in 'red' in Figure 8.</p>
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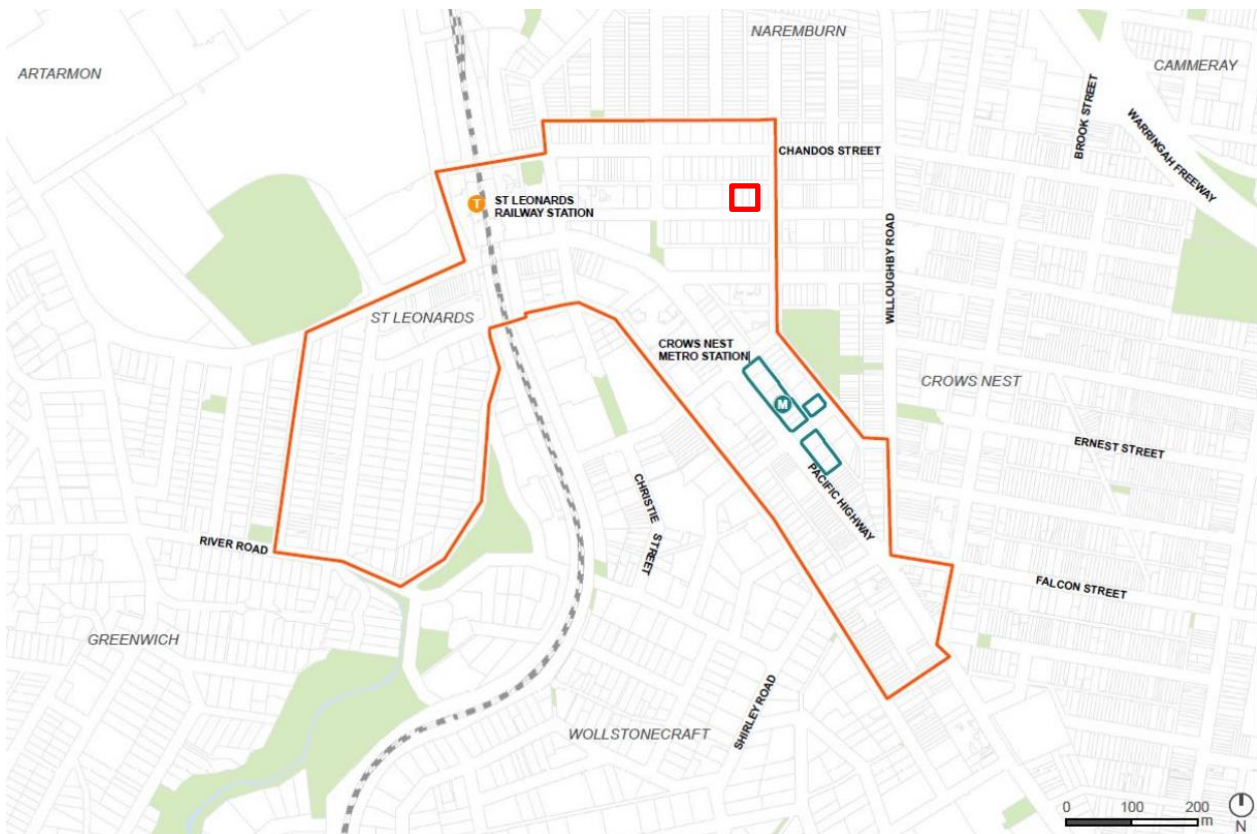
3.2. ST LEONARDS AND CROWS NEST SPECIAL INFRASTRUCTURE CONTRIBUTION

The St Leonards and Crows Nest Special Infrastructure Contribution (SIC) Plan was introduced in August 2020 and seeks to collect contributions on certain new residential development that occurs within the St Leonards and Crows Nest Special Contribution Area.

The site is located within the Special Contributions Area, as identified in 'red' in **Figure 9**, and as such is subject to the provisions of the SIC Plan. The applicable rate is \$15,100 per dwelling.

Payment of the contribution will be required prior to CC in accordance with a condition of development consent relating to a mixed-use development on the site. It is noted that the SIC will be phased in over 3 years, with a 50% reduction in 2020-21 and a 25% reduction in 2021-22. The full rate will apply from 1 July 2022.

Figure 9 St Leonards and Crows Nest Special Contributions Area



Source: NSW DPIE

4. CONCEPT PROPOSAL

4.1. INDICATIVE CONCEPT SCHEME

Kann Finch have prepared a revised Design Report (**Appendix A**) and Architectural Concept (refer **Appendix B**) to inform this Planning Proposal

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

- *St Leonards Crows Nest 2036 Plan*;
- *St Leonards Crows Nest Planning Study – Precinct 2 and 3*;
- Feedback and discussions from Council staff that occurred between July and October 2018 to reduce the number of storeys and height by:
 - The reduction in the number of storeys to a 16 storey building height comprising a 3 storey podium and 13 storey residential tower.
 - The deletion of the mezzanine level resulting in reduced commercial floor space by 391sqm;
 - A reduced podium height but maintaining a 3 storey podium height which visually reads as an equivalent 3 – 4 storey podium height;
 - Overall reduced height to 16 Storeys (RL143.2) which is 54.2m to the parapet but noting a future lift overrun will extend above this maximum height by approximately 3.9m to RL 147.1.
- Feedback from North Sydney Local Planning Panel in 2020 requiring the provision of a special clause for the height of the building to exclude the lift overrun for access to the communal rooftop;
- Existing and future development context;
- Public domain presentation;
- Street activation; and
- Residential amenity;

A concept design has been prepared which reflect the proposed controls and includes:

- Indicative basement car parking arrangements;
- Ground level street address; which are setback from the Atchison Street and Atchison Lane frontages.
- Above ground commercial uses, and
- Typical floor layouts of the residential apartments above with rooftop communal open space;
- Opportunities for public domain improvements on both street frontages.

The key parameters of *State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65)* have been considered within the concept design including:

- Building separation and setbacks;
- Solar access and cross ventilation;
- Communal open space at the rooftop;
- Apartment and balcony sizes, and
- Ceiling heights.

4.2. DESIGN CONSIDERATIONS

The key features of the Preliminary Concept Design are summarised in **Table 5** below. Photomontages of the proposal are illustrated at **Figure 10**, **Figure 11** and **Figure 12**.

Table 5 Summary of the key features

Element	Proposed
Land uses	Ground Floor: retail/commercial uses with retail frontages to Atchison Street and partly to Atchison Lane services and vehicle entry (Atchison Lane). Levels 1 and 2: commercial offices. Level 3 – Level 15: residential dwellings.
New pedestrian through site link	A covered connection along the western boundary to create a north-south pedestrian link that connects Atchison Street to Atchison Lane to be delivered as part of a Voluntary Planning Agreement.
Indicative yield	1,855sqm retail/commercial GFA 65 residential apartments.
Gross Floor Area (GFA) / Total FSR	6887m ² / 6.4:1
Non-residential floor space (GFA/ FSR)	1,844m ² / 1.7:1
Building Height	
Maximum building height (excluding lift overrun)	54.2m (RL143.2)
Maximum building height (including lift overrun)	58.1m (RL147.1)

4.2.1. Basement

Parking and building services will be located within the basement. The concept design illustrates 3 levels of basement parking accessed from Atchison Lane. Allowance has been made within the basement design for car, motorcycle and bicycle parking. Detailed design of the car park basement and total overall spaces will be subject to detailed design during the development application stage and will be consistent with the maximum rate of provision within the DCP or RMS Guide to Traffic Generating Development whichever is the lesser.

4.2.2. Ground Floor and Podium

The ground floor and podium concept plans provide the following:

- Three retail tenancies between 68sqm and 85sqm at ground level.
- The commercial floor space on Levels 1 and 2 has been sized to accommodate a range of business types and formats and includes:
 - A 672sqm commercial tenancy at Level 1 which accounts for the double height void over the proposed through site link.
 - A 843sqm commercial tenancy at Level 2,

- Separate lobby access for the retail uses fronting Atchison Street.
- A new covered pedestrian through site link with double height void adjacent to the western site boundary between Atchison Street and Atchison Lane. Lobby access to the main entry is also available from the through site link.
- The retail tenancies are designed to front Atchison Street, Atchison Lane and also to the pedestrian through site link.
- Vehicular access to the basement and carpark via Atchison Lane.
- At grade loading dock and waste collection area accessed from Atchison Lane.
- Separate commercial and residential waste storage areas adjacent to loading dock.

As detailed in the accompanying Design Report (**Appendix A**) and illustrated in **Figure 10** and **Figure 11**, the ground floor and podium has been based on these key design principles:

- Clearly defined building entry to the residential and commercial lobby
- A safe and well-lit forecourt and through site link which encourages pedestrian movement and permeability between streets and activates the extensive ground floor retail spaces which front both Atchison Street and the through site link.
- A high amenity, fine grain public domain enhanced by paving, street furniture, pedestrian focused lighting, outdoor seating areas and landscaping.
- A podium that provides a distinct human scale at the ground level whilst providing high quality and functional commercial tenancies in the levels above.
- A podium setback that maximises sunlight to the surrounding public domain.

Figure 10 Photomontage of the proposed podium from the southern side of Atchison Street



Source: Kann Finch

Figure 11 Ground plane photomontages



Picture 1 Photomontage of the proposed through site link

Source: Kann Finch



Picture 2 Photomontage of the proposed lobby

Source: Kann Finch

4.2.3. Tower Form

The proposed tower has a height to the parapet of 54.2m (RL 143.2). An allowance for an additional 3.9m height to the top the lift overrun is required, approximately 58.1m (RL147.1) to provide access an area for communal open space at the rooftop. It is proposed this is addressed through a site-specific provision permitting an exceedance of the maximum building height control to facilitate the lift overrun up to a maximum of RL147.1, as outlined in **Section 6.3**.

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

- 26 one-bedroom apartments (40%)
- 13 one-bedroom apartments plus study (20%)
- 26 two-bedroom apartments (40%)

The slender tower design will have a typical floorplate GFA of 388sqm. A typical level will accommodate up to 5 apartments. The Design Report provided states that

The residential floors have minimum ceiling heights to living/dining/bedrooms of 2.7 metres and 2.4 metres to non-habitable spaces. The floor to floor height is typically 3.1 metres. Each apartment has access to a private open space with which meet the minimum areas requirements within the SEPP 65 Apartment Design Guide. A landscaped roof terrace will provide a communal area for the future residents. Four of the five apartments per floor are dual aspect enhancing overall sunlight and natural ventilation.

A minimum of 2 hours direct sunlight between 9:00am & 3:00pm in mid-winter will be enjoyed by more than 72% of the apartments. Similarly, more than 80% of apartments will be naturally cross ventilated. Each apartment has access to a minimum private storage space that will be provided via a combination of space within the apartment or secure storage cage within the basement levels.

Photomontages of the proposed tower form is provided in **Figure 12**.

Figure 12 Photomontages of the tower form



Picture 3 Photomontage looking north-west along Atchison Street

Source: Kann Finch



Picture 4 Photomontage looking south-east along Atchison Street

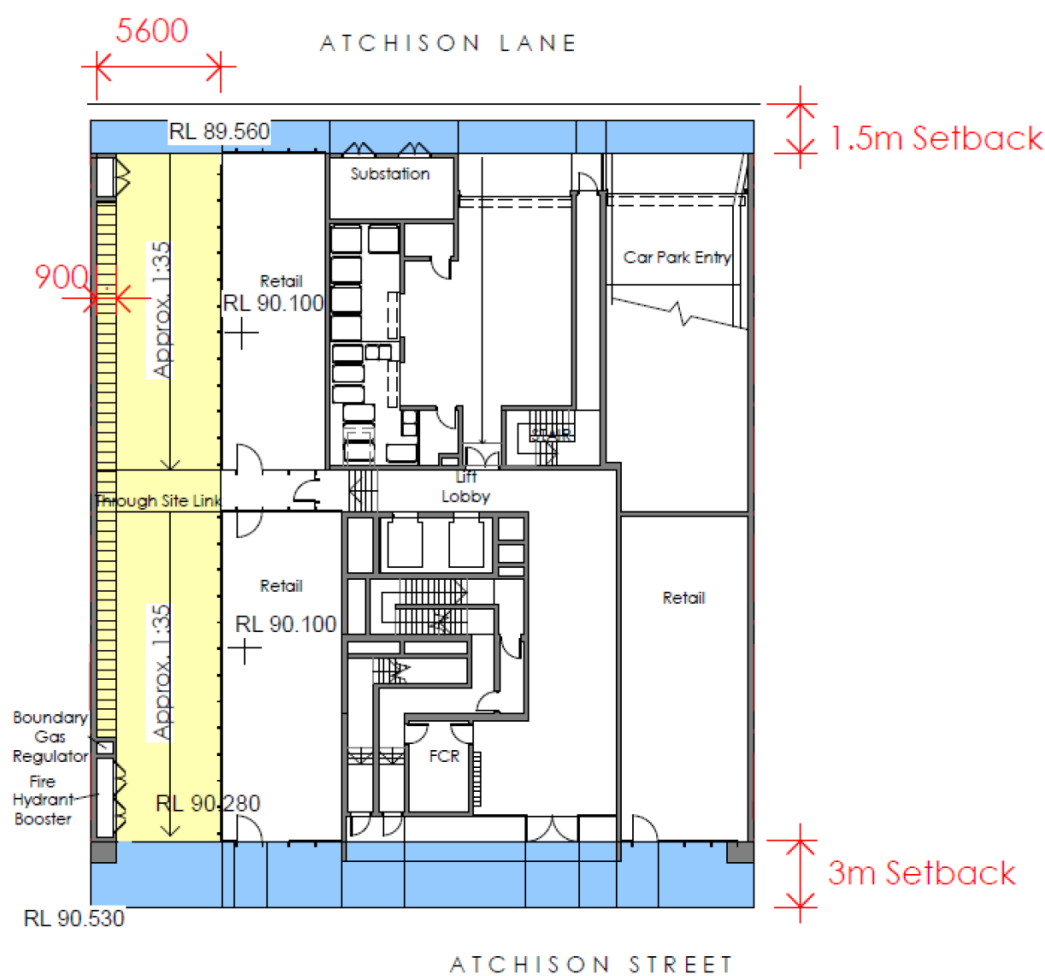
4.2.4. Public Benefit Offer & Voluntary Planning Agreement

A draft Voluntary Planning Agreement (VPA) prepared by Sparke Helmore Lawyers has been endorsed by the proponent and Council and is provided under a separate cover. The draft VPA will be notified under Clause 7.4 of the EP&A Act concurrently with this Planning Proposal.

The contributions proposed in the draft VPA include:

- (a) Provision of a 3-metre-wide building setback from Atchison Street as generally shown on the Plan at **Figure 13**. The Setback Area will be established through the registration of a covenant restricting building (registered prior to a Construction Certificate for above ground works) and an easement for public access to the relevant land (registered prior to the issue of an Occupation Certificate).
- (b) Provision of a publicly accessible pedestrian thoroughfare between 4.6m and 5.6m wide and at least 7m high from Atchison Street to Atchison Lane, as generally identified in the location on the Plan at **Figure 13**, with an easement for public access between 6am to 11pm. The easement will be required prior to issue of an Occupation Certificate.
- (c) A \$1,400,000 monetary contribution towards the upgrade of Hume Street Park or public open space within the suburbs of St Leonards or Crows Nest within the North Sydney Local Government Area. The monetary contribution will be payable in instalments, with 50% of the amount payable prior to the issue of a Construction Certificate for any above-ground works and the remaining 50% of the amount payable prior to the issue of the first Occupation Certificate for the Development.

Figure 13 Identification of setback and publicly accessible thoroughfare



THROUGH SITE LINK PLAN

Source: Kann Finch, Sparke Helmore Lawyers

Refer to the endorsed draft VPA prepared by Sparke Helmore Lawyers provided at **Appendix G**.

The Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Direction 2020, specifies a contribution amount of \$15,100 for each additional dwelling within the contribution area. The Hume Street Park Upgrade is an identified open space project under the 2036 Plan and SIC Scheme. As such, it is expected that any SIC paid by the proponent would also be used to fund the works to Hume Street Park upgrade.

On 12 April 2021, a letter was sent to the DPIE's Director of Operations, Infrastructure and Place Division seeking clarification on whether the public benefits proposed under the accompanying draft VPA will be accepted in lieu of the SIC.

Should the application of the SIC be imposed in addition to any VPA, a review of the draft VPA will be undertaken with the value of public benefits proposed being reduced to take into consideration payment of the SIC.

5. PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act 1979 with consideration of DPIE's A guide to preparing Planning Proposals (December 2018).

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 sections.

6. INTENDED OBJECTIVES AND OUTCOMES

6.1. OBJECTIVES

The primary objective of the Planning Proposal is to amend the NSLEP 2013. The amendments will provide for the urban renewal of the site to accommodate a mixed-use development on the site with a taller building form.

6.2. INTENDED OUTCOMES

The intended outcomes of the planning proposal are as follows:

- To satisfy State Government objectives to grow jobs, housing and infrastructure within the St Leonards health and education precinct and priority precinct.
- 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 permit a lift overrun to a maximum height to facilitate access to a communal rooftop space.
- 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.

6.3. EXPLANATION OF PROVISIONS

6.3.1. Overview

The Planning Proposal seeks to amend the NSLEP summarised in **Table 6**.

Table 6 Existing Controls and Proposed Amendments

Parameter	Existing Standard	Amended Standard	Map Amendment
Building Height	20 metres	56m (RL145)	<i>NSLEP, 2013 Height of Buildings Map-Sheet HOB_001</i>
		A site-specific provision that allows a lift overrun to provide access to communal open space at the rooftop to exceed the maximum building height control to a maximum building height of 58.1m (RL147.1).	<i>NSLEP, 2013 Height of Buildings Map-Sheet HOB_001</i>
Minimum non-residential FSR	0.6:1	1.7:1	<i>NSLEP 2013 Non-residential Floor Space</i>

Parameter	Existing Standard	Amended Standard	Map Amendment
			<i>Ratio Map-Sheet LCL_001</i>
Total maximum FSR	Not applicable	6.4:1	<i>NSLEP 2013 Maximum Floor Space Ratio Map- Sheet FSR_001</i>

6.3.2. Proposed Wording

This Planning Proposal seeks to implement a site-specific provision in Part 6 of the North Sydney LEP to allow a lift overrun providing access to a communal rooftop.

The following provision is proposed:

6.19C Development at 52-56 Atchison Street, St Leonards

(1) This clause applies to land at 52-56 Atchison Street, St Leonards, being Lot 7 Sec 11 DP 2872, and Lots 5 and 6 Sec 11 DP 2872.

(2) Despite any other provisions of this plan, development for the purposes of a lift overrun to provide access to communal open space at the rooftop can exceed the maximum building height control to a maximum building height of 58.1m (RL147.1).

7. STRATEGIC JUSTIFICATION

7.1. NEED FOR THE PLANNING PROPOSAL

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

The DPIE recently completed and endorsed the *St Leonards and Crows Nest 2036 Plan (SLCN Plan)* in August 2020. This builds upon prior studies in the area including North Sydney Council's *St Leonards/ Crows Nest Planning Study – Precinct 2 and 3*, which was completed and endorsed in 2015. These studies identified the strategic opportunities for the area, largely resulting from the operation of the Crows Nest Metro Station in 2024, and the capacity to accommodate more intensive mixed-use, residential and employment growth within St Leonards.

The site is located within Precinct 3 of the study area. The study recommends a future building height of 16 storeys for the site. The study includes 6 design principles which relate to building height. These design principles are addressed in **Table 7** and in the Design Report at **Appendix A**.

Table 7 St Leonards/Crows Nest Planning Study – Building Height Design Principles

Design Principle	Comment
Reinforces the desired character of the area;	The proposed building height contribute towards the high-density character of the St Leonards Centre and will adopt a distinct podium element with a slender tower form.
Adheres to the setbacks, podium height, ground level and above podium setbacks illustrated in maps 6A and 6B;	<p>The proposed built form with podium element will accord with the established adjacent podium and provide opportunity for a range of retail uses that will activate Atchison Street and contribute to the desired future main/civic street function.</p> <p>Pedestrian amenity and public benefit will be enhanced by achieving a 3m podium setback to the Atchison Street frontage and 1.5m to Atchison Lane.</p>
Maximises sunlight access to streets, Mitchell Street Plaza, and the linear parks;	<p>As shown in the accompanying shadow diagrams. The north south orientation of the proposed slender tower will result in faster moving shadows over the public domain and maximise sunlight to streets.</p> <p>The proposal will have minimal impact to the proposed linear park along Oxley Street. The building height proposed in storeys is no higher than the 16 storey height limit envisaged under the Planning Study.</p>
Maximises sunlight access and view sharing of nearby residences;	<p>The proposal maximises solar access to nearby residences though the proposed tower setbacks and slender form which allows for greater solar penetration between buildings.</p> <p>There will be some impact to views to the east from the adjacent building to the west. Generally, the eastern elevation windows are secondary windows to living spaces or bedrooms and studies.</p> <p>Whilst views to the Sydney CBD are restricted by the built form of the Nexus building at No. 15 Atchison Street the orientation of the living areas and balconies within this</p>

Design Principle	Comment
	<p>building means some regional and city views to the north and south can be maintained.</p> <p>Any visual aspect impacted from neighbouring lower-scale properties is reasonable. The proposed height is consistent with the planning study and the impact is considered consistent with those impacts envisaged by the Planning Study.</p>
Provides a high level of residential amenity;	The proposed building height enables the building to achieve a high level of internal amenity including solar access and cross ventilation that is consistent with the requirements of the ADG.
Creates a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment.	The proposed podium setbacks are consistent with the Planning Study and as such contributes to the overall quality and usability of the public domain. The proposed building height and tower setbacks will allow sunlight to access the street level providing greater pedestrian amenity and comfort.

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

The site is a logical and appropriate place to concentrate future growth within the North Sydney LGA. This is because the site is located within an area designated for future growth. The site is located close to services and public transport infrastructure. The planning proposal is the best means of achieving the objectives and intended outcome of the proposal. The alternative means of achieving the objectives are considered in **Table 8**.

Table 8 Options to achieve objectives

Option	Comment
Option 1: do nothing	Without an amendment to the statutory planning controls, the proposed Design Concept for the site cannot be achieved. This means that the associated public benefits and desired building outcome by Council in its strategic study would be lost.
Option 2: - Schedule 1 site specific clause to permit additional floor space and building height;	This approach is undesirable and is best utilised for adding 'additional permitted uses' to a zone rather than increasing built form controls such as building height and/or floor space.
Option 3: Amend the Height of Building and FSR maps	This option is considered most conventional means to give statutory effect to the proposal. Option 3 allows for the relevant strategic and site-specific merits of the proposal to be considered by Council, the DP&E, local community and relevant agencies.

7.2. 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.

7.2.1. 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 State 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. This is because the proposal will provide jobs and encourage housing diversity in a location close to nearby services and facilities.

7.2.2. Greater Sydney Region Plan (2017)

The *Greater Sydney Region Plan (GSRP)* continues the themes provided in the previous A Plan for Growth Sydney. The GSRP focuses on providing infrastructure to increase access to services and employment, via the three cities of Sydney.

Ten directions have been defined to direct growth within the identified districts. The site is within the North District. The North District Plan was finalised in March 2018. The GSRP housing targets for the North District as follows:

- A 0-5 year target of **25,950**;
- A 20-year target of **92,000**.

St Leonards and Crows Nest are identified as a Priority Growth Area and Urban Renewal Corridor. St Leonards forms part of the Eastern Economic Corridor and is defined as one of Greater Sydney's nine commercial office precincts. St Leonards, Frenchs Forest and Macquarie Park are defined as a Collaboration Area and will share resources and investment across the area.

The proposal is consistent with the objectives of the GSRP for these reasons:

- The proposal optimises the use of infrastructure given its strategic location close to existing and planned rail services. The proposal's location will encourage usage of existing and new public transport infrastructure.
- The proponent will collaborate with Government to ensure that residential growth provided will benefit the local community. This will be achieved through potentially a mix of state and local developer contributions and provision of a pedestrian through site link and towards the improvement of Hume Park.
- The proposal provides housing supply through the provision of 65 new dwellings. The new dwellings will contribute to the short to medium term housing targets for the North District. The proposal focuses on 1 and 2-bedroom apartments to deliver a range of apartment types and sizes to cater for the growing population in St Leonards.
- The proposal's strategic location integrates land use and transport and supports the creation walkable and 30-minute cities.
- The proposal will offer upgraded commercial space to revitalise investment and business activity within St Leonards. These spaces will support a globally competitive health, education precincts and supply more jobs.
- The proposal will enhance public open spaces and access around the site through public domain upgrades and provision of a through site link.
- The proposal will contribute to providing an efficient city. The proposal will promote walkable neighbourhoods and low carbon transport options. The site is near to existing and future public transport, services which will reduce private car use.

7.2.3. North District Plan (2018)

The site is located within North District of Greater Sydney. The revised North District Plan reflects changes to the districts and the broader vision of Sydney as a three-city metropolitan region.

The key targets of *North District Plan* are below:

- Housing – an additional 92,000 dwellings by 2036.
 - North Sydney has a 5-year housing target of 3,000 new dwellings.
- St Leonards has a baseline job target of 54,000 and an upper level target of 63,500 by 2036.

The proposal is consistent with the *North District Plan* and the identified 'Actions' for St Leonards for these reasons:

- The proposal provides housing near to services, jobs and transport. The proposal delivers more jobs and residential capacity to leverage off the NSW State Government's significant investment in the Sydney Metro.
- The proposal is consistent with the productivity objectives of the plan and will grow jobs in the centre. The proposal upgrades older commercial floor space to suit a wider range of businesses and services. The mixed-use proposal will deliver an integrated land use and transport outcome which promotes the 30-minute city.
- The proposal will increase housing capacity in St Leonards. The proposal will foster liveable healthy communities by ensuring people can live where they can access jobs, transport and services without a car.
- The proposal will contribute to providing services and social infrastructure through a proposed VPA.
- The proposed renewal will contribute to creating a vibrant and active local centre with high quality public spaces. Active retail frontages will be provided to both Atchison Street and the proposed through site link.
- The proposal delivers high quality open space by providing opportunities to beautify the site's street frontage. A new public through site link will contribute to the network of accessible pedestrian spaces in the centre.

7.2.4. St Leonards and Crows Nest 2036 Plan

The SLCN Plan was completed by the DPIE in August 2020 and is part of a suite of documents which provide a framework for positive change in Crows Nest and St Leonards. These documents include:

- St Leonards and Crows Nest Local Character Statement,
- St Leonards and Crows Nest Green Plan,
- Special Infrastructure Contribution Scheme.

These documents identify opportunities for renewal and rezoning in St Leonards and Crows Nest and is based on a vision for growth and improvement in the area to 2036. The plan has also been closely informed by community aspirations as identified in the Local Character Statements and the extensive community consultation conducted during preparation and finalisation of these documents. A Special Infrastructure Contribution Scheme has been developed alongside the Plan to assist with funding and delivery of State and regional infrastructure to support the areas sustainable growth (refer **Section 3.2**).

The SLCN 2036 Plan identifies a number of site-specific built form controls. The height and FSR controls identified in the SLCN 2036 Plan for the subject site are as follows:

- A building height of 16 storeys;
- Overall FSR of 6:1; and
- A minimum non-residential FSR of 1:1.

The Planning Proposal is generally consistent with the built form provisions, vision, objectives and actions of the SLCN 2036 Plan insofar that it seeks to:

- Increase the maximum building height control from 20 to 56m (RL145) to accommodate a 16-storey mixed use building as envisaged under the SLCN 2036 Plan.
- Establish an overall FSR of 6.4:1. Whilst this exceeds the FSR identified under the SLCN 2036 Plan by 432 sqm, it represents a minor variation and does not undermine the vision, objectives and actions of the Plan.
- Increase the minimum non-residential FSR to 1.7:1. Whilst this is greater than that identified for the site under the SLCN 2036 Plan, it enables the proposal to offset the 324 sqm net reduction of employment floorspace on the subject site.

A detailed assessment of the proposal's consistency with the visions, objectives and actions of SLCN 2036 Plan is outlined under **Table 9** below.

Table 9 Alignment with the St Leonards and Crows Nest 2036 Plan

SCLN Plan	Planning Proposal Response	Consistency
<u>Vision</u>		
<i>Sitting at the heart of the Eastern Economic Corridor; connectivity, innovation and a commitment to great design will see the St Leonards and Crows Nest area transform as a jobs powerhouse. Mixing commercial and residential, the centre will offer workers, residents, students and visitors a variety of homes, jobs and activities with increased accessibility with a new world class metro service.</i>	<p>The Planning Proposal will positively contribute to the emerging character of St Leonards. The proposal is compatible in height, scale and orientation with the future built form, whilst also complements the existing character and varied (higher and lower) planned building heights on surrounding sites.</p> <p>In regard to use, the mixed-use concept scheme will support a range of diverse retail, employment and residential uses, contributing to the delivery of a genuine mixed-use precinct within the St Leonards CBD. This will provide a mix of homes to the diverse range of people within the area, and also supporting employment opportunities for future residents. The site's proximity to the Crows Nest Metro Station will support usage of the infrastructure investment and provide enhanced accessibility and connectivity through the Greater Sydney region.</p>	✓
<u>Precinct Objectives</u>		
Infrastructure and Collaboration		
<i>Deliver key State and regional infrastructure to support long-term growth.</i>	State and regional infrastructure is a matter for Council and NSW Government consideration.	N/A
<i>Coordinate the delivery of key infrastructure between NSW Government and councils.</i>	Coordination of infrastructure delivery is a matter for Council consideration.	N/A
<i>Enhance quality of life by providing infrastructure to support place outcomes.</i>	The indicative mixed-use scheme will make efficient use of existing services and infrastructure. As discussed in Section 4.2.4 , the Planning Proposal is also accompanied by an	✓

SCLN Plan	Planning Proposal Response	Consistency
	endorsed Voluntary Planning Agreement and acknowledgement that the SIC may apply to future development. This can be utilised to support local infrastructure to support place outcomes.	
<i>Coordinate the delivery of infrastructure with growth to ensure infrastructure is available at the right time.</i>	The site is located proximate to the Sydney Metro transport infrastructure and the new Crows Nest station. The development of the indicative concept scheme will reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at St Leonards and future patronage at Crows Nest station.	✓
Liveability		
<i>Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.</i>	Whilst not within a Heritage Area, building materials will be selected at detailed design stage as part of a future Development Application. These materials will be consistent with the surrounding area.	✓
<i>Retain and enhance the village atmosphere in and around Crows Nest, particularly along Willoughby Road</i>	The proposal is not located within Crows Nest or Willoughby Road and as such will not impact on the village atmosphere. However, the proposed retail spaces will contribute towards Council's plans for activating Atchison Street as a main street.	✓
<i>Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.</i>	Casual surveillance of the public domain can be achieved through the active uses on the ground floor fronting the new through site link and Atchison Street. Universal access principles will be considered as part of the detailed design.	✓
<i>New development should have consideration to wind impacts demonstrated through a wind assessment.</i>	As illustrated in the concept design report the proposed building has been designed to include an awning that will provide further protection to the public domain. A wind assessment can be provided at the Development Application stage once the detailed design is further progressed.	✓
<i>New buildings adjoining Hume Street Park should contribute to the village green atmosphere. They should also provide an active frontage to the park and encourage connections between Willoughby Road, Hume</i>	The site does not adjoin Hume Street Park.	N/A

SCLN Plan	Planning Proposal Response	Consistency
<i>Street Park and Crows Nest Metro Station.</i>		
<i>Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.</i>	The proposal is consistent with the expected built form envisaged by the SLCN. Refer to discussion of amenity impacts contained in Section 7.3 .	✓
<i>Contain taller buildings between St Leonards Station and Crows Nest Metro Station.</i>	The built form is consistent with this approach being on Atchison Street between St Leonards and the proposed Crows Nest Metro Station.	✓
<i>In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.</i>	The site is not located within a transition area.	N/A
<i>New building design should provide high on-site amenity and consider street width and character by providing ground and upper level setbacks and awnings to achieve a human scale at street level.</i>	<p>The building envelope has considered amenity. The podium will be setback 3m from the boundary with an awning provided over the footpath along Atchison Street. A 3.25m rear setback will be provided from the Podium to Atchison Lane.</p> <p>Upper level tower setbacks will 6m to the side boundaries, allowing for a well separated built form with access to light and air.</p> <p>Approximately 75% of the street edge is activated by retail space and residential/commercial lobbies. A new through site link will be provided which will include entries to new retail tenancies.</p>	✓
<i>Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.</i>	<p>The indicative concept scheme incorporates a range of dwelling types as follows:</p> <ul style="list-style-type: none"> ▪ 26 one-bedroom apartments (40%) ▪ 13 one-bedroom apartments plus study (20%) ▪ 26 two-bedroom apartments (40%) <p>The diversity in dwelling size and typology will accommodate a range of life cycles.</p>	✓
<i>Investigate and secure locations for education establishments to service the precinct. This includes early childhood, schools, and tertiary education facilities that may be needed to deliver education services.</i>	Not applicable.	N/A

SCLN Plan	Planning Proposal Response	Consistency
Productivity		
<i>Ensure new employment sites in the area cater to a range of business types and sizes.</i>	The retail and commercial spaces within the podium have been appropriately sized to cater for a range of business types and sizes.	✓
<i>Foster development of high technology and health related uses in the light industrial area to support the surrounding hospitals</i>	The site is not located within the light industrial area adjacent to RNSH Hospital however could support such uses if required.	N/A
<i>New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.</i>	An active street frontage will be provided with retail spaces fronting Atchison Street and the new through site link.	✓
<i>Protect large commercial core zoned sites to ensure employment uses are protected into the future.</i>	Site is zoned mixed use however still provides over the required amount of commercial floor space. The indicative concept scheme accommodates 1,855sqm of retail/commercial GFA.	✓
Sustainability		
<i>Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan</i>	The shadow diagrams demonstrate that there will be no additional overshadowing of the public open spaces within this figure.	✓
<i>New development along Chandos, Oxley and Mitchell Streets should provide wider setbacks to enable the creation of greener streets</i>	Not applicable.	N/A
<i>New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks and forecourts.</i>	The site does not adjoin landscaped areas. The provision of landscaping on the site will be considered at detailed design stage.	N/A
<i>New development in nominated areas along the Pacific Highway should be set back 3 metres and incorporate elements such as avenue planting, below ground setbacks for deep soil planting</i>	The site is not located on the Pacific Highway.	N/A

SCLN Plan	Planning Proposal Response	Consistency
<i>Incorporate new street trees to realise the tree canopy targets identified on Page 3 and increase the overall tree coverage in the area.</i>	Street trees and landscaping of the public domain will be considered at detailed design stage.	✓
<u>Actions</u>		
Place		
<i>Investigate opportunities for improved connections to the health and education precinct.</i>	The site is not located within, or directly adjacent to, the health and education precinct.	N/A
<i>Retain the current heritage status in existing planning controls.</i>	The site is not identified as a local heritage item.	N/A
<i>Transition heights from new development to surrounding Heritage Conservation Areas</i>	The site is not located within, or directly adjacent to, a heritage conservation area.	N/A
<i>New development should adopt the street wall height consistent with existing heritage shopfronts for new buildings in the same street.</i>	The site is not located within proximity to a heritage item along Atchison Street.	N/A
<i>Maintain current planning controls along Willoughby Road to retain its village feel and character.</i>	The site is not located on Willoughby Road.	N/A
<i>Improve the public domain by introducing 'green streets' along Oxley, Mitchell, and Chandos Streets to allow for setbacks with grass and canopy trees.</i>	The site is not located on Oxley, Mitchell or Chandos Streets. However, it is noted the proposal will contribute to the achievement of this objective on Atchison Street through the proposed 3m ground-floor setback to Atchison Street, which can accommodate street trees and greenery within the setback zone.	✓
<i>Investigate inclusion of shared zones along Clarke Lane including the provision of traffic calming measures.</i>	The site is not located along Clarke Lane.	✓
<i>New development should consider its place within country, including Aboriginal heritage by (at least) consulting with the Metropolitan Local Aboriginal Land Council.</i>	The site has no identified or known items of Aboriginal significance, and as such consultation with the Metropolitan Local Aboriginal Land Council is not required. Consideration of Aboriginal heritage significance will be further considered and incorporated where possible into a future development application.	✓

SCLN Plan	Planning Proposal Response	Consistency
<i>Widen key streets (including Atchison Street) to support more active uses and allow for green elements e.g. planter boxes.</i>	Amendment to street widths is a matter for Council consideration. The proposal supports this objective through the proposed 3m setback to Atchison Street to facilitate the provision of street trees and planter boxes.	✓
Landscape		
<i>Leverage the improved amenity and connectivity opportunities from Lane Cove Council's proposed St Leonards Plaza, through:</i> <i>Investigate improvements for pedestrian crossings of Pacific Highway.</i> <i>New/improved connections to the regional pedestrian cycling link.</i> <i>Support for investigation of an indented bus stop as part of the plaza.</i> <i>Support for links to recent and proposed development either side of Council's future St Leonards Plaza.</i>	The site is not located within, or in direct proximity to, the future St Leonards Plaza.	N/A
<i>Protect and enhance natural links through the area. Refer to final Green Plan.</i>	The proposal will not impact existing or proposed natural links within the area.	✓
<i>Work with North Sydney Council to redevelop Holtermann Street carpark by bringing forward development contributions.</i>	The SIC and future development contributions required as part of a future development application can be utilised to fund this action.	✓
<i>Investigate opportunities to upgrade Hume Street Park consistent with North Sydney Council policy.</i>	The draft VPA offer includes a \$1.4 million monetary contribution towards the upgrade of Hume Street Park, which is an identified open space project under the 2036 Plan and SIC scheme. Should the application of the SIC be imposed in addition to any VPA, a review of the draft VPA will be undertaken with the value of the public benefits proposed reduced to take into consideration payment of the SIC (refer to Section 4.2.4).	✓
<i>Introduce landscaped street setbacks along Oxley, Mitchell, and</i>	The site is not located on Oxley, Mitchell or Chandos Streets. However, it is noted the proposal will contribute to the achievement of this objective on Atchison Street through the	✓

SCLN Plan	Planning Proposal Response	Consistency
<i>Chandos Streets to allow for additional street trees.</i>	proposed 3m ground-floor setback to Atchison Street, which can accommodate street trees and greenery within the setback zone.	
<i>Maintain and expand tree canopy in St Leonards South to meet tree canopy target for the area identified at page 3. Investigate opportunities to expand Newlands Park and new public park in St Leonards South.</i>	Street trees and landscaping of the public domain will be considered at detailed design stage in a future development application. The provision of landscaping will respond to relevant landscaping targets and objectives. The site is not located in proximity to Newlands Park or within the St Leonards South precinct.	✓
Built Form		
<i>Deliver a transit-oriented development at the Crows Nest Metro Station sites.</i>	The site is not located within, or adjacent to, the Crows Nest Metro Station.	N/A
<i>Apply design principles for solar amenity, configuration, and interface between areas of transition.</i>	<p>The proposed building envelope has considered amenity as follows:</p> <ul style="list-style-type: none"> Ground-level setbacks will provide 3m to Atchison Street (with an awning over the footpath) and 3.25m rear setback to Atchison Lane to allow for an extension of the public domain into the site. Approximately 75% of the street edge will be activated by retail space and residential/commercial lobbies. Upper-level tower setbacks will 6m to the side boundaries, allowing for a well separated built form with access to light and air. A new through site link will be provided to enhance site connectivity and provide entries to new retail tenancies. The site is located within an area undergoing change to higher densities and is not located within a transition area. 	✓
<p><i>New development should be sympathetic to existing buildings with appropriate setbacks and street wall height (pages 69 and 70).</i></p> <p><i>Street wall height: 4 storeys</i></p> <p><i>Setbacks: 3m reverse setback</i></p>	<p>The proposed 3-storey podium maintains the scale of a 4- storey podium/street wall through generous floor to ceiling heights, particularly on ground level with a floor to ceiling height of 4.1m.</p> <p>Whilst the proposed concept scheme does not adopt a reverse setback podium, the following is noted:</p> <ul style="list-style-type: none"> Reverse setbacks are not considered an appropriate design outcome on this site. The adjacent buildings have adopted a regular tower setback above a podium form, providing a strong street wall and providing definition to the street edge. The indicative concept scheme will be consistent with this urban design approach 	Justification provided

SCLN Plan	Planning Proposal Response	Consistency
	<p>and will further enhance the street wall along Atchison Street.</p> <ul style="list-style-type: none"> ▪ The draft VPA (Appendix G) includes the provision of a 3-metre-wide building setback from Atchison Street, to be established through registration of a covenant restricting built form in this location (above ground). This will ensure that any future development on the site retains this setback area. ▪ The increased 3m setback allows for greater public space at the front of the building which will contribute to the active areas provided adjacent to the new through site link. ▪ An awning will contribute to mitigating potential wind impacts to the public domain. 	
<i>Adopt reverse setbacks and active street frontages to improve the interface between new buildings and the public domain along Atchison Street and Clarke Lane</i>	As outlined above, a reverse setback is not considered appropriate for this site. The proposed 3m setback to Atchison Street and provision of 2 x retail tenancies, a lobby and through site link along the Atchison Street frontage will activate the adjacent public domain and promote activity along this key street.	Justification provided
<i>Provide stepped setbacks for properties on the south side of Henry Lane to provide a sympathetic interface with Naremburn Heritage Conservation Area.</i>	The site is not located within, or adjacent to, the Naremburn Heritage Conservation Area.	N/A
<i>Provide appropriate transitions in height to adjoining low scale residential areas.</i>	The site is not located within a transition area.	N/A ✓
<i>Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38).</i>	<p>The proposal maximises solar access to nearby residences through the proposed tower setbacks and slender form which allows for greater solar penetration between buildings.</p> <p>In regard to key open spaces, the shadow diagrams demonstrate that there will be no additional overshadowing of public open spaces within this figure. In regard to the streetscape along Oxley Street, the shadow diagrams provided in the Urban Design Report (Appendix A) illustrate that the proposed built form will result in a minor addition to the overshadowing of Oxley Street at 3pm, outside of the identified time period of 11:30am – 2:30pm.</p>	✓

SCLN Plan	Planning Proposal Response	Consistency
<i>Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest, to tall buildings in the St Leonards Core.</i>	The site is located to the west of Willoughby Road and is not located within the direct transition area of Crows Nest and St Leonards.	N/A
<i>Adopt objectives from the Government Architect NSW's Evaluating Good Design Policy in the drafting of new planning provisions.</i>	These objectives have been considered in the drafting of the proposed provisions outlined in Section 6.2.	✓
<i>Provide a landscaped front setback to Oxley Street between Clarke and Chandos Streets to encourage a sensitive interface to areas east of Oxley Street.</i>	The site is not located on Oxley Street.	N/A
Land Use		
<i>Investigate further opportunities to strengthen the health and education precinct including the identification of education pathways through TAFE and other institutions, physical connection to support collaboration and identify opportunities to share new and existing facilities.</i>	The site is not located within the health and education precinct.	N/A
<i>Commit SIC funding to provide infrastructure that caters for all age demographics including pedestrian and cycle links and parks</i>	Commitment of SIC funding is a matter for Council consideration.	N/A
<i>Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.</i>	<p>The proposal seeks to permit up to a maximum of 5,043sqm of residential floor space on the site. The indicative concept scheme demonstrates the diversity of this floor space through provision of a mix of unit types as follows:</p> <ul style="list-style-type: none"> ▪ 26 one-bedroom apartments (40%) ▪ 13 one-bedroom apartments plus study (20%) ▪ 26 two-bedroom apartments (40%) <p>The range of dwelling types will accommodate a diversity of future residents, thereby contributing to the St Leonards community.</p>	✓
<i>Concentrate higher density housing along the Pacific Highway between the St Leonards Station and Crows Nest Metro Station and transition to</i>	The site is not located within the Pacific Highway corridor.	N/A

SCLN Plan	Planning Proposal Response	Consistency
<i>lower density living options in the surrounding area.</i>		
<i>Encourage a mixture of densities in St Leonards South.</i>	The site is not located within St Leonards South.	N/A
<i>Undertake investigations to identify an appropriate target for affordable housing in the area, consistent with each Councils affordable rental housing target schemes.</i>	Affordable housing targets are a matter for Council consideration.	N/A
<i>Explore build-to-rent opportunities within the precinct</i>	The proposal does not seek to deliver build to rent on the site.	N/A
<i>Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.</i>	The proposal directly aligns with this key action through the proposed objective of providing a mixed-use development incorporating 1-level of retail floor space, 2-levels of commercial floor space, and 13-levels of residential floor space. The indicative concept scheme proposes 1,844sqm (a total FSR of 1.7:1) of non-residential floor space. This will be solidified within the planning controls through the proposed increase to the minimum non-residential FSR from 0.6:1 to 1.7:1. The non-residential floor space will have the potential to generate up to 106 employment opportunities. This will contribute to the St Leonards employment target of 4,570 new jobs by 2036.	✓
<i>Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space (page 65).</i> <i>Land zoning: B4 Mixed Use</i>	The Planning Proposal supports a range of diverse retail, employment and residential uses in accordance with the B4 zoning objectives. These uses will be delivered on a site which has historically been commercial only. The proposal will contribute to achieving a genuine mixed-use precinct within the St Leonards CBD, and will support the ongoing renewal of floor space within the centre. The commercial floor space on Levels 1 and 2 has been sized to accommodate a range of business types and formats, with further design development to occur within a future development application.	✓
<i>Retain B3 Commercial Core zone on appropriate sites to maintain future viability of the St Leonards Core (page 65).</i>	The site is not located within the B3 Commercial Core zone.	N/A ✓

SCLN Plan	Planning Proposal Response	Consistency
<i>Protect and manage the Artarmon Employment Area</i>	The site is not located within the Artarmon Employment Area.	N/A
<i>Enable flexibility in planning controls to consider innovative and complementary health and education related uses on a site by site basis within the Artarmon Employment Area and health and education precinct.</i>	As above.	N/A
<i>Investigate new early childhood, schools and tertiary education facilities in the Precinct, supported via SIC funding.</i>	Commitment of SIC funding is a matter for Council consideration.	N/A
<i>Investigate introduction of Complying Development Provisions for cafes, restaurants and retail with extended trading hours.</i>	Complying development provisions is a matter for DPIE and Council consideration.	N/A
<i>Ensure land is available at Royal North Shore Hospital for future expansion of health uses.</i>	The site is not located adjacent to the Royal North Shore Hospital.	N/A
<i>Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.</i>	The indicative concept scheme proposes three retail tenancies between 68sqm – 85sqm at ground level, in order to activate Atchison Street, Atchison Land and the pedestrian through site link. The provision of retail floor space with the St Leonards mixed-use core will retain the supremacy of employment uses within the Artarmon Employment Area.	✓
<i>Support investigations into the Herbert Street Precinct to provide new health services, affordable and key worker housing and additional education facilities.</i>	The Herbert Street precinct investigations are a matter for Council consideration.	N/A
Movement		
<i>Provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core, the future Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.</i>	The indicative concept scheme proposes a north-south through site linkage between 4.5m – 5.6m wide and at least 7m high. As outlined in Section 4.2.4 , the endorsed VPA proposes to implement an easement for public access between 6am – 11pm to ensure the ongoing accessibility of this linkage. This will improve pedestrian and cycle	✓

SCLN Plan	Planning Proposal Response	Consistency
	<p>accessibility throughout the St Leonards mixed-use core and enhance access to Chandos Street.</p> <p>The site is not in direct proximity of the Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.</p>	
<p><i>Investigate footpath improvements:</i></p> <p><i>Enhance amenity and connectivity along Clarke Lane to support access to the Crows Nest Metro Station with a continuous shared path treatment and reverse setbacks at ground level.</i></p> <p><i>Widen the footpath along Sergeants Lane to support access to St Leonards Station and complement plans for active retail along Atchison Street.</i></p> <p><i>Provide shade and shelter for pedestrians with reverse setbacks along Atchison Street and tree lined green streets along Chandos, Oxley and Mitchell Streets.</i></p>	<p>Footpath upgrades are a matter for Council consideration. However, it is noted the proposed 3m podium ground level setback to Atchison Street will widen the public domain and activate the proposed retail tenancies along this frontage.</p>	✓
<p><i>Investigate cycle path improvements</i></p> <p><i>Prioritise delivery of cycle infrastructure identified by North Sydney Council and Bike North including dedicated cycle lanes on Henry Lane and Burlington Street.</i></p> <p><i>Bicycle crossing facilities should form part of upgrades to the signalised intersections along cycling routes including where they cross Pacific Highway and Oxley Street.</i></p> <p><i>Cycling infrastructure along the Pacific Highway is identified as a long-term consideration contingent upon a detailed assessment of the effects of major infrastructure investments as part of detailed traffic and transport modelling currently underway</i></p>	<p>Cycle paths are a matter for Council consideration.</p>	N/A

SCLN Plan	Planning Proposal Response	Consistency
<i>Deliver a regional pedestrian and cycling link to connect the area and regional open space</i>	Provision of regional linkages are a matter for Council and DPIE consideration.	N/A
<i>Improve pedestrian crossings</i>	Upgrades to pedestrian crossings are a matter for Council consideration.	N/A
<i>Undertake road network improvements</i>	Road network improvements are a matter for Council consideration.	N/A
<i>Provide a pedestrian and cyclist extension from the Herbert Street bridge to improve east west connectivity</i>	Not applicable.	N/A
<i>Limit the amount of car parking provided for new developments.</i>	Parking has been provided in accordance with the maximum requirements of the NSDCP 2013. The future DA will be required to provide parking for the residential component in accordance with the ADG which requires the lesser of either the NSDCP 2013 or the RMS Guide to Traffic Generating Development.	✓
<i>Subject to further investigations, provide funding of a right hand turn only movement from the Pacific Highway to Oxley Street for south bound traffic to reduce traffic in St Leonards Core created by the current limitation on this movement.</i>	Funding of upgrades is a matter for Council consideration.	N/A
<i>Improve pedestrian and cyclist comfort with tree lined streets along Reserve Road, Westbourne, Herbert, and Frederick Streets.</i>	Not applicable.	N/A
<i>Promote the provision of end of trip facilities to support cycling.</i>	End of trip facilities will be considered in the detailed design stage of a future Development Application.	✓
<i>Encourage the use and implementation of car share facilities.</i>	Car share facilities will be considered in the detailed design stage of a future Development Application.	✓

7.2.5. NSW Long Term Transport Master Plan and the Draft Future Transport 2056 Strategy.

The *NSW Future Transport 2056 strategy* (**Future Transport 2056**) is the 2018 update of the *NSW Long Term Transport Master Plan* (**the Transport Master Plan**). The plan is a 40-year vision for mobility in NSW. Both plans are addressed below.

The NSW Long Term Transport Master Plan

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

The Plan recognises that State Government investment in transport will grow and enhance businesses and precincts. The plan 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 Transport Master Plan. The proposal provides a high density residential, commercial and community development near train and bus networks. The existing network provides excellent linkages to key nearby employment centres.

These short and long-term objectives promote the connectivity of St Leonards to the CBD and surrounding centres. The mixed-use proposal is timely given the proposed infrastructure upgrades planned to improve travel times between northern Sydney and the CBD.

Future Transport 2056 Strategy

The Future Transport 2056 outlines the vision for the Greater Sydney mass transit network. The strategy identifies St Leonards as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD) via North Sydney.

Future Transport 2056 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. The locality will significantly benefit from the frequency of transport services and upgraded infrastructure provided by the proposed public transport upgrades.

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

The St Leonards/ Crows Nest Planning Study – Precinct 2 and 3 (the 'Planning Study') May 2015, has been adopted by Council. The study 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 Proposal provides a 16-storey mixed use residential building as recommended in Council's Planning Study.

The planning proposal does seek to vary the requirement for a four (4) storey street wall and 3m setback above the street wall. This variation is considered justifiable for the following reasons:

- The proposed 3 storey podium maintains the scale of a 4- storey podium/street wall through the application of generous floor to ceiling heights and will step down from the podium of the adjacent building at 40-48 Atchison Street to suit the fall towards Oxley street.
- The tower and podium are setback 3m from the boundary which allows for a more generous public domain increased pedestrian amenity and activation of the ground floor retail tenancies at ground level.
- The podium height is consistent with the established podium heights to adjacent buildings and provides a pedestrian scale which contributes to the desired character of St Leonards as emphasised within the Planning Study
- The proposed tower setback to Atchison Street aligns with the adjacent tower at 4—48 Atchison Street to the west and both defines the street edge and allows for greater internal amenity to the apartments fronting Atchison Street The reduced above podium setback to Atchison Lane aligns with the northern façade of the adjoining building at 40-48 Atchison street and was endorsed by the Design Review Panel on the basis that 6m setbacks to the East and West tower facades were maintained.

Notwithstanding the above the proposed podium and tower remain consistent with the built form objectives within the St Leonards / Crows News Planning Study as detailed in **Table 10** below:

Table 10 Assessment against the built form objectives

Objective	Response
<i>Award-winning architectural design offering quality mixed use and commercial development</i>	The proposed building envelope allows for a high-quality design with flexible commercial spaces that will offer high levels of amenity and functionality. The proposed envelope will accommodate slender tower design above the podium that allows for design excellence and apartments that will be consistent with the requirements of the ADG.
<i>A built form that transforms St Leonards into a modern, mixed use centre, and</i>	The proposed built form will contribute to the continued revitalisation of St Leonards as a modern, mixed use centre through the development of an older commercial site that is located within an area undergoing significant transition and intended for urban renewal within the both the Planning Study and the SLCN Plan.
<i>Additional residential and employment capacity to meet the demand for new jobs and housing in the LGA</i>	The proposal will add both additional residential and employment capacity above the minimum requirements to meet the demand for new jobs and housing within the LGA.
<i>Human scale to streets & laneways</i>	<p>The 3 -4 storey podium incorporates a ground plane design that recognises pedestrian scale and connectivity by adopting a 3-metre building setback from the Atchison Street boundary which facilitate an active street frontage.</p> <p>The proposed through site link from Atchison Street to Atchison Lane will also contribute towards Council's plans for a well-connected centre.</p>
<i>Greater pedestrian amenity and more room for outdoor dining</i>	The proposed setbacks and covered through site link will facilitate active frontages providing greater activation and pedestrian amenity with future opportunities for outdoor dining.

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

The proposals consistency with current State Environmental Planning Policies (**SEPPs**) and Regional Environmental Plans (**REPs**), which are deemed SEPPs, are summarised in **Table 11**.

Table 11 Consistency with State Environmental Planning Policy

State Environmental Planning Policy	Comment
SEPP (Koala Habitat Protection) 2020	Not applicable
SEPP (Koala Habitat Protection) 2021	Not applicable
SEPP (Aboriginal Land) 2019	Not applicable
SEPP (Activation Precincts) 2020	Not applicable

State Environmental Planning Policy	Comment
SEPP (Concurrences and Consents) 2018	Not applicable
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. Whilst the State government has commenced an urban renewal investigation in this area the proposal responds to a comprehensive precinct study by Council in 2015. As such, processing of this application 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 Lands) 2008	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	The future development application will not trigger referral 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

State Environmental Planning Policy	Comment
SEPP (Building Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>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.</p>
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
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. 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	Given the ongoing commercial use on the site it is expected that the site is suitable for the proposed use. Nevertheless, a Phase 1 Preliminary Site Investigation will be undertaken as part of any future development application.
SEPP No. 62 Sustainable Aquaculture	Not applicable
SEPP No. 64 Advertising and Signage	Not applicable
SEPP No. 65 Design Quality of Residential Apartment Development	An analysis of the indicative concept design has been undertaken by Kann Finch Architects. The analysis confirms

State Environmental Planning Policy	Comment
	<p>that the development could achieve an acceptable level of internal amenity for future residents.</p> <p>Based on the indicative apartment layout tested by Kann Finch, the following is noted:</p> <ul style="list-style-type: none"> ▪ The residential component consists of 65 apartments suited to a variety of lifestyles. An indicative dwelling mix is 1 bedroom units (60%) 2 bedroom units (40%). ▪ The residential floors have floor to floor height of 3.1 metres. The proposal is able to achieve the minimum ceiling heights under SEPP 65. ▪ Each apartment has access to a secure private open space such as a balcony with minimum areas of 8-12m² based on apartment size. A communal open space area at the rooftop will also be provided for occupants ▪ When modelled against the surrounding future context, approximately 72% of apartments will receive 2 hours of sunlight in mid-winter. ▪ 80% 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
SEPP Vegetation in Non-Rural Areas	Not applicable
SEPP Coastal Management 2018	Not applicable
SEPP (Gosford City Centre) 2018	Not applicable
Draft Environment SEPP	There is no existing vegetation on the site. The site is within an existing urban area and as such will have minimal additional impact on the surrounding natural environment.
Draft SEPP Primary Production and Rural Development	Not applicable
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

State Environmental Planning Policy	Comment
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 (Deemed SEPP)	The site is within the Sydney Harbour Catchment to which this plan applies. The proposal is unlikely to have any additional impact on the water quality of Sydney Harbour as it is within an existing high-density urban environment. Strategies to reduce overall surface runoff and water retention on the site will be considered as part of the detailed design.
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 (s9.1 directions)?

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in **Table 12**.

Table 12 Section 9.1 Compliance Table

Ministerial Direction	Comment
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 is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposed commercial floor space will replace lower grade commercial floor space with upgraded space which will provide for a wider range of new businesses. ▪ The ground floor will include a new through site link which provides activation and vibrancy to these new retail and commercial tenancies. ▪ The proposal provides a non-residential component which exceeds both the NSLEP 2013 (0.6:1), the more recent St Leonards and Crows Nest Planning Study (1.5:1) and the SLCN Plan (1:1) ▪ The revised proposal provides 1,844sqm of non-residential GFA. 1. The proposed new employment spaces will have the potential to generate up to 106 jobs. ▪ The proposed concept and use will support the viability of the St Leonards as it transitions into a mixed-use centre which requires more retail service offering than presently available.

Ministerial Direction	Comment
	<ul style="list-style-type: none"> Despite reducing commercial floorspace, the proposal satisfies Council's recommended non-residential minimum FSR, and as such achieves the objectives of this Direction.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Management	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
2.6 Remediation of Contaminated Land	<p>Douglas Partners have prepared a Preliminary Site Investigation (PSI) Report to address this direction and assess the potential for contamination based on past and present land uses. This report is provided at Appendix F and discussed further in Section 7.3.9.</p> <p>In summary, the investigation identifies potential sources of contamination at the site including fill material, previous demolition works and off-site sources from previous commercial and industrial properties in the region. While the investigation determines that there is a low risk of significant or widespread contamination at the site, Douglas Partners recommend that once the site is demolished a detailed site investigation (DSI) and waste classification is undertaken. Preparation of a DSI and site remediation if required will be completed during the detailed development application stage.</p> <p>This finding confirms that the land is suitable (or will be suitable subject to the DSI) for all the purposes for the future use of the site as a mixed-use development.</p>
Housing, Infrastructure and Urban Development	

Ministerial Direction	Comment
3.1 Residential Zones	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal provides a mix of dwelling types to meet future population needs. The site is well placed to accommodate high density residential uses. ▪ The proposed mixed-use development will make efficient use of existing services and infrastructure. It will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe. ▪ Residential accommodation in this location will have minimal impact on the natural environment or resource lands. This is because the precinct and sites are already developed and are not constrained by natural hazards. The proposal is consistent with the scale supported by Council through its adopted Planning Study.
3.2 Caravan Parks and Manufactured Home Estates	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 has excellent access to public transport. It is within walking distance of the St Leonards train station and future Crows Nest Station, as well as existing bus services. ▪ 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 close to existing services and infrastructure. ▪ The site is close to nearby centres which offer employment and other services. Additional local service provision within walking distance of new dwellings will be incorporated into the future design of the site.
3.5 Development Near Licensed Aerodromes	<p>The site is not close to Sydney Airport however it is affected by obstacle limitation surface of 156 AHD. While the proposed building 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

Ministerial Direction	Comment
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
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
Regional Planning	
5.2 Sydney Drinking Water Catchments	Not applicable
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
5.9 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.
5.11 Development of Aboriginal Council land	Not applicable
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. 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.

Ministerial Direction	Comment
Metropolitan Planning	
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
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
7.8 Implementation of Western Sydney Aerotropolis Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	The proposal is consistent with the SLCN Plan as outlined in Section 7.2.4 of this Planning Proposal. Where any inconsistencies arise between the proposed concept scheme and the Plan, it is noted that the overall intent, vision, objectives and actions of the Plan are achieved.
7.12 Implementation of Greater Macarthur 2040	Not applicable
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

7.3. 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.

7.3.1. Overshadowing

An additional three-dimensional shadow study has been undertaken by Kann Finch. The shadow study has considered the potential future-built form within Atchison Street including the future development envelopes adjacent and opposite.

The Planning Study acknowledged that the east-west orientation of the urban blocks within St Leonards meant that a large proportion of the ground plane with St Leonards is overshadowed throughout the day.

The submitted shadow analysis demonstrates that the orientation of the site means that some overshadowing of the public domain and buildings to the south is unavoidable with the built form anticipated by the Planning Study and the SLCN Plan.

There will be some additional impact to the development sites opposite between 9am and 3pm however as demonstrated in the shadow study there are already impacts from existing buildings and likely to be further impacts when surrounding sites are re-developed. These impacts are considered acceptable in the context of an emerging high-density environment. It is also noted that the current levels of solar access from surrounding properties will not remain in perpetuity. This is because the site is located within a Strategic Centre which is required to continue to grow housing and employment numbers, meaning the building form must also expand.

There will be no impact to the Mitchell Street plaza which is located to the west of the site. Further the shadow study demonstrates that the shadows from the proposed building are likely to overlap with the shadows generated by a future building envelope on the site to the east and as such will not generate any additional overshadowing of the proposed linear park on Oxley Street between 2pm and 3pm.

Whilst there will be some impact to the surrounding public domain within Atchison Street There will be no additional impacts to any other spaces and parks identified within the Planning Study including Hume Street Park.

7.3.2. View Impacts

The height and bulk of the St Leonards built form is already undergoing significant transformation. Several tall building forms have recently been approved or are pending approval on surrounding sites. The surrounding lands will continue to undergo building height increases over the coming years through the priority precinct vision.

As demonstrated in **Figure 14** which has been sourced from the Planning Study, the key views and sightlines are generated by the predominantly 'orthogonal' street grid and undulating topography which generates long sightlines and vistas. As the proposal is located mid-block on Atchison Street it will not impact on these views. However, the development uplift will have some unavoidable impact on views from surrounding taller buildings.

Figure 14 Key Sightlines and Vistas

Sightlines and Vistas



Source: St Leonards Crows Nest Planning Study – 2014

The revised concept design was prepared in accordance with the St Leonards/ Crows Nest Planning Study and feedback from North Sydney Council. This study has determined that the site and surrounding sites are suitable for a 16-storey building. This will result in a building form taller than its neighbouring properties to the immediate west.

The proposal has the potential to impact on some views from the adjacent 11 storey residential building at No. 48 Atchison Street to the east. This site currently benefits from partial district views to the east and north. However, we note that generally, the eastern elevation windows are secondary windows to living spaces or bedrooms. Views from this site to the Sydney CBD to the south are currently impacted by the built form of the Nexus building at No. 15 Atchison Street.

Any impact to the visual aspect of neighbouring properties resulting from the development uplift to neighbouring lower-scale properties is reasonable. This is because both Council's own Planning Study for the precinct and the new SLCN Plan have endorsed the height of the proposed site. The proposal is therefore 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 slender tower above which will provide views to the sky between future tower forms. The design responds to the key site characteristics and framework set by the St Leonards/Crows Nest Planning Study. The built form is appropriate for this location and compatible with the surrounding built form typologies.

7.3.3. Traffic Impacts

A Transport Impact Assessment (TIA) has been undertaken by ARUP in relation to the proposal. This assessment is included at **Appendix C**. The TIA has reviewed the existing conditions of the site including travel behaviour, public transport, road network, parking and traffic volumes. Significantly for this planning

proposal, the review notes that Travel to Work data from the 2016 census indicates that over 51% of residents within St Leonards take the train to work.

The TIA provides a preliminary assessment of the design concept. The TIA includes a review of the proposed parking provision in relation to the controls within the NSDCP 2013. The TIA also reviews the servicing arrangements and traffic generation on the site.

The TIA notes that the site's location close to various modes of public transport will not generate significant parking demand. TIA states that the proposed parking provision is consistent with the requirements of the NSDCP 2013. The TIA also confirms that the proposed servicing arrangements are acceptable given the low frequency of service vehicles and that deliveries can take place out of hours. This will minimise potential conflicts with other vehicles and pedestrians.

The TIA has assessed the potential traffic generation. Whilst there will be a net increase in traffic generation when compared to current conditions, this increase was assessed to be negligible. The TIA does not envisage any adverse impacts to the performance of surrounding intersections and therefore the surrounding road network is expected to operate at current levels.

The TIA makes the following recommendations to be undertaken as part of any future DA.

- Secure bicycle parking be provided, and
- Travel Demand Management measures such as a Green Travel Plan be implemented to improve the mode share of public transport and active transport.

The TIA concludes that the proposal is supportable on traffic related considerations.

A draft Green Travel Plan (**draft GTP**) will be prepared to accompany the Planning Proposal in accordance with Council's Resolution (no. 3) on 27 July 2020. This will be provided prior to public exhibition of the Planning Proposal.

7.3.4. Waste Management

Elephants Foot have been engaged to provide an Operational Waste Management Plan (OWMP). A copy of their OWMP is attached in **Appendix D**. The OWMP identifies the different waste streams which are likely to be generated in the operational phase of the development.

The OWMP provides the following details:

- How the waste will be handled and disposed for both residential and commercial waste.
- Estimation of volumes of waste for both residential and commercial uses on the site.
- Details of bin sizes/quantities and waste rooms.
- Descriptions of the proposed waste management equipment used including its installation and design.
- Information on waste collection points and frequencies.

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

7.3.5. Servicing

A Services Report has been prepared by Cardno and included at **Appendix E**. The site is located centrally within the St Leonards Town Centre close to existing services. The Building Services Report has reviewed the indicative services requirements of the proposed concept design including:

- Mechanical Services
- Electrical Services,
- Fire Services, and
- Hydraulic Services.

In liaison with the relevant service providers the proposal will be subject to further capacity testing to determine the suitability of existing service and utility infrastructure and any upgrades required.

7.3.6. Sustainability

The Services Report also includes the following Ecologically Sustainable Development (ESD) initiatives which can be incorporated into the development.

The ESD initiatives include:

Mechanical

- High efficiency (high COP) motors and equipment;
- Cross flow ventilation to apartments;
- Insulated ductwork;
- Variable speed drives on all fan motors;
- Individual toilet exhaust fans and FCR OA fan interlocked to local light switches;
- CO monitoring in the carpark;

Electrical

- After hours switches.
- Energy efficient lighting and lighting systems;
- Lighting levels and lighting power densities to all other areas in accordance with BCA – Section J requirements;
- Digital power metering for all common area submains and house distribution boards as per BCA part J8;
- Reduction of “spill” lighting; and
- Power factor correction.

Hydraulic

- Rainwater harvesting for landscape irrigation;
- Low flow fittings and fixtures;
- Additional insulation to hot water pipework;
- Solar hot water systems with gas boost.

In addition to the above, the concept design has been prepared with building massing and orientation to facilitate future BASIX compliance. BASIX will be addressed at the detailed development application stage. The Services Report confirms that the development shall meet and where possible exceed the NCC energy efficiency requirements of Part J of the BCA.

7.3.7. Noise

The site is situated a short distance away from road noise associated with the Pacific Highway and surrounded by existing buildings that will shield noise intrusion. As such mitigating measures are unlikely to be required.

7.3.8. Wind

Wind impacts are expected to be limited due to the proposed height and the incorporation of an awning along the Atchison Street frontage. The parapet design of the podium will also reduce potential downward wind effects to the public domain.

7.3.9. Contamination

A PSI prepared by Douglas Partners is provided at **Appendix F**. The PSI has been prepared in accordance with the NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999*; and the NSW EPA *Guidelines for Consultants Reporting on Contaminated Land*. The PSI provides an overview of the site history and environmental setting, as well as the results of a site visit on 16 April 2021 and preparation of a conceptual site model to determine potential contaminating sources.

The PSI identifies the following potential sources of contamination and contaminants of potential concern:

- S1: Fill: Associated with levelling, demolition of former buildings on the site.
- S2: Former buildings.
- S3: Off-Site Sources (Motor Garages & commercial / industrial), Current and historic.

Douglas Partners also note that due to the nature of these sources and the distance to Flat Rock Creek from the site, the risk of groundwater and surface water contaminated from on-site sources is low.

Overall, the PSI concludes that the risk of significant or widespread contamination at the site is low. To confirm this finding, it is recommended that a DSI and waste classification is completed following demolition to assess possible contamination, including testing of the soils and groundwater. These activities will be completed prior to the preparation of a detailed Development Application for the site in accordance with the provisions of *State Environmental Planning Policy No 55—Remediation of Land* to confirm the site can suitably accommodate the mixed-use development.

7.3.10. Summary

Overall, the Planning Proposal, will not result in any significant environmental effects that would preclude the LEP amendment. The site is therefore appropriate for the high-density mixed use proposed.

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

To determine whether the proposal adequately addresses economic effects, it is important to understand to 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 50-56 Atchison Street will result in several direct economic benefits, during the construction stage and during ongoing operations. The proposed retail and commercial tenancies will provide a variety of spaces for new businesses and services. The proposed new employment spaces will have the potential to generate up to 106 jobs.

Improved public spaces will be created by the new through site link with active retail uses to foster social gathering and interaction.

State and Commonwealth Interests

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

The site is served by existing utility services. The site 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 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. 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*.

8. 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 technical mapping changes are provided at **Appendix I**.

9. COMMUNITY CONSULTATION

Section 3.33 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. This is in accordance with DPIE'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.

The proponent has met with Council officers in 2015 and on several occasions in 2018 to discuss the planning proposal. The proponent considered Council's feedback and refined the scale and definition of the building envelope to address the officer's requirements and the outcomes of the St Leonards Crows Nest Planning Study.

10. PROJECT TIMELINE

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

Table 13 Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by North Sydney Council	April 2018
Council determination of Planning Proposal	July 2020
Request for Gateway Determination sent to DPIE	September 2020
Gateway Determination Issued to Council	March 2021
Submission of amended Planning Proposal to DPIE for approval	June 2021
Public exhibition	August – September 2021
Council considered post-exhibition report	October 2021
Submission to DPIE requesting making of LEP	October 2021
Drafting of LEP and Gazettal	March 2021

11. CONCLUSION

The Planning Proposal seeks an amendment to the *North Sydney Local Environmental Plan 2013*. The amendment will allow for a high-density mixed-use development at 50-56 Atchison Street, St Leonards.

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* and,
- The relevant DPIE guidelines.

The planning proposal report provides strategic and site-specific justification for the LEP amendments. The proposed Concept Design has been informed by a detailed site analysis and pre-lodgement engagements with Council.

The proposed amendments to the NSLEP 2013 will achieve an appropriate development outcome for the following reasons:

- The proposal achieves an appropriate built form and scale outcome consistent with the objectives of local planning policy. The proposal is also consistent with both the existing and emerging scale of development within St Leonards.
- The proposal will positively contribute to the State planning strategic goals. These goals include increasing employment and housing densities in centres with access to existing and planned public transport.
- The proposal will deliver a range of benefits for the community, including:
 - Direct and indirect jobs during the construction phase
 - Ongoing employment from the retail and commercial uses proposed for the site
 - Growth of employment from the current uses that are consistent with the new direction and forecast need for retail and commercial uses.
 - A public through site link on the western boundary to enhance activation to the proposed retail tenancies. 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.
 - A 3-metre building setback from the Atchison Street boundary to improve pedestrian circulation, to encourage active street frontages at ground level and to improve the amenity of the public domain.
 - Monetary Contribution for the upgrade works to Hume Park.
- The site has good access to services and public transport. The proposal will achieve environmental benefits by encouraging more trips within and outside of the centre without cars.
- The Planning Proposal supports the State government's objective to increase densities in major centres where there is good access to public transport and facilities.
- The Planning Proposal provides renewal of lower grade commercial office space which will allow for a greater mix of both retail and commercial uses.
- The residential component of the proposal capitalises on the site's location close to amenities, services and public transport.
- The proposal will ensure a development with significant economic and community benefit. The proposal has demonstrated both strategic and site-specific merit and as such warrants Council's support.

Overall, the proposal includes significant public benefits that will facilitate the development of a high-quality mixed-use development.

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APPENDIX A

CONCEPT DESIGN REPORTS

APPENDIX B

CONCEPT ARCHITECTURAL PLANS

APPENDIX C

TRANSPORT IMPACT ASSESSMENT REPORT

APPENDIX D

OPERATIONAL WASTE MANAGEMENT PLAN

APPENDIX E

BUILDING SERVICES REPORT

APPENDIX F

PRELIMINARY SITE INVESTIGATION

APPENDIX G

ENDORSED VOLUNTARY PLANNING AGREEMENT

APPENDIX H

EXISTING TECHNICAL LEP MAPPING

APPENDIX I

PROPOSED TECHNICAL LEP MAPPING

