URBIS

PLANNING PROPOSAL (GATEWAY DETERMINATION)

601 Pacific Highway,
St Leonards

Prepared for
STOCKLAND DEVELOPMENT PTY LTD
18 June 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen White
Associate Director	Rob Battersby
Senior Consultant	Kate Riley
Project Code	P0028339
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Overview

This report has been prepared on behalf of Stockland Development Pty Ltd (**Stockland**) to support a planning proposal request to North Sydney Council (**Council**) in relation to 601 Pacific Highway, St Leonards (**the site**). The planning proposal seeks to change the statutory planning controls that apply to the site under the North Sydney Local Environmental Plan 2013 (**LEP**) as follows:

- Establish a site-specific building height control, with maximum building height of RL259; and
- Establish a site-specific floor space ratio (FSR) control, with a maximum FSR of 20:1.

The planning proposal is accompanied by an indicative concept proposal which establishes a building envelope and footprint, with a maximum building height of RL 259, for future development. The proposal is consistent with the vision, objectives, and built form guidance within the St Leonards and Crows Nest 2036 Plan (**2036 Plan**).

This report is to be prepared prior to public exhibition of the planning proposal, which is required under section 3.34(2)(c) and clause 4 of Schedule 1 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

Strategic Planning Background

In May 2015, North Sydney Council endorsed a strategic review of its planning framework for the St Leonards and Crows Nest area (the St Leonards/Crows Nest Planning Study – Precincts 2 and 3) (**the 2015 Planning Study**). The site was included in Precinct 2 of the study area and identified as a 'tall tower' site.

On 7 July 2016, the NSW Department of Planning and Environment (**DPE**) formally commenced a strategic planning investigation of St Leonards, Crows Nest, and the Artarmon industrial area. Accordingly, on 1 June 2017 St Leonards and Crows Nest was declared a "planned precinct".

On 29 August 2020, the NSW Government finalised the planning package for St Leonards and Crows Nest. This contained the final St Leonards and Crows Nest 2036 Plan (**the 2036 Plan**), the Special Infrastructure Contribution (**SIC**) Determination, St Leonards and Crows Nest Local Character Statement, St Leonards and Crows Nest Green Plan, Urban Design Study, and other supporting documents and legislative amendments.

The site is identified within a cluster of high-density commercial and mixed-use developments along Pacific Highway between St Leonards Station and Crows Nest Metro Station. The site is earmarked for increased density and as suitable for transit-oriented development to take advantage of increased accessibility to jobs.

Intended Statutory Planning Outcomes

This planning proposal seeks to amend the statutory planning controls that apply to the site through a site-specific amendment to NSLEP to enable future redevelopment at this prominent location.

This planning proposal is informed by an indicative concept proposal which establishes a building envelope and footprint, with a maximum building height of RL 259, for a future development proposal. The key components of the indicative concept proposal are:

- 41 storey commercial tower;
- Four levels of basement car parking below ground level;
- Lower ground floor retail and commercial uses (including café / bar, retail premises, and reception area);
- Upper ground floor (upper lobby, potential for co-working spaces, and café); and
- Upper tower levels for commercial offices (including plant levels and communal terrace gardens).

The indicative concept proposal can be achieved by amending the NSLEP as follows:

- Amend NSLEP 2013 *Height of Buildings Map* to provide for a maximum building height of RL259;
- Amend NSLEP 2013 *Maximum Floor Space Ratio Map* to provide a maximum floor space ratio (**FSR**) control of 20:1.

The amended planning proposal seeks to unlock the potential of a strategically-located landholding and facilitate transit-oriented commercial development in a location earmarked for density uplift in the 2036 Plan.

Planning, Community, and Public Domain Outcomes

The planning proposal facilitates the following key planning outcomes and community benefits:

- **Consistent with State Government policy which supports growth in St Leonards**: Future development will accommodate a range of commercial land uses in a major strategic centre that is well serviced by public transport. It will generate new employment opportunities within walking distance of major employment, retail, health and education facilities, and excellent public transport connectivity.
- **Increased and diversified employment opportunities**: The high amenity and contemporary office accommodation will facilitate commercial activity and business with flexible floorplates and tenancies.
- **Job creation**: Future development has the potential to create approximately 3,346 full time jobs.
- **Improved pedestrian access and connectivity**: The proposal provides opportunities for improved pedestrian circulation and connectivity throughout the St Leonards centre through the establishment of site connections with adjacent properties and enhanced integration with the surrounding footpath network, Mitchell Street Plaza, and key transport nodes such as St Leonards train station.
- **Landmark tower and building envelope**: The indicative concept proposal envisages a commercial tower that has a slender and articulated form. The designed maximises separation from adjoining development in order to allow for view sharing and minimise the effect of 'tower crowding'. The ground floor provides activation and engagement with the public domain with clearly defined building entries.
- **Public domain enhancement**: The proposal provides significant potential to deliver meaningful public domain enhancements and activation along the Pacific Highway, Mitchell Street, and Atchison Street.
- **Solar amenity**: The proposal preserves solar access to key public open spaces, surrounding residential areas, and heritage conservation areas.
- **Mitchell Street Plaza enhancements**: The proposal presents opportunities to deliver a dynamic interface to the Mitchell Street Plaza, with lobby entries and outdoor dining activity contributing to its role as a focal point for the precinct.
- **Atchison Street activation day and night**: New retail uses to the Atchison Street frontage will create opportunities for outdoor / sunlit alfresco dining and other ground plane activations (such as pop-up installations). Public domain activation will complement the principal commercial office use, encourage pedestrian activity, and reinforce Atchison Street as a vibrant day and night dining precinct.
- **Community infrastructure contribution**: The proponent has submitted a Letter of Offer to enter into a planning agreement with North Sydney Council to provide a monetary contribution for the construction of a future signalised pedestrian improvements at the corner of Albany Street and Pacific Highway.

A detailed analysis of the site and its surrounding context and the prevailing State and local planning policy demonstrates that there is clear strategic and site-specific planning merit to the planning proposal. It is recommended that the proposed amendment to the NSLEP be considered by Council and that Council resolve to forward it to DPE for Gateway Determination in accordance with the EP&A Act.

1. INTRODUCTION

1.1. OVERVIEW

This report has been prepared on behalf of Stockland Development Pty Ltd (**the proponent**) to support a planning proposal (Council reference: PP-2023-92) in relation to 601 Pacific Highway, St Leonards (**the site**). The planning proposal seeks to amend the North Sydney Local Environmental Plan 2013 (**NSLEP**) to facilitate a high-density mixed-use development on the site. The planning proposal seeks to change the planning controls apply to the site under the NSLEP as follows:

- Establish a site-specific building height control, with maximum building height of RL259; and
- Establish a site-specific floor space ratio (**FSR**) control, with a maximum FSR of 20:1.

The site is currently zoned E2 Commercial Centre under the NSLEP. No change to this zoning is proposed.

The planning proposal is accompanied by an indicative concept proposal which establishes a building envelope and footprint, with a maximum building height of RL 259, for future development. The proposal is consistent with the vision, objectives, and built form guidance within the St Leonards and Crows Nest 2036 Plan (**2036 Plan**).

The amended planning proposal has been prepared in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).EP&A Act. It has been prepared having regard to the relevant guidelines including the *Local Environmental Plan Making Guideline* (August 2023) (DPE).

1.2. ACCOMPANYING DOCUMENTATION

The amended planning proposal is accompanied by the following consultant documentation, to consider the maximum building height of RL 259.

Table 1 Amended Planning Proposal Documentation

Document	Consultant	Appendix
Urban Design Report	Architectus	A
Landscape Concept Report	Oculus	B
Preliminary Site Investigation	Golder Associates Pty Ltd	C
Geotechnical Desktop Report	Arup	D
Structural Engineering Report	Arup	E
Traffic Impact Assessment (+ Green Travel Plan)	Arup	F
Wind Environment Statement	WindTech	G
Preliminary Aeronautical Impact Assessment	Avlaw Consulting	H
Council's Pre-Lodgement Minutes	North Sydney Council	I
Pre-Lodgement Design Response	Architectus & Arup	J
Planning Agreement Letter of Offer	Stockland	K

1.3. PRE-LODGEMENT CONSULTATION

On 11 October 2022, Urbis submitted a Scoping Proposal to Council. The intent of the Scoping Proposal was to provide an overview of the original planning proposal, outline the strategic and site-specific merits, and identify preliminary environmental considerations for pre-lodgement consultation with Council. The Scoping Proposal provided a high-level overview of the existing strategic and statutory policy context of the site and presented the proposed vision for the original planning proposal, supported by a Concept Urban Design prepared by Architectus. The Scoping Proposal was prepared in accordance with Attachment A of the *Local Environmental Plan Making Guideline*, published by DPE in December 2021.

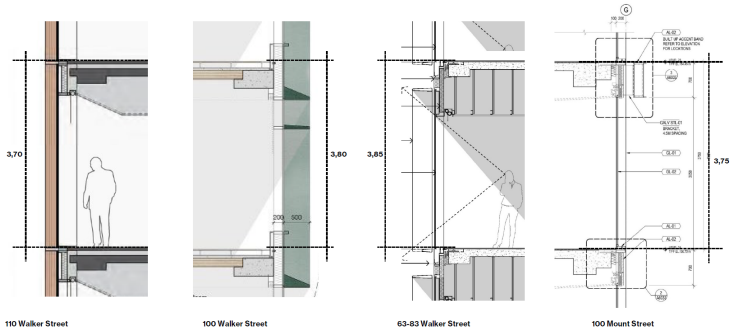
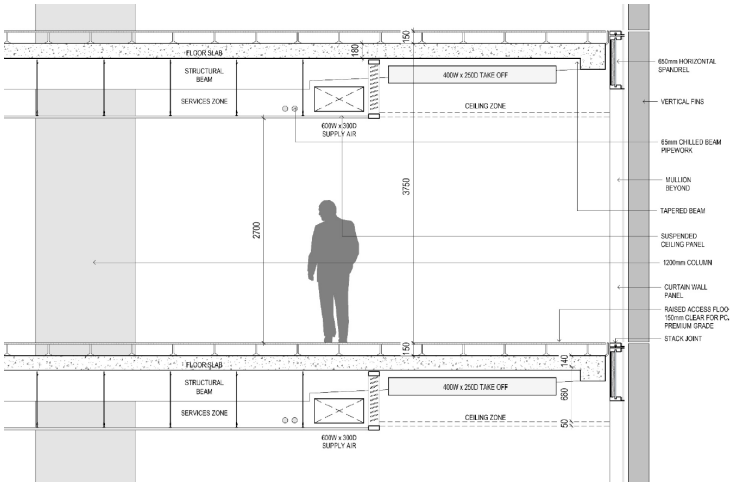
A pre-lodgement meeting was held on 14 November 2022, attended by the applicant and representatives of the applicant's project team and Council officers (Marcelo Occhiuzzi, Neal McCarry, Jing Li, and Jim Davies). The applicant received Council's pre-lodgement meeting minutes on 24 November 2022 (at **Appendix I**).

Table 2 below identifies applicant's response at the time of lodgement of the planning proposal. Further detail is provided in the Pre-Lodgement Meeting Response Report prepared by Architectus (**Appendix J**).

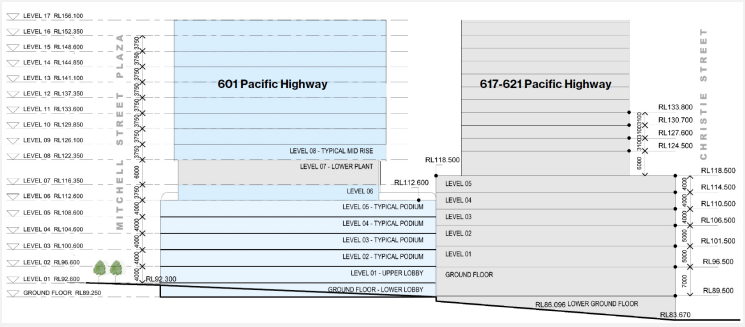
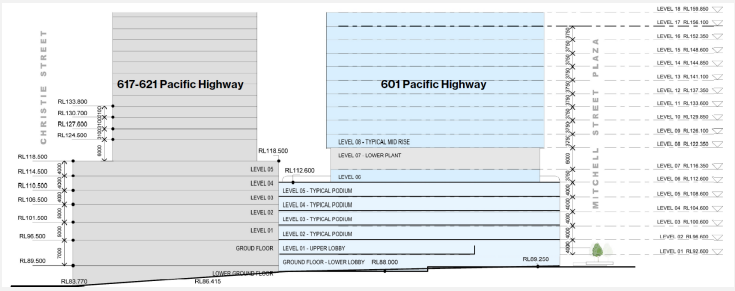
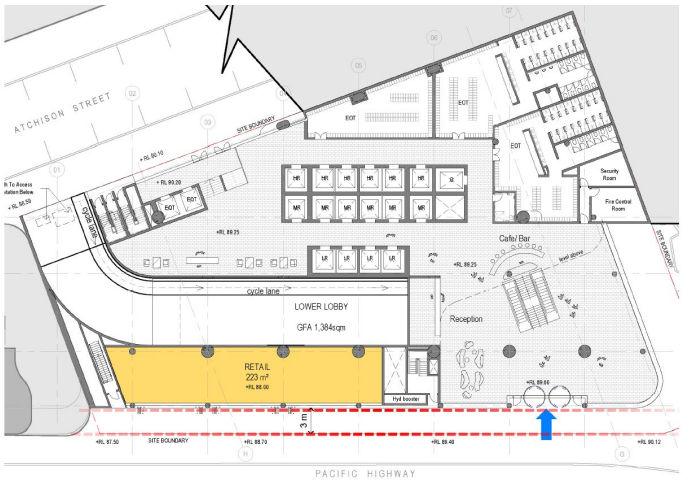
Table 2 Applicant Response to Pre-Lodgement Meeting

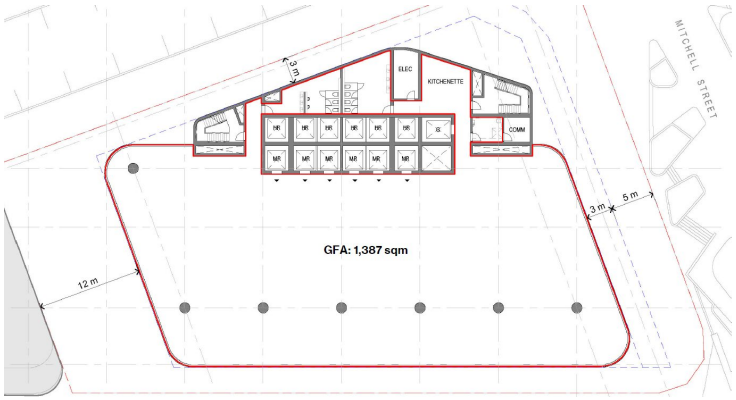
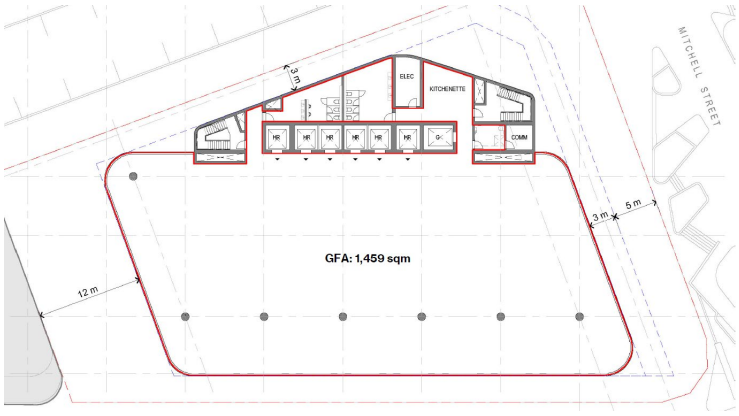
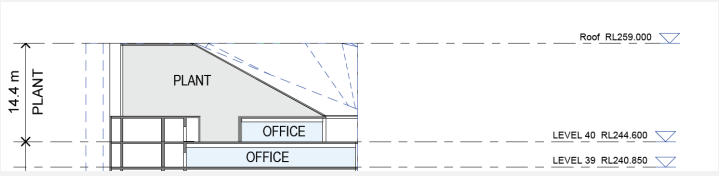
Council Comment	Applicant Response
2.1 FSR	
Given that the site will remain zoned E2 Commercial Centre zone, the minimum non-residential floor space ratio will not be required. If imposed, this will lead to a situation where the exact FSR will need to be complied with otherwise, a clause 4.6 variation will be required, either for more floor space than outlined in the maximum total FSR or less floor space than identified in the minimum non-residential FSR.	The planning proposal retains the site's existing Commercial Centre and proposes a maximum FSR of 20:1. The planning proposal does not propose any additional land uses (including residential land uses). Accordingly, as noted in Council's meeting minutes, it is not necessary to apply to the site a non-residential FSR equivalent to the maximum FSR given that the E2 Zone prohibits residential uses.
2.2 Building Height	
Height is a sensitive issue in the precinct and one that requires careful management in terms of visual impact, solar access and relationship to other development. The following is observed: ▪ *The three plant levels are proposed as 8m, 6m and 6m in height which provide for a more generous plant room height than may otherwise be expected.*	The plant area has been allocated that is appropriate to achieve PCA-A grade level of servicing. Arup has provided the following statements to detail the proposed heights of the three plant levels. <u>Roof Top Plantroom</u> This is effectively two plantroom levels as it has tanks and ventilation plant at low level with cooling towers and heat pumps above. The 8m height is already at the minimum level required to fit the two levels of services equipment. The plant is required to be stacked as there is insufficient room on the rooftop to accommodate a single level of plant. There is a 3m minimum requirement for the ventilation plant to enable ductwork across the floorplate at high level to risers which leaves a 2.1m clear vertical height for access and the air handling unit space beneath. There is also a minimum 5m clear height required for cooling towers above (including deck / structure) which already restricts to slimline units (typically this is 6m+ clear). <u>Mid-Level Plantroom</u> The key equipment item informing the 5.4m clear minimum height requirement is the upper chamber substation. Ausgrid's standard

Council Comment	Applicant Response
	(NS113) mandates 4.2m clear height (3.2m for the substation and 1m for the cabling/trench) and there is a requirement to hoist the transformers to ground level for replacement, at which height this requires a lifting beam / drum depth of circa 1.2m. Additionally at this plantroom level, it is proposed to have double stacking equipment for the other half of the floor plate with ventilation plant on top of chilled water plant and switch rooms. Allowing for structure above, 6m is the most reasonable lowest height (ideally it is a 6m clear height). <u>Low Level Plantroom</u> This level is for ventilation plant and there is a need for a degree of flexibility to accommodate kitchen exhaust treatment systems, which could require 5m clear to include maintenance and duct crossovers. For this reason, a 6m floor-to-floor height is required for this level.
▪ *The proposed 4m floor to floor height for the commercial storeys at podium levels is greater than the minimum 3.6m non-residential level requirement in the NSDCP 2013.*	The floor-to-floor heights for the podium levels are appropriate to achieve PCA A-grade quality office accommodation. The podium floors have less access to daylight and are larger in size than the tower. In order to gain adequate daylight, the floor plates require more floor-to-floor height than upper floors. It is common for floor-to-floor height of 4m at podium levels. As Council notes, 3.6m is a minimum level, thus the concept is compliant with the DCP. The Pre-Lodgement Meeting Response Report (at **Appendix J**) contains a typical podium floor section detail diagram, as below. 
▪ *The proposed 3.75m floor to floor height for the commercial storeys at tower level is greater than the minimum 3.6m non-residential level requirement in the NSDCP 2013.*	The floor-to-floor heights are appropriate in order to achieve PCA A-grade quality office accommodation. Floor-to-floor height for typical A and Premium grade office floors is 3.75m to 3.85m in order to achieve a minimum 2.7m ceiling height and accommodate a 150mm raised floor depending on the core location, floor plate size, and mechanical system selection. A floor-to-floor lower than 3.75m would limit the mechanical system selection and restrict the flexibility for a commercial office floor.

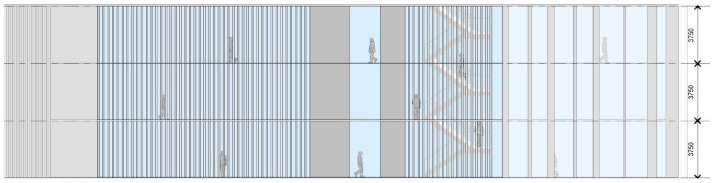
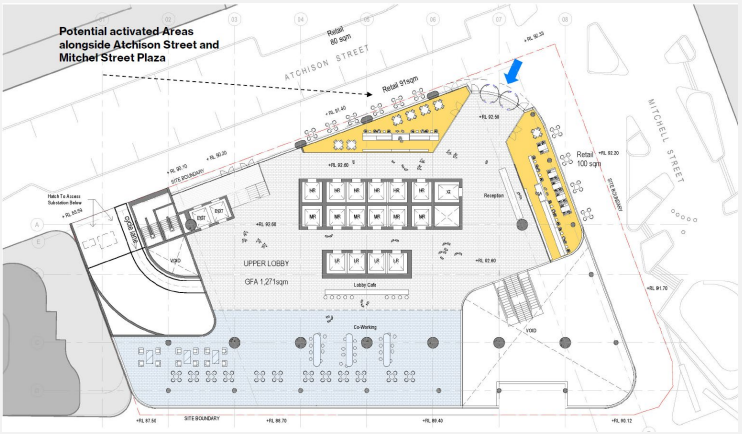
Council Comment	Applicant Response
	The proposed 3.75m floor-to-floor heights is appropriate based on likely structure sizing and is comparable to other recently approved and constructed commercial buildings in the North Sydney LGA. As stated above, the proposed floor to floor heights are marginally greater than the DCP minimum control and thus comply with the DCP. The Pre-Lodgement Meeting Response Report identifies building heights for comparable commercial buildings in the LGA, as follows.  The Pre-Lodgement Meeting Response Report contains a typical commercial floor section detail diagram, as below. 
▪ *The proposed roof has a 9.65m high structure, which represents a significant height increase above the 42 storey built form. It is unclear what uses are proposed at the roof top level.* ▪ *Above the roof structure, the proposed 187.25m building height includes a void envelope which is 10.51m in height.*	The structure is an architectural feature that conceals the building maintenance unit (plant and lift overrun) and demonstrates a consistent stepping to lower levels reflecting the solar envelope angle.
A reduction in height between the two peaks provides an opportunity for solar access for areas to the south of the Pacific Highway. The adjacent 617-621 Pacific Highway site is closer to St Leonards Railway Station with an endorsed height of 50 storeys (180m	The built form controls in the 2036 Plan are established by clear urban design principles of: - Density located close to the rail and metro stations, with taller buildings within 150-200m of either station with height transitioning down to surrounding areas; and

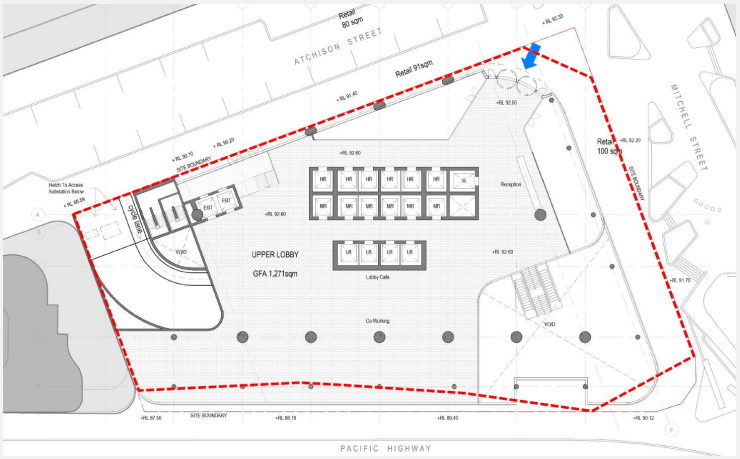
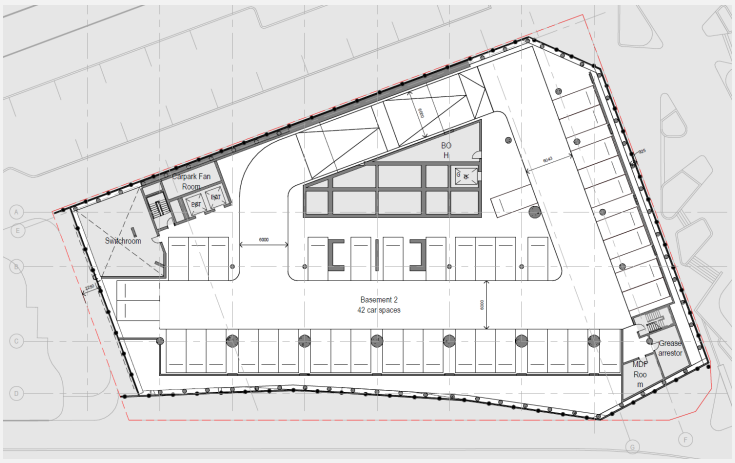
Council Comment	Applicant Response
under the North Sydney LEP 2013). Following the 2036 Plan principle, the redevelopment of the subject site should be lower than 617-621 Pacific Highway.	- Focus of height in the 'knuckle area' within the commercial core. The principle for a reduction in height between the two peaks in order to provide opportunities for solar access is achieved in part by the staggering of proposed building heights along the Pacific Highway. It is clear that the principle is thus about concentrating density in small clusters, rather than the urban design principles directing the need for a particular building to be the dominant or higher building. The proposed building height will sit comfortably in the context of the cluster of towers in the St Leonards centre skyline. The built form reinforces the site's location at the topographical high point of the 'knuckle area' identified in the 2036 Plan as a concentrated cluster of high-density development fronting the Pacific Highway between St Leonards station and the new Crows Nest Metro Station. Furthermore, the following should be recognised when comparing the future building heights with the adjoining development: ▪ For a 50 storey residential building compared to a 42 storey commercial building, the higher relative floor to floor heights for the commercial tower will mean the actual height will be taller compared to a 42 storey residential tower; and ▪ The subject site lies on significantly elevated land compared to the adjoining site and that clearly contributes to the relative height relationship between the future buildings.
2.3 Podium Heights	
The indicative built form includes a 6 storey podium height fronting Pacific Highway, and a 5 storey podium height fronting Atchison Street, which does not comply with the 2036 Plan and the NSDCP 2013. *Within the same block, the 617-621 Pacific Highway site is adjacent to the subject site to the west, which has a 6 storey podium height control fronting Pacific Highway under the NSDCP 2013. The maximum existing ground level difference between the two sites along Pacific Highway is 7m, which is equivalent to approximately 2 storeys. As this block only contains these two sites, and Pacific Highway is a major street frontage, it is important to have a consistent podium height for this block to provide a good contextual response along Pacific Highway.* *It is recommended that a 4 storey podium height is applied to Atchison Street, Mitchell*	The 2036 Plan incorporates specific built form parameters for the subject site that have been informed by detailed urban design analysis. It is considered that the built form parameters of the 2036 Plan prevail to the extent of any inconsistency with the DCP 2013 particularly given the terms of the Section 9.1 Ministerial Direction. The indicative concept proposal has been designed to achieve compliance with the 2036 Plan podium street wall heights controls. However, the site's topographical conditions do not allow strict compliance with the five storey street wall height. The varied podium height is a direct response to the gradient, which falls from the north-east by 2.5 metres to the south and 3.5 metres to the west. This is long accepted urban design response to site conditions. Notwithstanding the minor variance, at the site's most visible and prominent frontage to the intersection of Atchison Street and Mitchell Street, the podium expression establishes a five storey street wall height. This is consistent with the 2036 Plan and establishes a consistent podium datum line that aligns to the prevailing streetscape in the surrounding locality. The Pre-Lodgement Meeting Response Report includes the following elevations to indicate that the indicative concept proposal achieves an

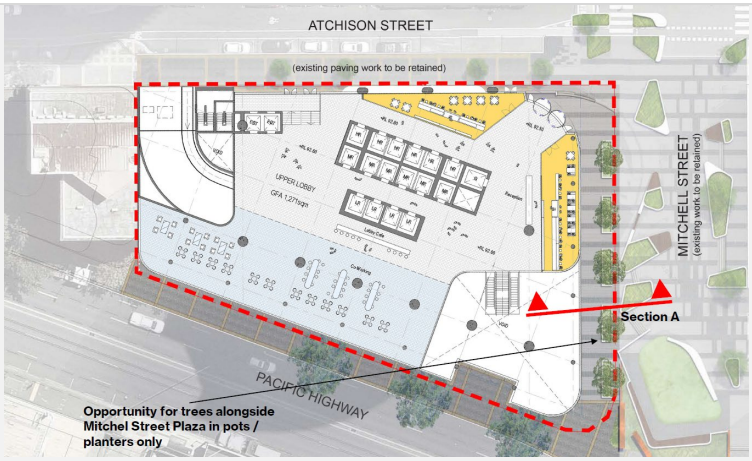
Council Comment	Applicant Response
Plaza and the majority of the Pacific Highway frontages. Where the site is adjacent to 617-621 Pacific Highway, a 5 storey podium height can be considered to address the site level difference. In addition, the proposed podium height should reflect general floor to floor height to avoid an oversized podium.	appropriate contextual response in terms of podium datum lines along the Pacific Highway and to the Atchison Street frontage. Atchison Street Elevation  Pacific Highway Elevation 
2.4 Setback	
The proposal provides a mix of 3m and 0m setbacks at ground level to the Pacific Highway, which does not comply with the 2036 Plan and the NSDCP 2013. The 3m setback is consistently applied along the Pacific Highway and adherence to this is required in future documentation. This will provide a better pedestrian experience along this stretch of the Pacific Highway. Colonnades should also be avoided in this zone to create a barrier free pedestrian environment. *The ground floor setback along Pacific Highway to comply with the minimum requirements in the 2036 Plan and NSDCP 2013.*	The indicative concept proposal has been modified to comply with the setback requirements of the 2036 Plan and DCP. The lower ground floor has been revised by removing all podium architectural features, hydrant booster value, and the columns from the 3m setback zone. These revisions provide a more generous and continuous footpath along the Pacific Highway. They also provide continuous weather protection and amenity along this portion of the Pacific Highway which overall results in a superior outcome and more friendly pedestrian experience along the Pacific Highway. The Pre-Lodgement Meeting Response Report contains the revised ground floor plan, as below. Ground Floor Plan 

Council Comment	Applicant Response
2.5 FSR and Tower Floorplate Area	
On the indicative floor plans of the typical mid-rise and high-rise levels, the GFA calculation includes the office areas, but excludes the toilet, kitchenette, and corridor areas. This appears to be an error (see diagram below). The correct GFA would increase per commercial tower level, and as a result, the overall FSR would exceed the proposed 20:1. *It is recommended that the applicant reviews the calculation of GFA with particular regard to inclusion of toilet, kitchenette and corridor areas and recalculate FSR as required.*	The Pre-Lodgement Meeting Response Report includes diagrams to identify the GFA for the typical mid-rise floors and typical high-rise floors. These diagrams confirm the accuracy of the GFA calculations and confirm the GFA includes toilets, kitchenettes, and corridors. Typical Mid-Rise Floor  Typical High-Rise Floor 
According to the indicative section, there are three plant room levels proposed within the 42 storeys height limit, and the proposed retail / commercial levels are 39 storeys. It is questioned whether the proposed building requires three levels of plant rooms with full size floorplates. *Clarification is sought as to whether three plant room levels are required.*	The Pre-Lodgement Meeting Response Report details the requirement for the three plant levels, summarised as follows. Top Plant Room The top plant room is necessary to accommodate tanks,ventilation plant, and cooling towers and heat pumps. . The plantroom and roof are designed as an architectural feature that will add to the St Leonards skyline. The roof has been designed to provide character to the building and to the skyline. The roof design is an integral part of the overall building design, and the rooftop plant room is contained in a single structure such that it is not perceptible from any point on the ground floor. 

Council Comment	Applicant Response
	Mid-Level Plantroom The key component for the mid plant room height is the upper chamber substation as Ausgrid's standard (NS113) mandates 4.2m clear height (3.2m for the substation and 1m for the cabling/trench). In addition there is a requirement to hoist the transformers to ground level for replacement, which at this height requires a lifting beam / drum depth of circa 1.2m. At this level, the plant rooms are proposed as double stacked for the other half of the floor plate by having ventilation plant on top of chilled water plant and switch rooms. Level Plantroom The purpose of the low level plant room is to accommodate ventilation plant. The necessary equipment (air handing units and duct work) requires a minimum 5m clearance (maintenance and duct crossovers). Subsequently it is necessary to consider the floor structure (slab, beams, and raised floors). For this reason, a 6m floor to floor height is adequate for the low level plant room.
2.6 Tower Floorplate Layout	
It is recommended that the orientation of the services and hence "blank wall" treatment of the tower be reconsidered to provide a tower façade with windows fronting the main pedestrian environments of the Mitchell Street Plaza and Atchison Street.	The north façade treatment is part of the general façade treatment for the tower which concept provides an elegant vertical expression delivering a floor-to-ceiling window solution providing view access to the city below and maximizes daylight deep into the floor. The design of the north façade proposes a simple conceptual approach that requires solid portions to help protecting the privacy of the building to the north (20-22 Atchison Street). The Pre-Lodgement Meeting Response Report contains diagrams to show the proposed design of the north façade with an appropriate proportion between vertical louvers and glazing. This façade treatment protects privacy and passively shades the tower (reducing solar heat gain and energy consumption). It also avoids creating a solid and sterile wall. The north façade is envisaged as a careful, active, and dynamic element of the tower that balances privacy, performance, views, and activation to the adjacent urban environment. It is considered essential to deliver a great tower outcome for St. Leonards. North Façade Detailing and Façade View

Council Comment	Applicant Response
	 North Façade detail  Louvered façade View  Typical highrise plan
2.7 Ground Level Activation	
The proposed ground level design includes large lobbies fronting Atchison Street, Mitchell Plaza and the eastern corner of the Pacific Highway. It does not provide opportunities for fine grain retail activities along Atchison Street and Mitchell Plaza. The Atchison Street elevation from the driveway to several metres form the corner of Mitchell Street, are hostile to the enlivening objectives of Atchison Street and improved pedestrian amenity. *It is recommended that fine grain retail spaces should be explored along the ground level street frontages facing Atchison Street and Mitchell Street Plaza.*	The design has been revised to respond to Council's direction for Atchison Street which is envisaged as a "Civic high Street" with high degree of activation at ground level. The amendments, include food and drinks or retail tenancies will activate the precinct to Atchison Street and Mitchell Street Plaza. These tenancies directly address the public domain and ensure lively and activated street frontages which are flexible in terms of area and can operate as food and beverage or retail spaces. The spaces can also be fragmented in smaller scale tenancies to provide a more diverse offering to the public. <u>Upper Ground Floor</u> 
2.8 Mitchell Street Plaza	
According to the landscape ground level plan, the proposal does not include any street trees in the setback zone along Mitchell Street Plaza. Instead, the setback zone incorporates hard paving.	The introduction of trees is envisaged in order to create "green streets' as envisaged in the 2036 Plan. Council has encouraged densifying biophilia in the Mitchell Street Plaza, in particular on the western side of the subject site (601 Pacific Highway) frontage through the introduction of deep soil planting in the 5m setback zone.

Council Comment	Applicant Response
In addition, the proposed basement levels are built to the boundary along Mitchell Plaza without a 5m setback. This arrangement will limit the opportunities for street trees in the setback zone.	The indicative concept proposal retains the existing car park structure. The Pre-Lodgement Meeting Response Report includes a diagram to illustrate the extent of the existing car park compared with the site area. This area does not allow sufficient area for deep soil planting therefore alternative landscape solutions are considered. Extent of Existing Basement  Extent of Proposed Basement 
Tree lined linear parks along Mitchell Street and Mitchell Plaza are important features of the 2036 Plan. The basement levels are required to be located beneath the building footprint to allow for adequate deep soil zones.	The proposal has been revised to accommodate trees along Mitchell Street Plaza to promote a “greener” space. This design revision provides shade, amenity, and a more aesthetically pleasant urban environment for pedestrians. However, it is not possible to promote deep soil planting on Mitchell Street Plaza frontage due to the existing basement structure which is to be retained. The Pre-Lodgement Meeting Response Report includes the diagram to depict options for new planting along Mitchel Street Plaza in pots or planters. Upper Ground Floor Landscape Plan

Council Comment	Applicant Response
	
2.9 Driveway Access and Location	
The driveway access via Atchison Street is the logical location for car access. Given the high amenity pedestrian environment that is envisioned for Atchison Street, the location and proximity of the proposed driveway with that of the adjoining site at 617-621 Pacific Highway, will create a great expanse of driveway crossing which will undermine the pedestrian amenity objectives and enlivening ambitions for this street. *Efforts should be made to combine driveway access with the adjoining owner, given the early pre DA stage of that site.*	The site at 617-621 Pacific Highway is under separate land ownership and subject to separate planning controls and an independent planning approval pathway. Future development (if it occurs) at 617-621 Pacific Highway will be progressed pursuant to the new planning controls that apply under an approved planning proposal. Further, there is significant change in ground levels between the two sites, compromising the feasibility of a combined vehicle entrance. In terms of development delivery, commercial feasibility, and design outcomes, it is considered unreasonable and impractical to combine the driveway access with the adjoining site at 617-621 Pacific Highway. The location and design of the entry / exit driveway to Atchison Street is eminently reasonable for an access and urban design perspective in that it retains the existing vehicle point arrangement, allowing access to the basement level car park, service areas, and loading docks. The proposed driveway to Atchison Street also includes a designated cycle lane that leads to the basement level.
2.10 Wind Modelling	
The 18m separation between the potential future development of the subject site and the adjoining development at 617-621 Pacific Highway may give rise to wind tunnelling/velocity issues given the potential respective heights of these proposals. A study identifying wind impacts of these development and strategies to mitigate and reduce any impacts particularly in the context of pedestrian comfort at the ground plane, should be included with a planning proposal submission.	The planning proposal is accompanied by a Pedestrian Wind Environment Statement prepared by Windtech Consultants (at **Appendix G**). This assesses the likely impacts of the indicative concept building envelope on the local wind environment that affects pedestrians in the proposed outdoor areas and communal open spaces. Comprehensive wind tunnel testing and assessment of the pedestrian wind environment associated with a detailed proposal will be provided with a future development application for the site. The Pedestrian Wind Environment Statement concludes that, subject to implementation of recommendations contained within, the site is capable of accommodating a future development aligned with the planning proposal and relevant wind controls and considerations.
3. Voluntary Planning Agreement	

Council Comment	Applicant Response
The State Infrastructure Contribution (SIC) that is applicable in the 2036 Plan precinct, does not apply to commercial development. In the context of a very significant increase in development potential being foreshadowed for the site as part of the 2036 Plan, the applicant is strongly encouraged to consider entering into a voluntary planning agreement towards the provision of much needed local infrastructure for the precinct.	Council correctly states that the 2036 Plan incorporated a clear plan to impose a special infrastructure contribution (**SIC**) to support state and regional infrastructure needs arising from the growth of housing. The applicant will be subject to local contributions at the DA stage. Given this context, it is considered that the proposal results in a net community benefit and thus does not warrant a special VPA offer to Council. Substantial community benefits that will be delivered include: ▪ Direct economic benefits and the creation of additional employment opportunities, during the phases of construction, marketing, fitout, and ongoing operation. ▪ New A-grade commercial office accommodation and easily identifiable and permeable ground level retail uses. Future uses will encourage the patronage of the locality and establish a landmark location to strengthen the realisation of St Leonards as a highly desirable place to live, work and play. ▪ Public domain activation and streetscape upgrades along Atchison Street, Mitchell Street Plaza, and the Pacific Highway interfaces. [**Note**. As detailed in **Section 1.4** below, the planning proposal is accompanied by a Letter of Offer (at **Appendix K**). The proponent submits the Letter of Offer to volunteer to enter into a planning agreement with North Sydney Council to provide a monetary contribution for the construction of a future signalised pedestrian improvements at the corner of Albany Street and Pacific Highway.

1.4. POST-LODGEMENT COUNCIL ENGAGEMENT

The original planning proposal request was submitted to North Sydney Council on 19 January 2023.

The below summarises key milestones subsequent to the submission of the planning proposal:

- **23 January 2023** – Planning proposal review by Council and accepted for Preliminary Assessment.
- **25 January 2023** – Planning proposal referred to Council's internal departments.
- **2 June 2023** – Urbis submitted correspondence to Council to provide supplementary details regarding floor-to-floor ceiling allowances for plant rooms and recent comparable commercial developments.
- **9 June 2023** – Urbis submitted correspondence to Council to provide clarifications regarding the maximum building height and propose an 8.25m reduction to maximum building height to RL268.
- **19 July 2023** – Planning proposal referred to the North Sydney Local Planning Panel (**NSLPP**), with Council's recommendation that it is forwarded for Gateway Determination subject to the following:
  - Amended maximum building height of RL259 (equivalent to 171m);
  - Amended maximum street wall height of between 4 and 5 storeys; and
  - Amendments to indicative reference scheme.
- **25 July 2023** – NSLPP published recommendations in relation to:
  - Overall building height and podium height (to provide transitions as envisaged by 2036 Strategy);
  - Plant room accommodated within maximum overall building height;
  - Reduction in podium from 4 storeys to 5 storeys (with maximum height of 20.5 metres); and
  - Opportunity for a VPA to deliver public / community benefits.
- **14 August 2023** – Planning proposal considered at a North Sydney Council Meeting with the following recommendations of the planning officer:
  1. *"THAT the Planning Proposal, including the accompanying indicative concept scheme, be amended to Council's satisfaction addressing the recommendations of the detailed assessment report undertaken by Element Environment (on behalf of Council). Specifically, the maximum building height be amended to RL259 (equivalent to 171m) and a maximum street wall (podium) height of 20.5m for 4 to 5 storeys.*
  2. *THAT the applicant be invited to consider making an offer to deliver public/community benefits via a Voluntary Planning Agreement (VPA) with Council, and that the outcome be reported to Council.*
  3. *THAT upon completion of Recommendation 1 and 2, the Planning Proposal be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.*
  4. *THAT upon receipt of a Gateway Determination, the Planning Proposal and any associated draft VPA be exhibited concurrently.*
  5. *THAT the outcomes of any public exhibition be reported to Council."*
- As recorded in the minutes of the Council Meeting on 14 August, 2023, Council resolved as follows:
  1. *"THAT the Planning Proposal, including the accompanying indicative concept scheme, be amended to Council's satisfaction addressing the recommendations of the detailed assessment report undertaken by Element Environment (on behalf of Council). Specifically, the maximum building height be amended to RL259 (equivalent to 171m) and a maximum street wall (podium) height of 20.5m for 4 to 5 storeys.*
  2. *THAT the applicant be invited to consider making an offer to deliver public/community benefits via a Voluntary Planning Agreement (VPA) with Council, and that the outcome be reported to Council.*

3. *THAT upon completion of Recommendations 1 and 2, the report return to Council complete with the offer of any Voluntary Planning Agreement put forward by the Proponent, prior to being forwarded to the Department of Planning and Environment."*

- **25 August 2023** – Proponent received a letter from Council acknowledging the recommendation made at the Council Meeting on 14 August 2023 and providing the following comments.
  - *"The applicant is requested to update the Planning Proposal and accompanying indicative concept scheme to address the recommendations of the detailed assessment report undertaken by Element Environment and submit it to Council for review as soon as practicable.*
  - *The applicant is also invited to consider making an offer towards the provision of identified public benefits. The upgrade of Hume Street Park is an identified infrastructure project under both the 2036 Plan and St Leonards/Crows Nest Planning Study - Precincts 2 and 3 (2015). The offer is to be in addition to any applicable section 7.11 local infrastructure contributions that would be levied at the future Development Application stage."*
- The amended planning proposal responded (in part) to the above recommendations in that:
  - **The amended planning proposal sought a reduced maximum building height from RL276.5 to RL265**. The reduction in the building height positively responds to Council's recommendations in that it maintains compliance with the 2036 Plan's solar access controls and reduces overshadowing impacts to public open spaces, streetscapes, and nearby residential areas identified in the 2036 Plan. The reduced solar impacts of the amended planning proposal are demonstrated in **Figures 22, 23,** and **24** of this planning report. The proposed building height of RL265 is required to provide sufficient flexibility in the future detailed design, structural, and engineering arrangements for plant services (and the need to avoid a future building height variation). Council's recommended height of RL259 does not provide sufficient scope for future servicing, in terms of accommodating volume and area for plant room heights, lift overruns, ventilation plants, cooling towers, and water tanks.
  - **The amended planning proposal was accompanied by a Letter of Offer to provide additional public benefit** (at **Appendix K**). The proponent submits the Letter of Offer to volunteer to enter into a planning agreement with Council to provide a monetary contribution to the construction of a future signalised pedestrian improvement at the corner of Albany Street and Pacific Highway.
- **8 September 2023** – Urbis submitted a letter to Council advising that Stockland was reviewing its position and response to Council's requested amendments to the maximum building height and recommendation to make an offer to deliver public / community benefits.
- **26 September 2023** – Urbis (on behalf of Stockland) submitted a Letter of Offer to commit to additional public benefits for North Sydney Council to provide a monetary contribution for the construction of a future signalised pedestrian improvements at the corner of Albany Street and Pacific Highway as identified in the schedule of works to support the vision in the 2036 St Leonards Crows Nest Plan. Urbis also submitted an amended planning proposal and reference design with a reduced maximum building height of RL265.
- **27 November 2023 –** North Sydney Council resolved to support the progression of the planning proposal, seeking a Gateway determination at a maximum building height of RL259 consistent with the recommendations of the assessment undertaken by Council and the North Sydney Local Planning Panel.
- **19 December 2023 –** The updated planning proposal was lodged to the Department for gateway determination.
- **22 December 2023 –** The Department wrote to North Sydney Council requesting that the planning proposal and urban design report be updated prior to Gateway assessment to be consistent with the controls resolved by Council on 27 November 2023 (maximum height of RL259). The applicant decided to wait until Gateway Determination to make these changes.
- **2 April 2024** – The Department issued Gateway Determination on 2 April 2024. The Determination included a condition requiring the planning proposal to be updated to reflect Council's resolution, including the maximum building height control of RL259.

2. SITE & SURROUNDING CONTEXT

2.1. THE SITE

The planning proposal relates to 601 Pacific Highway, St Leonards, within North Sydney Local Government Area (**LGA**). The site is approximately 4.5 km north of the Sydney CBD, 3 km from the North Sydney CBD, and within close proximity to the commercial centres of St Leonards, Chatswood, and Macquarie Park.

The site has a primary (south-facing) frontage to the Pacific Highway and secondary frontages to Mitchell Street (to the east) and Atchison Street (to the north) (see **Figure 1**).

The site comprises a single allotment (Lot 71 in DP 749690) with a total area of 2,840 sqm (approximate).

The site is currently occupied by a 14-storey commercial office building, with ground and plaza level retail land uses, and four basement parking levels (accommodating 158 spaces).

Figure 1 Site Location

Source: Urbis

2.2. SURROUNDING CONTEXT

2.2.1. Immediate Context

The site occupies a prominent location on the corner of the Pacific Highway and Mitchell Street, with a secondary frontage to Atchison Street. The site is located in the heart of St Leonards within convenient walking distance of the facilities and services available within the St Leonards rail precinct (see **Figure 2**).

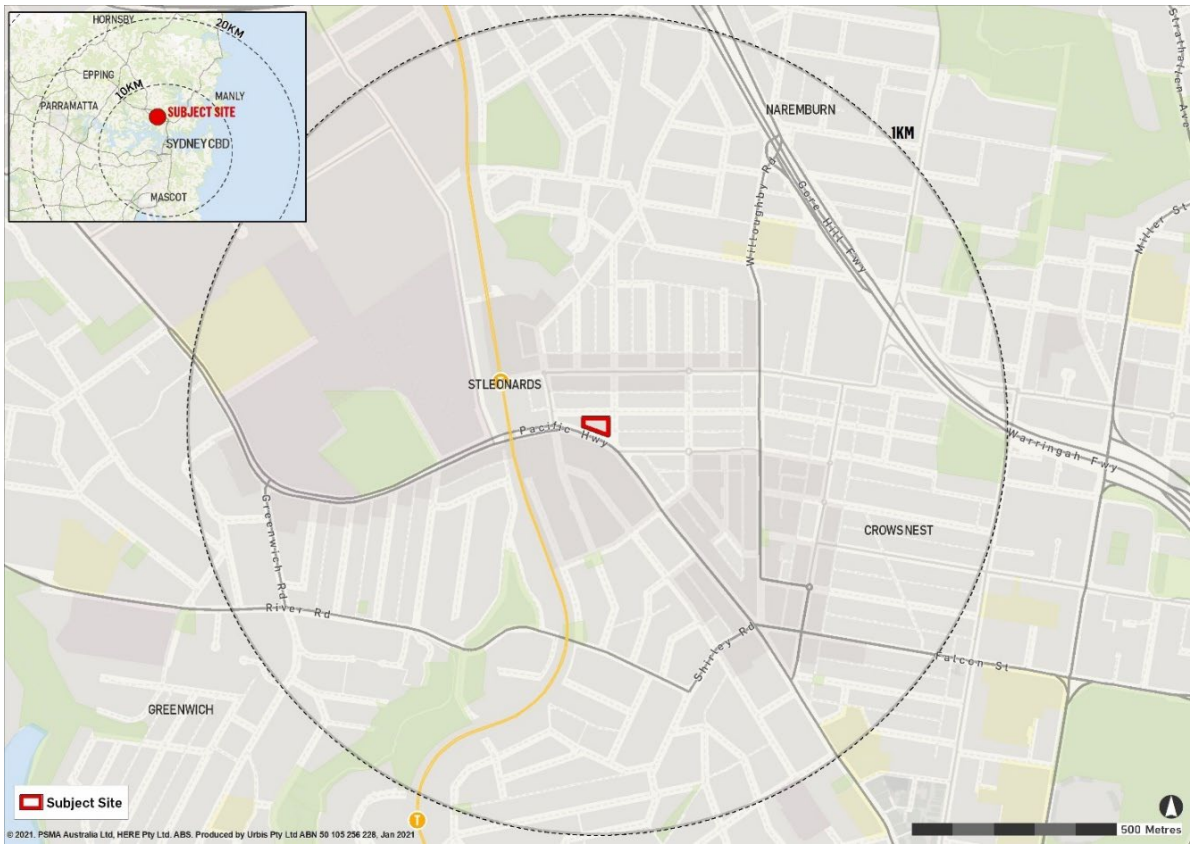
The area is well advanced in its transition from an older style commercial precinct to a thriving mixed-use area incorporating commercial and residential land uses, in tall tower building forms. This transition is facilitated by ongoing construction activity, recent development approvals, and further planning proposals.

The immediate surrounds include a range of building forms which are predominantly medium and high rise commercial and multi-storey mixed-use residential buildings.

The surrounding area is described as follows:

- **North**: The site is bounded by to the north by Atchison Street, a one way street (east bound) within a road reserve of approximately 20 metres. The road has recently been the subject of public domain improvement works undertaken by Council. On the immediate opposite side of Atchison Street is:
  - 22-24 Atchison Street (a six storey commercial office building);
  - 18-20 Atchison Street (a three-storey commercial building); and
  - 6-16 Atchison Street (a 34 storey mixed-use Quest /Air Apartment development).
- **East**: The site is bounded to the east by the Mitchell Street Plaza, which has been subject to public domain upgrades and embellishments works undertaken by Council. The recently completed public plaza incorporates a green (breathable) wall, island planters, pedestrian benches, an open lawn area (for passive recreation and relaxation), a shared pedestrian / vehicle zone (10km per hour), and a 'St Leonards Gateway' feature. Beyond Mitchell Street Plaza is a 5 storey commercial office building.
- **South**: The site is bounded to the south by Pacific Highway, a State classified road. Beyond the road is:
  - The Landmark (500 and 504-520 Pacific Highway): a 44 storey mixed use building currently under construction; and
  - St Leonards Square (472-494 Pacific Highway): a mixed use development comprising a new public plaza, a retail, recreation, and leisure precinct, and two residential towers of 28 and 36 storeys.
- **West**: Land adjoining the site to the west comprises No 617 Pacific Highway (a 7 storey commercial office building) and 621 Pacific Highway (an 11 storey commercial building.). These properties have been subject to a planning proposal as an amalgamated site to facilitate a future mixed use development (including residential land uses) with an indicative maximum building height of 50 storeys.
- The site's surrounding context is indicated in **Figure 2** below.

Figure 2 Surrounding Context



Source: Urbis

2.2.2. Surrounding Development Context

Recent development activity is redefining the character of St Leonards along the Pacific Highway corridor, between St Leonards train station and the new Crows Nest Metro station and contributing to its transformation to a high density precinct in line with State Government policy. **Table 3** identifies recent high density development approvals and proposals in the surrounding locality.

Table 3 Surrounding Development Context

Site Address	Development	Building Height
2-4 Atchison Street	Approved mixed use building.	35 storeys
6-16 Atchison Street	Constructed mixed-use Quest /Air Apartment building.	34 storeys
23-35 Atchison Street	Planning proposal lodged with North Sydney Council.	16 storeys
20-22 Atchison Street	Planning proposal not supported by SNPP.	35 storeys
472-494 Pacific Highway [St Leonards Square]	Mixed use development (public plaza, retail and leisure precinct, and residential towers).	28 and 36 storeys
500, 504-520 Pacific Highway [The Landmark]	Mixed use development (currently under construction).	44 storeys
575-583 Pacific Highway	Gazetted planning proposal for a future mixed-use building.	56 metres
617-621 Pacific Highway	Planning proposal to facilitate a future mixed use development (including residential land uses).	50 storeys
1-13A Marshall Street	Residential flat building (construction complete).	29 storeys
7-11 Albany Street	Approved mixed use building.	13 storeys
16-100 Christie Street	LEP changes gazetted allow mixed use development (including shop top housing).	36 storeys (132 metres)
82-90 Christie Street 546-564 Pacific Highway 71-70 Lithgow Street	Approved two residential towers and commercial office building.	Tower 1 – 47 storeys Tower 2 – 26 storeys Tower 3 – 14 storeys
Sydney Metro Crows Nest Over Station Development (OSD)	Concept approval for mixed use development (commercial floor space and residential apartments).	21 storeys (for Site A) 17 storeys (for Site B) 9 storeys (for Site C)
46 Nicholson Street, St Leonards	Planning proposal for commercial development.	32 storeys

2.3. WIDER CONTEXT

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

Key land uses in the vicinity of the site include:

- **The Forum**: Built over the St Leonards railway station, the Forum comprises a high rise development incorporating residential and commercial uses including a shopping centre. It is currently St Leonards' tallest development (38 storeys / 118 metres). Facilities and services available within the Forum, including the St Leonards railway station, are within convenient walking distance of the subject site (approximately 100 metres). St Leonards railway station provides direct rail services to four primary employment areas: Macquarie Park, Chatswood, North Sydney, and Sydney CBD.
- **Royal North Shore Medical Precinct**: Royal North Shore Hospital (**RNSH**) occupies an area of approximately 13 hectares on Reserve Road, St Leonards. The NSW Government has announced the redevelopment of the Herbert Street Precinct of the RNSH in May 2020, to ensure a world class health, education and wellness facility is available to serve the community well into the future. The indicative concept plan comprises a 60 storeys residential tower with a RL 274.5, a primary school, a short stay accommodation and commercial office. Public consultation was undertaken in December 2020.
- **Commercial offices**: A fringe of low grade office buildings (one block deep) front the Pacific Highway and west of the railway line. A more focused commercially zoned precinct is located south of the highway and east of the railway line and is characterised by a mix of commercial buildings, medical and allied health premises, and residential apartments.
- **Emerging mixed use development**: While recognised as an important employment precinct, the land use character of St Leonards is evolving to support a greater diversity of uses including residential uses above commercial level podiums (for instance St Leonards Square and The Landmark).

2.4. SURROUNDING ROAD, RAIL, AND BUS NETWORK

Rail Network

The site is located 350 metres (walking distance) east of St Leonards railway station. Trains connecting St Leonards station and the Sydney CBD provide a frequent and quick service. The train line also connects residents and workers to northern suburbs (including Chatswood and Hornsby) and Parramatta in the west.

Sydney Metro

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north west and Bankston in the south west. The site is approximately 400m from the Crows Nest Metro station to the southeast. Early works for the new Metro station began in March 2017, with service operation set to commence in 2024. Trains will depart every 4 minutes, connecting St. Leonards and Crows Nest to the CBD in 7 minutes. The station will create a new transport focus to St Leonards commercial core and Crows Nest neighbourhood. The Metro will provide much needed infrastructure to revitalise the area, generate a night time economy, and increase connectivity to nearby strategic centres within the global economic arc.

Road Network

The site has a primary frontage to the Pacific Highway, a State classified road. This road connects Sydney's north western suburbs to North Sydney and links the Bradfield Highway and Cahill Expressway to the CBD.

Bus Services

The site is well connected to bus services along the Pacific Highway and Willoughby Road. These stops provide frequent services throughout the day and express services operating during peak periods. The bus services connect the site with the North Sydney CBD, Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford, and Botany.

2.5. PHOTOGRAPHIC REVIEW

Figure 3 provides a photographic review of the site and the surrounding context.

Figure 3 Site Photography

Picture 1 Mitchell Street Plaza (looking north)

Source: Site visit (6 April 2021)

Picture 2 Existing building (looking south-east)

Source: Site visit (6 April 2021)

Picture 3 St Leonards Square (looking south)

Source: Site visit (6 April 2021)

Picture 4 Pacific Highway (looking west)

Source: Site visit (6 April 2021)

Picture 5 Existing building (looking southwest)

Source: Site visit (6 April 2021)

Picture 6 Quest apartments (looking northwest)

Source: Site visit (6 April 2021)

3. EXISTING STATUTORY PLANNING CONTEXT

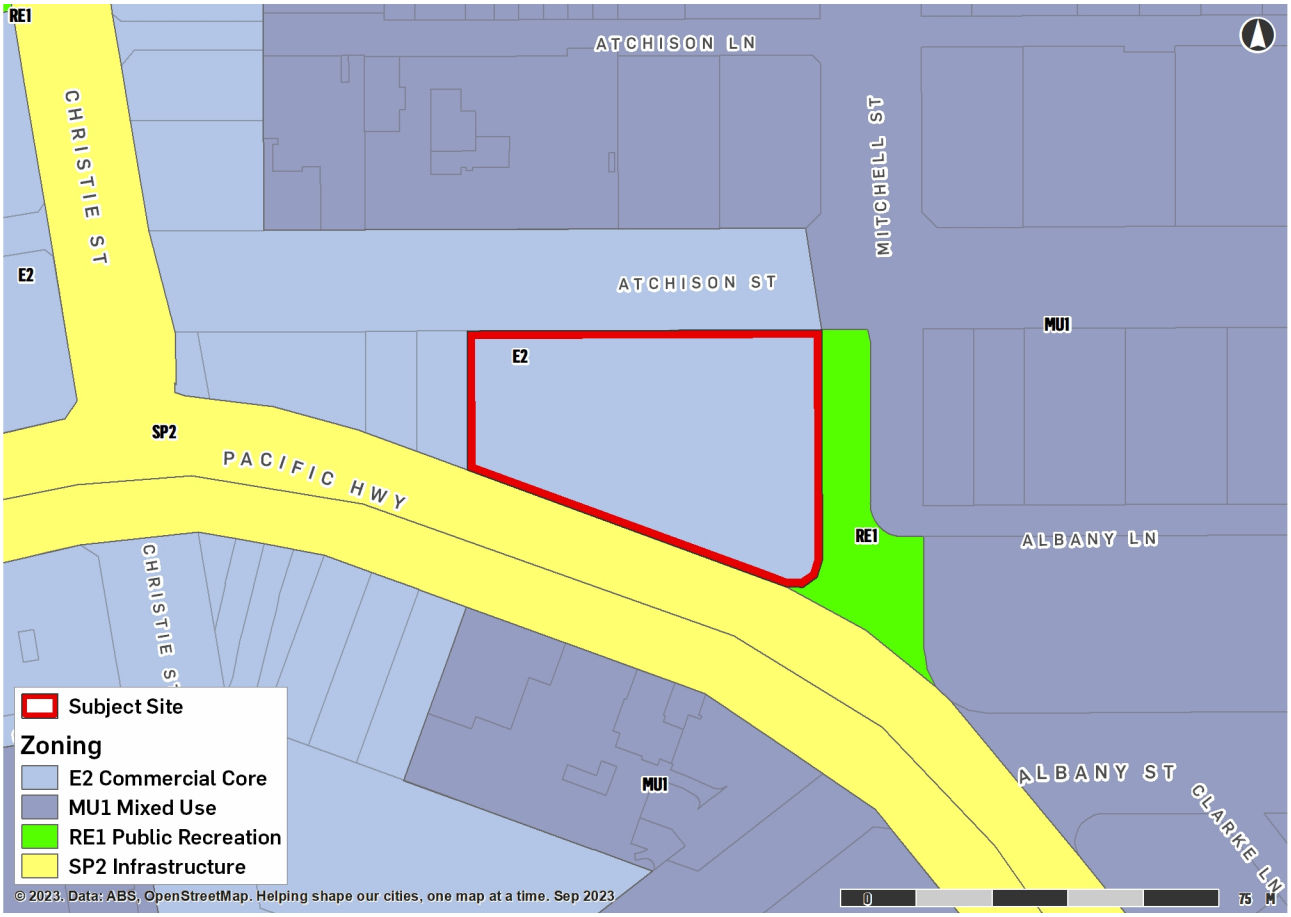
3.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The North Sydney Local Environmental Plan 2013 is the principal Environmental Planning Instrument which applies to the North Sydney LGA. The NSLEP was gazetted on 13 September 2013.

3.1.1. Zoning

Pursuant to NSLEP 2013 the site is zoned E2 Commercial Centre (refer to **Figure 4**).

Figure 4 NSLEP 2013 Zoning Map



Source: Urbis

3.1.2. Objectives and Permissibility

Table 4 identifies the objectives and permissible land uses of Zone E2.

Table 4 E2 Zone Objectives and Permissibility

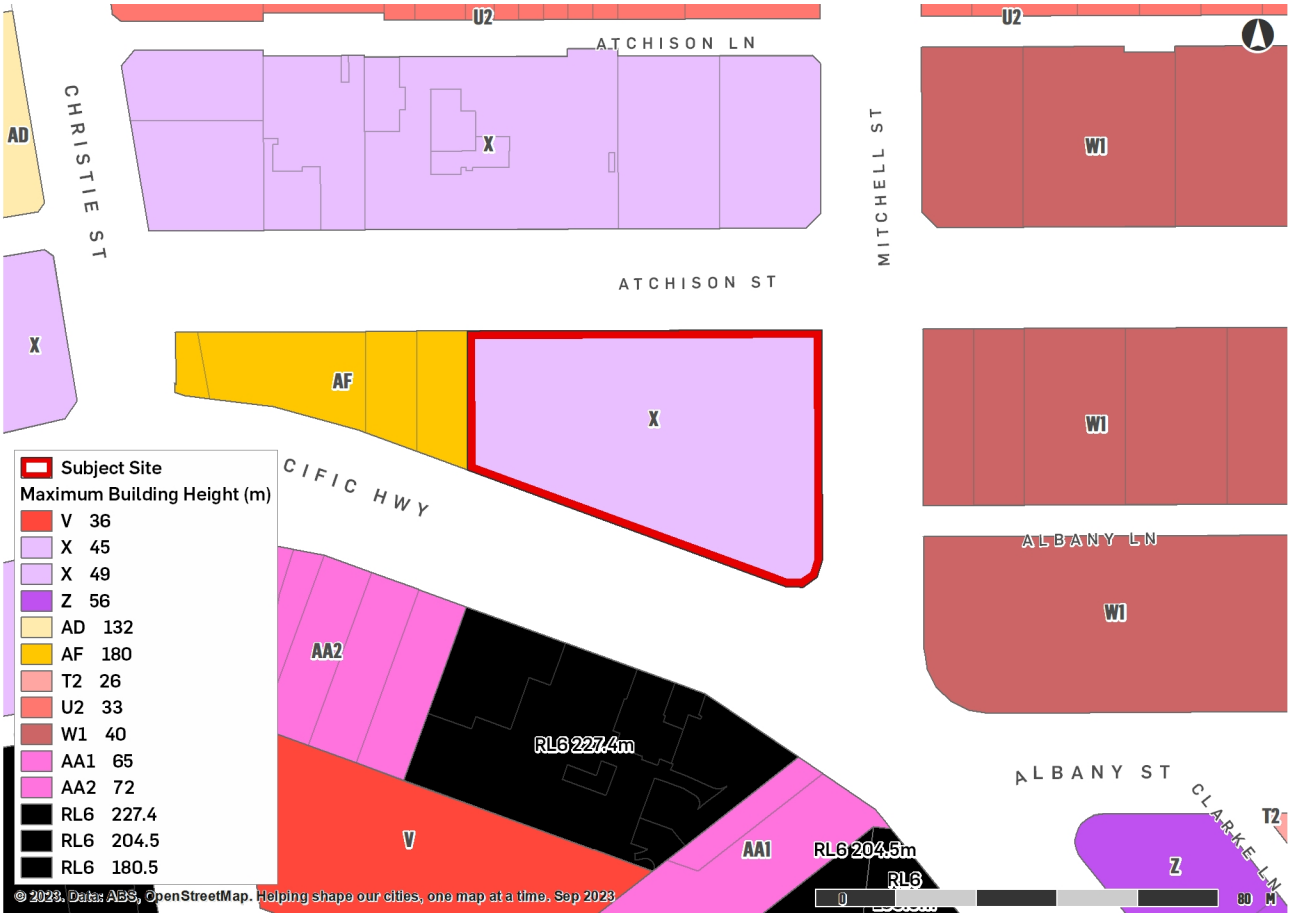
Zone Objectives	▪ *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.* ▪ *To encourage investment in commercial development that generates employment opportunities and economic growth.* ▪ *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*

	▪ *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.* ▪ *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.* ▪ *To encourage employment opportunities to strengthen the Eastern Economic Corridor of the Greater Cities Commission.* ▪ *To maximise public transport patronage and encourage walking and cycling, including by protecting and encouraging safe and accessible pedestrian routes.* ▪ *To support the role of St Leonards as a health and education centre.* ▪ *To strengthen the role of Chatswood as a strategic centre for the North District of the Greater Cities Commission.* ▪ *To improve the public domain and pedestrian links in Chatswood.* ▪ *To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.*
Permitted without consent	*Nil*
Permitted with consent	*Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home businesses; Home industries; Home occupations; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals*
Prohibited	*Any other development not specified in item 2 or 3*

3.1.3. Maximum Height of Buildings

The site is subject to maximum building height of 49 metres under NSLEP 2013 (as **Figure 5**).

Figure 5 NSLEP 2013 Building Height Map

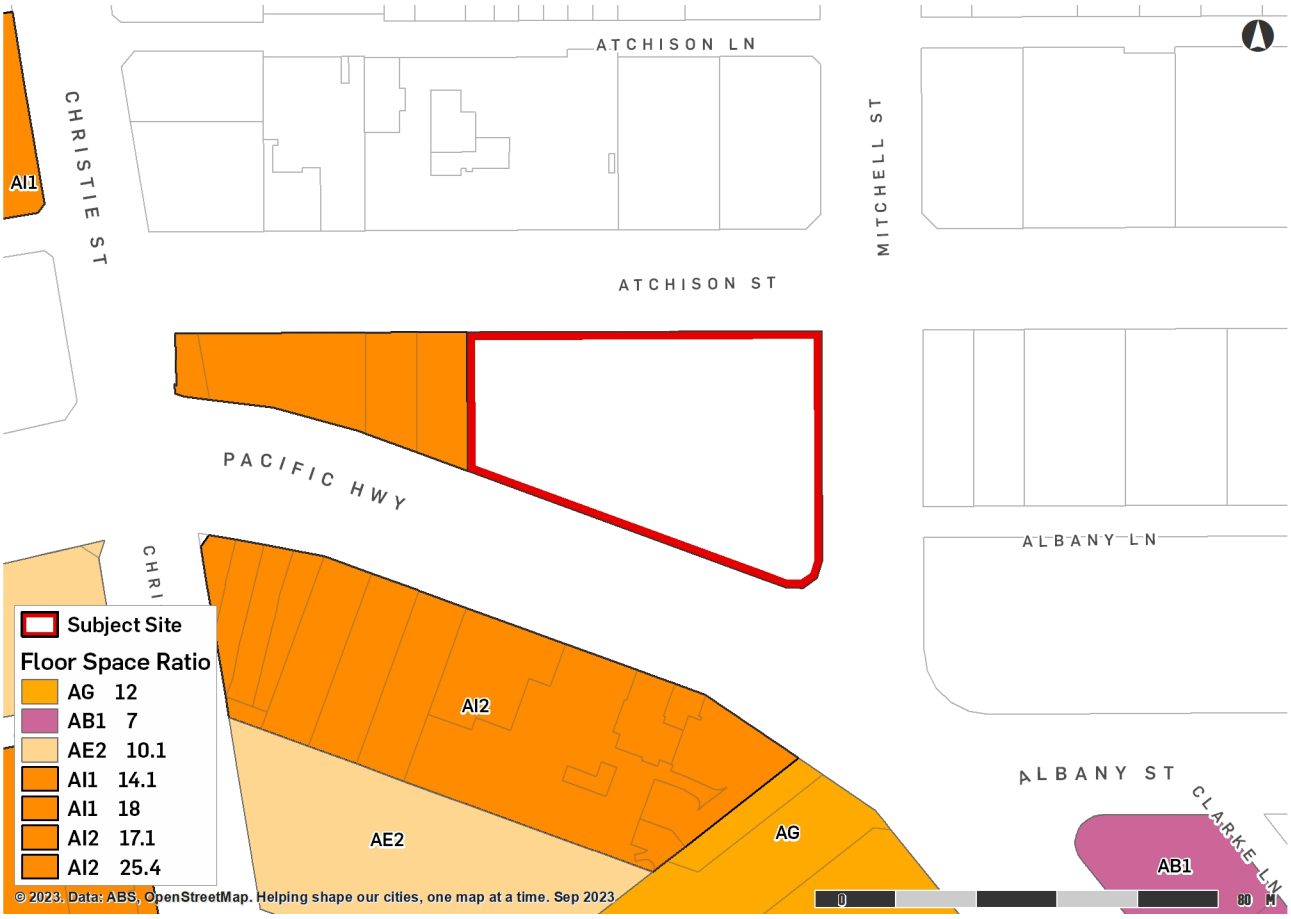


Source: Urbis

3.1.4. Floor Space Ratio

The site is not subject to a maximum floor space ratio (**FSR**) control under NSLEP 2013 (as **Figure 6**).

Figure 6 NSLEP 2013 Floor Space Ratio Map



Source: Urbis

4. INDICATIVE DEVELOPMENT OUTCOME

The planning proposal seeks to unlock the potential of a strategically-located landholding and facilitate future high-quality transit-oriented commercial development in a precinct earmarked for density uplift. The proposal will generate public benefit and make a significant economic contribution to St Leonards.

The intended outcome of this planning proposal is to amend the NSLEP 2013 as follows:

- Establish a site-specific maximum building height control, with maximum height of RL259; and
- Establish a site-specific maximum floor space ratio control, with a maximum FSR of 20:1.

The planning proposal does not amend the site's E2 Commercial Centre zoning. It is envisaged that future development aligned with the planning proposal will comply with the permissible land uses and objectives of Zone E2.

4.1. INDICATIVE CONCEPT PROPOSAL

This planning proposal is supported by an Addendum Urban Design Report prepared by Architectus (at **Appendix A**) which contains an indicative concept proposal. This establishes an indicative building envelope for future development aligned with the NSLEP planning controls.

The indicative concept proposal is for a 42 storey commercial building, comprising:

- Four levels of basement car parking below ground level;
- Lower ground floor retail and commercial uses (including café / bar, retail premises, and reception area);
- Upper ground floor (upper lobby, potential for co-working spaces, and café); and
- Above podium tower for commercial offices (including plant levels and communal terrace gardens).

The indicative concept proposal is illustrated in **Figure 7**.

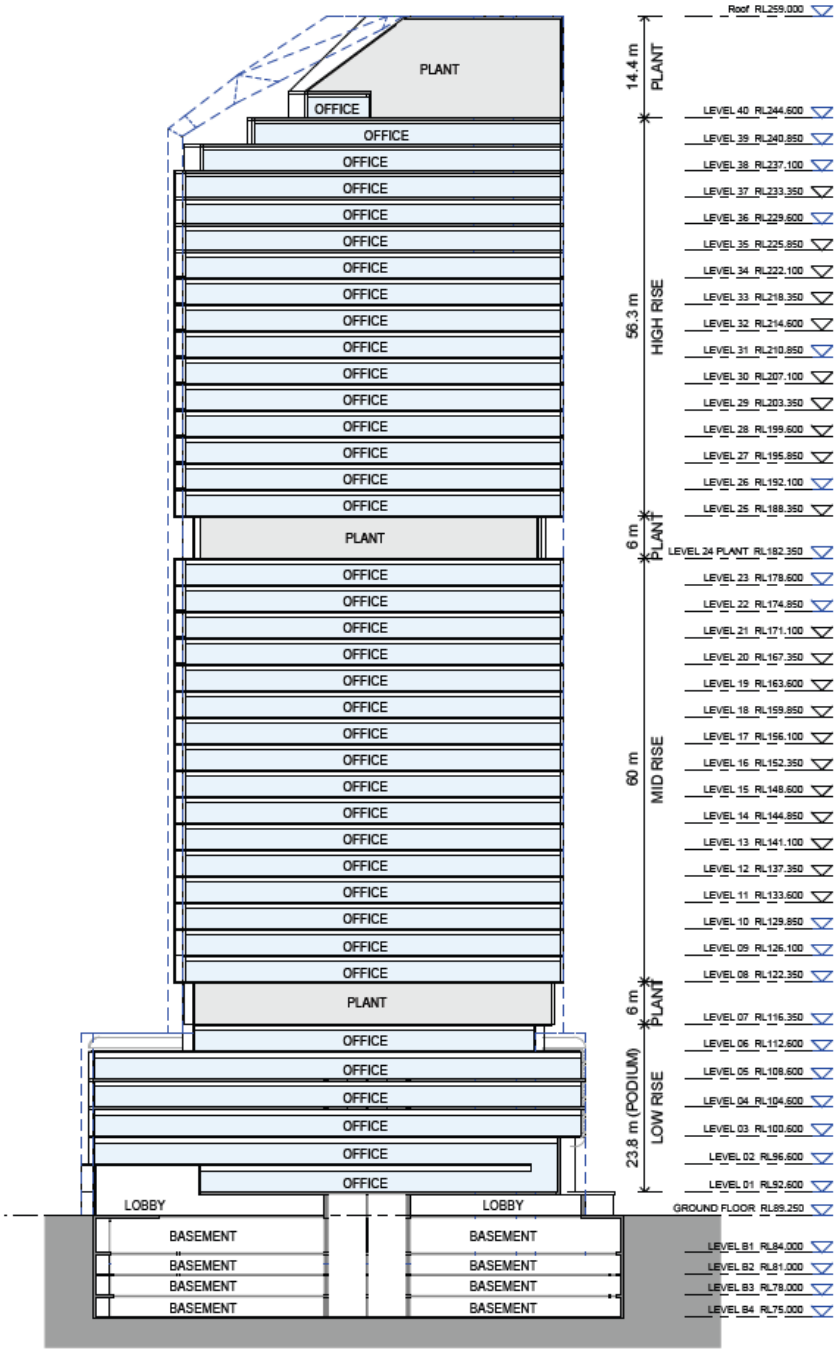
Figure 7 Artist Impression

Source: Architectus

Source: Architectus

Figure 8 provides a plan in section of the amended indicative concept proposal.

Figure 8 Indicative Concept Proposal



Source: Architectus

Key numerical details of the indicative concept proposal are provided in **Table 5**.

Table 5 Indicative Concept Proposal

Component	Indicative Concept Proposal
Land Uses	Commercial premises (including office premises and retail premises)
Indicative Yield (Yields are based on the indicative test fit design detailed in the Urban Design Report)	56,348 sqm commercial (office) floor space 406 sqm retail floor space
Gross Floor Area (**GFA**)	Total GFA: 56,754 sqm
Floor Space Ratio (**FSR**)	20:1
Built Form	4x basement levels 5-storey podium (ground floor to Level 05) 36-storey tower above podium (Level 06 to Level 41)
Building Height	41 storeys (RL259)
Car Parking	128 basement car parking spaces

4.2. INDICATIVE CONCEPT DESIGN PRINCIPLES

The indicative concept proposal is specifically tailored to respond to the site's opportunities and the surrounding evolving urban character of the St Leonards centre.

The key guiding principles inform and underpin the indicative concept design are detailed as follows:

- **Urban renewal**: The proposal capitalises on an unparalleled opportunity to redevelop a strategically-located landholding and deliver high amenity commercial office space in a precinct earmarked for density uplift. Future commercial development will generate substantial public benefit and make a significant economic contribution to St Leonards centre.
- **Transport orientated development**: The proposal maximises the site's advantageous accessibility to the St Leonards railway station and new Crows Nest Metro station to deliver a transit-orientated development which is an attractive place for people to visit and work.
- **Employment Generation**: The proposal creates a highly efficient commercial tower with high amenity contemporary office accommodation and flexible floorplates and tenancies. The new office space will deliver substantial additional high quality commercial space to the centre.
- **Iconic corner**: The site occupies the topographic high point of St Leonards centre on a prominent bend of the Pacific Highway. The position of the site is an entry to St Leonards and is ideally positioned to accommodate a landmark tower to mark the vista. The sensitive and elegant architectural form of the development results in an iconic gateway to St Leonards.
- **Tower separation and view sharing**: The proposal is set back 18 metres from the western boundary to maintain appropriate building separation to the adjoining site (619-621 Pacific Highway). The design maximises separation to allow for view sharing and reduces the perceived effect of 'tower crowding'.
- **Solar Access**: The slender design and proportionality of the tower creates a fast-moving shadow and ensures reasonable solar access to adjoining properties and open spaces. The podium footprint is set back at the corner of Mitchell Street and Atchison Streets to mitigate additional overshadowing to the Mitchell Street Plaza (to achieve compliance with the St Leonards and Crows Nest 2036 Plan).

- **Improved pedestrian access and connectivity**: The proposal provides opportunities for improved pedestrian circulation and connectivity throughout the St Leonards centre through the establishment of site connections with adjacent properties and enhanced integration with the surrounding footpath network, nearby open spaces, and key transport nodes such as St Leonards train station.
- **Mitchell Street Plaza**: The proposal makes a meaningful contribution to activating the Mitchell Street Plaza. The Plaza itself has been embellished through Council-led public domain upgrades, which include a green wall, island planters, pedestrian benches, open lawn area, shared pedestrian / vehicle zone, and a 'St Leonards Gateway' feature. The proposal delivers a dynamic and permeable interface, with operable and transparent lobby frontages enhancing the role of the plaza as a focal point for the precinct.
- **Through-site link**: The ground floor provides pedestrian permeability via lobbies during business hours. Escalators offer a convenient means of negotiating the gradient changes around the site frontages.
- **Biophilia and workplace design**: The proposal integrates terrace gardens within the podium rooftop level and the upper tower levels. These gardens comprise generous landscaped outdoor spaces and offer amenity to tenants. The external building façades can accommodate greenery and vegetation.
- **Retail activation**: The ground floor retail tenancy will create pedestrian activation along the Pacific Highway frontage and add vibrancy and vitality to what is currently a poor pedestrian environment.
- **Atchison Street activation day and night**: A new café / bar could be accommodated to the Atchison Street frontage (as shown in the indicative concept proposal). This would create opportunities for outdoor alfresco dining and other ground plane activations (such as pop-up installations). Public domain activation will complement the principal commercial office use, encourage pedestrian activity, and reinforce Atchison Street as a vibrant day and night dining precinct.

The key principles demonstrate the clear strategic and site-specific planning merits of the proposal.

4.3. BUILDING MASSING AND KEY DESIGN ELEMENTS

The indicative concept proposal demonstrates the following building massing and key design elements.

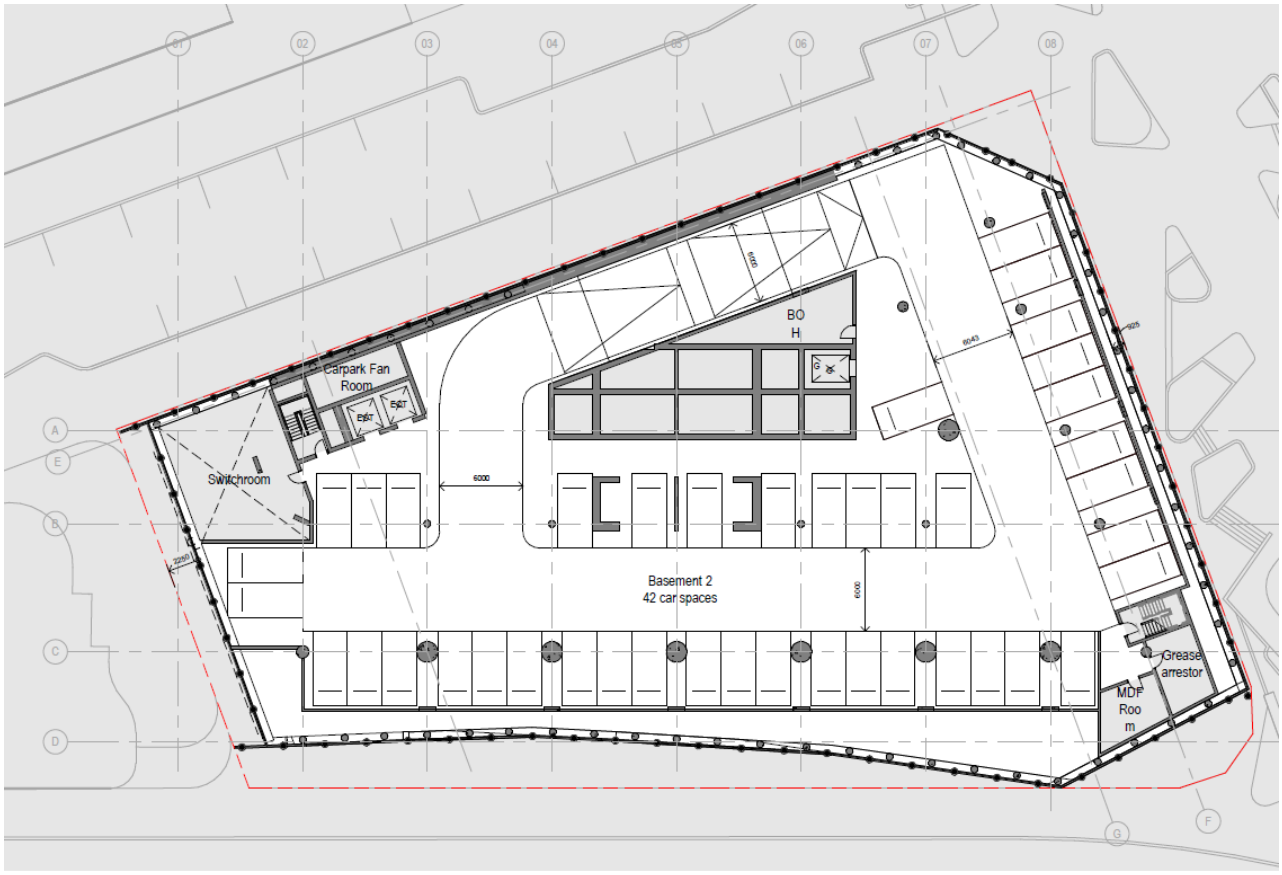
Basement Levels

The indicative concept proposal integrates four basement levels that comprise the following:

- 128 car parking spaces (including up to 3 accessible spaces in total);
- 16 motorcycle parking spaces;
- Bicycle storage areas;
- Waste storage rooms;
- Loading dock (allowing for one medium rigid vehicle (**MRV**) bay, two small rigid vehicle (**SRV**) bays, and three van bays);
- Lift cores; and
- Plant and back-of-house areas (including switch-rooms and car park fan rooms).

Figure 9 demonstrates the indicative typical basement level layout.

Figure 9 Typical Basement Level Layout



Source: Architectus

Lower Lobby Floor (Ground Level)

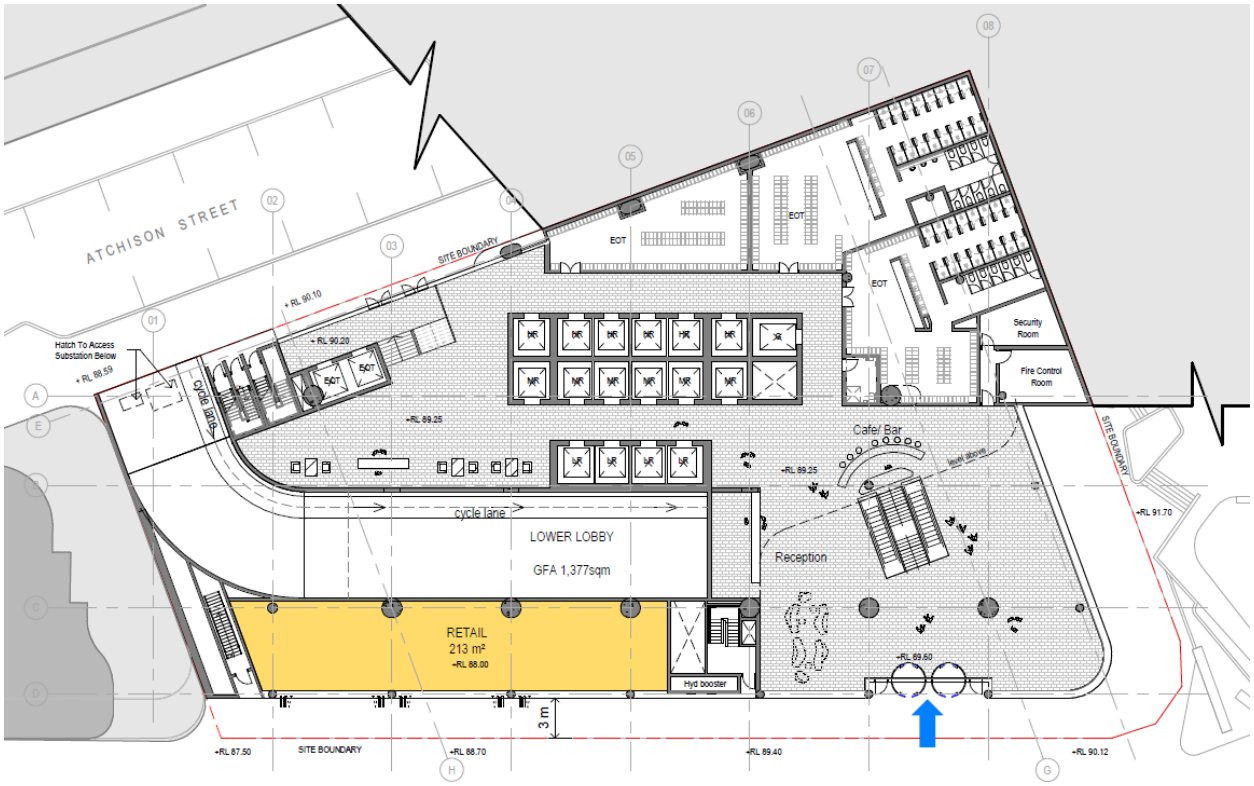
The lower ground level provides at-grade pedestrian access from the Pacific Highway frontage. The lower ground level presents a 3 metre setback to the Pacific Highway (south-facing frontage) and a 5 metre setback to the Mitchell Street Plaza (east-facing frontage). The lower ground level is built to the boundary to Atchison Street (north-facing frontage) and No 617 Pacific Highway (west-facing frontage).

The indicative concept design for lower ground level comprises:

- Lobby entrance and reception area at ground floor level from the Pacific Highway frontage;
- Café / bar / flexible retail use (with opportunities for outdoor sitting areas to Mitchell Street Plaza);
- Retail tenancy fronting Pacific Highway (213 sqm GFA);
- Stairwells and lift cores (separate lift lobbies for low rise podium levels and high rise tower levels);
- End-of-trip facilities;
- Back-of-house areas (including plant, hydrant boosters, a security room, and a fire control room);
- Vehicle and bicycle access driveway from Atchison Street; and
- Pedestrian thoroughfare and active street frontages at ground level to Mitchell and Atchison Streets.

Figure 10 demonstrates the indicative lower lobby layout.

Figure 10 Lower Lobby Plan



Source: Architectus

Upper Lobby Floor (Level 01)

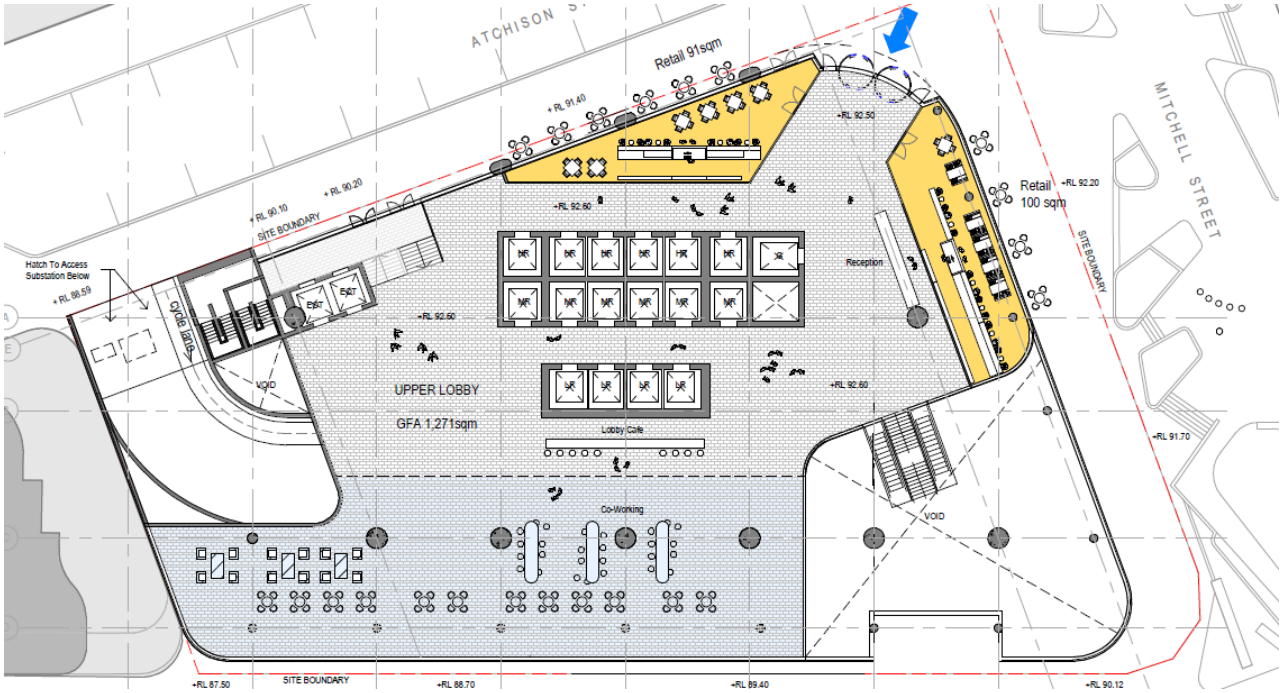
At-grade pedestrian access to the upper ground level is provided from Atchison Street and an entrance lobby to the corner of Mitchell Street / Atchison Street. The upper ground level presents a 5 metre setback to the Mitchell Street Plaza, and nil setbacks to Pacific Highway, Atchison Street, and No 617 Pacific Highway.

The indicative concept design for the upper ground level comprises:

- Lobby entrance and reception area at ground floor level from Mitchell Street / Atchison Street corner.
- Potential for co-working space;
- Lobby café / flexible retail space (with opportunities for outdoor sitting areas to Mitchell Street Plaza);
- Stairwells and lift cores (separate lift lobbies for low rise podium levels and high rise tower levels); and
- Void space above the lower ground level lobby entrance to the Pacific Highway frontage.

Figure 11 demonstrates the indicative upper lobby floor layout.

Figure 11 Upper Lobby Plan



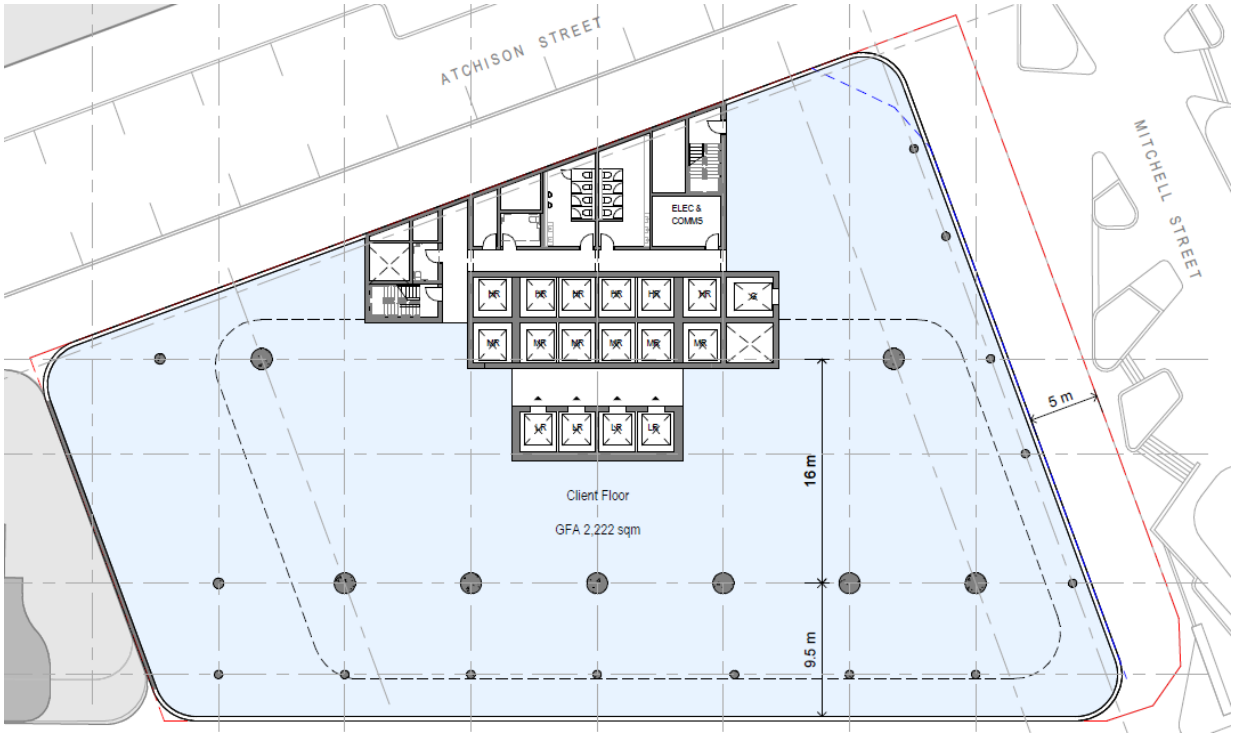
Source: Architectus

Upper Podium Floors (Levels 02 – 05)

Above the lower and upper lobby levels is a podium transfer level (Level 02) with an indicative commercial GFA of 1,672 sqm and three client floors (Levels 03 – 05) with an indicative GFA of 2,222 sqm. These provide flexible commercial space that can accommodate a range of tenant configurations and formats (open plan or strata). The podium level floors include bathroom facilities, stairwells and lift cores, and plant areas.

Figure 12 demonstrates the typical podium floor layout.

Figure 12 Typical Podium Floor Plate



Source: Architectus

Upper Tower (Levels 06 – 41)

The indicative concept design proposes a 36-storey tower above the podium (Levels 06 – 40). The tower presents an 8 metre setback to Mitchell Street, 3 metre setback to the Pacific Highway, 3 metre setback to Atchison Street, and 12 metre setback to No 617 Pacific Highway. The tower levels provide flexible spaces to suit a range of tenant configurations and formats (open plan or subdivided into smaller office suites).

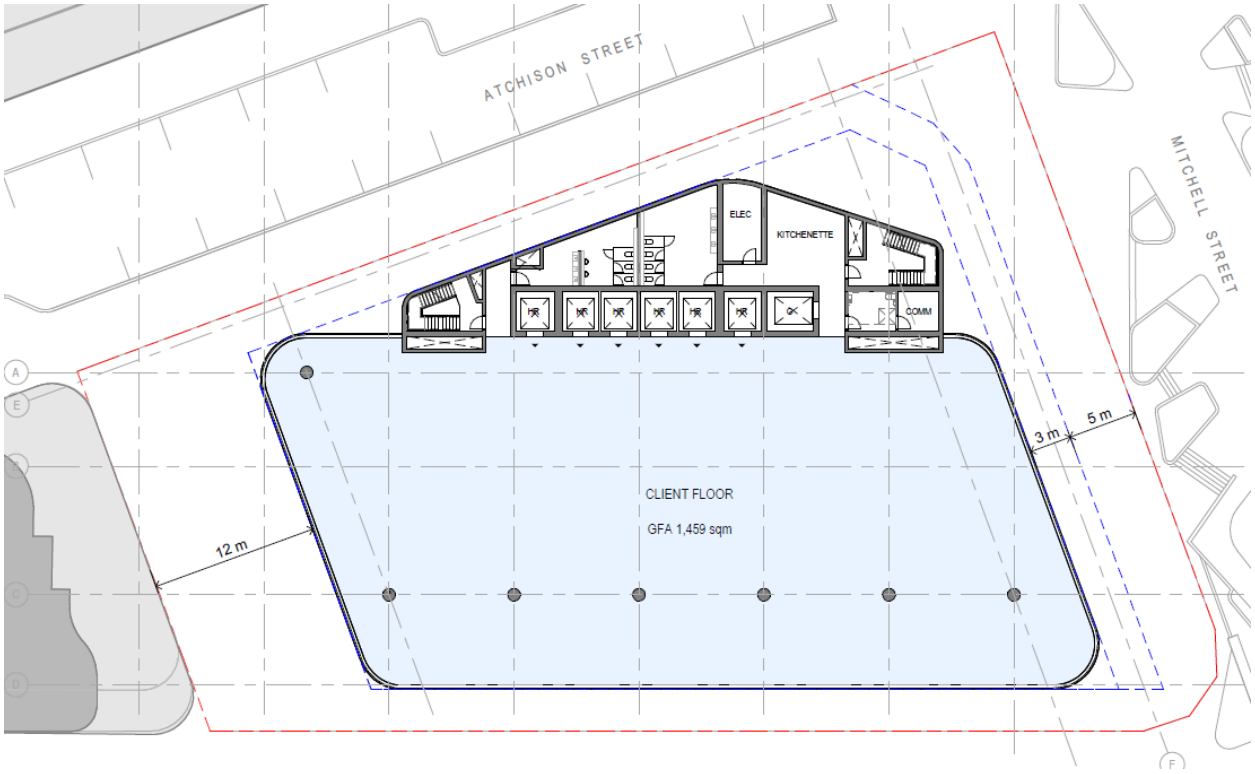
The tower reaches a maximum building height of 41 storeys (RL 259) to the top of the roof plant.

The indicative concept design for the tower comprises:

- Level 06 (client floor) – commercial floor plate (indicative 1,059 sqm GFA), tenant bathroom facilities, stairwells and lift cores, plant and back-of-house areas, and wraparound outdoor terrace garden.
- Level 07 (lower plant) – plant, stairwells, lift cores, and back-of-house areas.
- Levels 08 – 21 (client floors) – commercial floor plate (indicative 1,387 sqm GFA), a kitchenette, tenant bathroom facilities, stairwells and lift cores, plant, and back-of-house areas.
- Level 22 (client floor) – commercial floor plate (indicative 1,286 sqm GFA), a kitchenette, tenant bathroom facilities, stairwells and lift cores, plant, back-of-house areas, and outdoor terrace garden.
- Level 23 (client floor) – commercial floor plate (indicative 1,228 sqm GFA), tenant bathroom facilities, stairwells and lift cores, plant, back-of-house areas, and outdoor terrace garden.
- Level 24 (upper plant) – plant, stairwells, lift cores, and back-of-house areas.
- Levels 25 – 37 (high rise client floors) – commercial floor plate (indicative 1,459 sqm GFA), a kitchenette, tenant bathroom facilities, stairwells and lift cores, plant, and back-of-house areas.
- Levels 38 – 40 (terrace client floors) – commercial floor plate (indicative 944 sqm – 1,342 sqm GFA), tenant bathrooms, stairwells and lift cores, plant, back-of-house areas, and outdoor terrace gardens.
- Level 41 (plant) – plant, stairwells, lift cores, and back-of-house areas.

Figure 13 demonstrates an indicative typical layout for the high rise commercial levels (Levels 25 – 37).

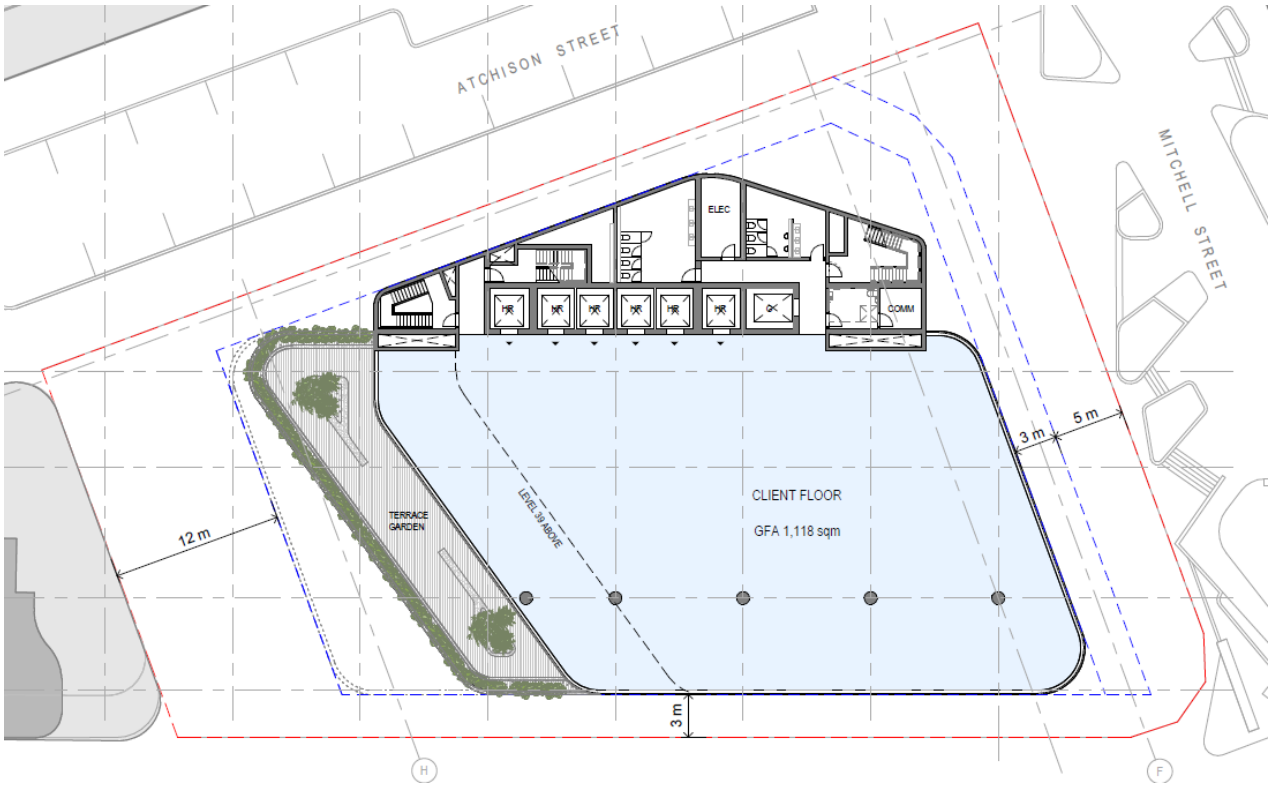
Figure 13 Typical High Rise Commercial Level Layout



Source: Architectus

Figure 14 demonstrates an indicative typical layout for the terrace commercial levels (Levels 38 – 40).

Figure 14 Typical Terrace Level Layout



Source: Architectus

Site Access

Vehicular access will be provided via an entry / exit driveway to Atchison Street in the north-west portion of the site. The driveway is in the same location as the current access point arrangement. The driveway allows access to the basement level car park, service areas, and loading docks. The proposed driveway to Atchison Street also includes a designated cycle lane that leads to the basement level bicycle storage areas.

Pedestrian access to the lower lobby level is provided from a lobby entrance to the Pacific Highway frontage and a staircase and lifts from Atchison Street. Pedestrian access to the upper lobby level is provided from an entrance to Mitchell Street Plaza. Access to the retail tenancy is provided directly to Pacific Highway.

4.4. LANDSCAPING AND PUBLIC DOMAIN

The indicative concept proposal incorporates an integrated landscaping and public domain strategy prepared by Oculus, as detailed in the Landscape Report (at **Appendix B**).

Key design principles of the indicative landscaping strategy are:

- Connection and continuity;
- Activation;
- Shared spaces
- Distinct places; and
- A green focus.

The vision for the indicative landscape design is to integrate public domain and landscape initiatives to make a significant contribution to the centre and create a vibrant, richly layered and engaging urban destination.

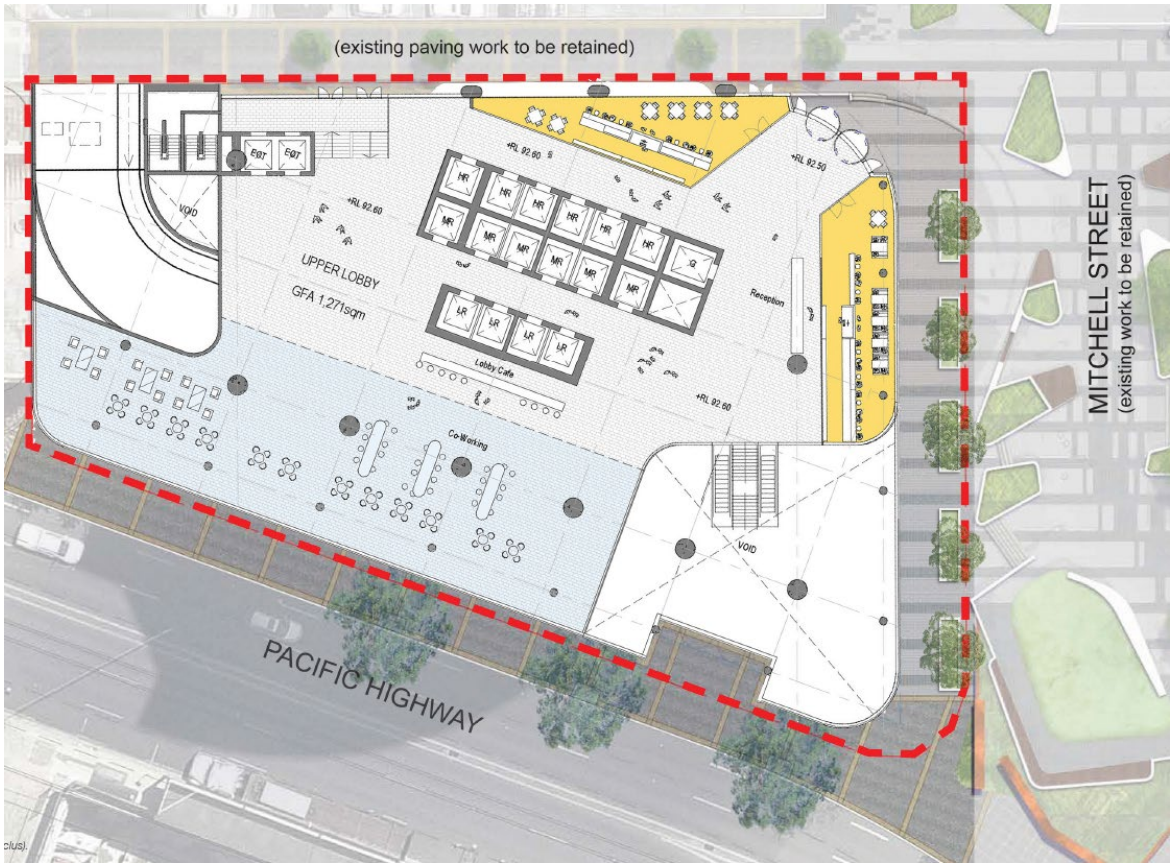
The integrated components of the indicative landscape design are described as follows.

Ground Plane Public Domain Interface

As indicated in **Figure 15**, the indicative concept design provides opportunities to enhance the ground plane and public domain interface (within the site boundary) to the adjoining streetscape through the following:

- Upgrades to street paving along Pacific Highway (as per North Sydney Council *Public Domain Manual*);
- Street tree plantings along Pacific Highway and Mitchell Street (subject to existing services);
- Extensions to existing paving layout along the Mitchell Street Plaza to the building edge; and
- Proposed stairs and retaining wall to the north-east corner of site.

Figure 15 Ground Plane Public Activation



Source: Architectus

The public domain built form activates the following key public domain spaces and streetscapes:

- Mitchell Street Plaza: activation to urban plaza with lobby entrances and al fresco dining opportunities;
- Atchison Street: commercial / retail tenancies provide activation along street frontage; and
- Pacific Highway: visual engaging retail frontages and pedestrian activation.

The proposal promotes pedestrian connectivity within and around the site by introducing:

- DDA compliant access connections along Atchison Street, Pacific Highway, and Mitchell Street Plaza;
- Through-site connections between lower and upper ground floor levels;
- Lobby entries with strong street presence to Atchison Street, Mitchell Street Plaza, and Pacific Highway;
- Activation to civic gathering and meeting places (for relaxation and passive recreation); and
- Upgrades to pedestrian pathways around the site (under building colonnades).

Interface to Mitchell Street Plaza

The indicative landscape design activates public domain connectivity to the civic gathering and meeting spaces along the Mitchell Street Plaza. The proposal envisages outdoor seating and dining opportunities, human-level planted edges, public gathering spaces, tree canopies, bench seating, open space spill out areas, and shared pedestrian walkways. These spaces can be utilised for a wide range of seasonal events such as weekend markets, 'pop-up' installations, and community engagement initiatives within the Plaza.

Tenant Open Spaces

The indicative concept design incorporates 'terrace gardens' and 'sky gardens' as commercial outdoor terrace spaces for future users of the commercial tenancies. These spaces achieve high quality open areas for future tenants and provide opportunities for flexible outdoor gathering and passive recreation.

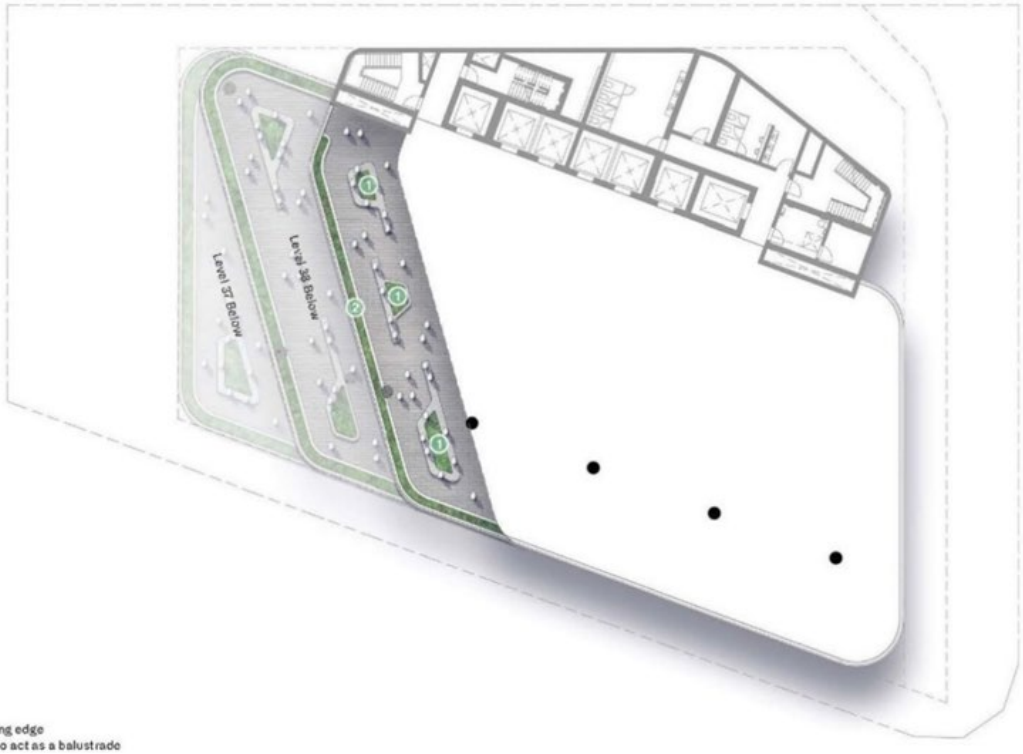
The Level 06 garden terrace features peripheral landscaping, raised planters with seating edges and tree plantings, flexible dining areas, passive seating areas, an outdoor kitchen / BBQ area, and fixed furniture.

Figure 16 Level 06 Garden Terrace

Source: Oculus

The sky gardens at Levels 22-24, and 38-41 gardens feature peripheral landscaping, raised planters with seating edges and tree plantings, passive seating areas, and bespoke fixed furniture.

Figure 17 Typical Roof Terrace



Source: Oculus

5. PLANNING PROPOSAL ASSESSMENT

This planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of *Local Environmental Plan Making Guideline* (August 2023) (DPE).

Accordingly, the planning proposal is assessed 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.

Discussion for each of the above parts is outlined in the following chapters.

6. PART 1 – OBJECTIVES & INTENDED OUTCOMES

6.1. OBJECTIVES

The primary objective of the planning proposal is to amend the maximum building height and FSR controls that apply to the site to enable built form density uplift and facilitate a commercial development outcome. The proposed changes to built form controls will deliver a contextually appropriate building form as envisaged by the 2036 Plan. The proposal does not amend the site's current E2 Commercial Centre zoning.

The proposed amendments to NSLEP have the following objectives of enabling future development:

- Deliver high-amenity commercial office space aligned with the 2036 Plan;
- Realise the development potential of this significant strategically-located landholding;
- Facilitate development activity in identified key location in St Leonards, supporting the evolution of a diverse retail and commercial precinct and contributing to a rejuvenation of the town centre;
- Provide compatible commercial and retail land uses that contribute to the creation of a vibrant and active community, within close proximity to an existing railway station and future new Metro station; and
- Integrate within the ground plane of surrounding public open spaces and activate the streetscape.

6.2. INTENDED OUTCOMES

The intended outcome of the planning proposal is to establish planning controls that will facilitate the future redevelopment of the site for a new high density commercial tower form.

This is proposed through the following changes to the NSLEP 2013:

- Amending the NSLEP *Height of Buildings Map* to provide for a maximum building height of RL259; and
- Amending the NSLEP *Maximum Floor Space Ratio Map* to provide a maximum floor space ratio (**FSR**) control of 20:1.

7. PART 2 – EXPLANATION OF PROVISIONS

7.1. LAND TO WHICH THE PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at 601 Pacific Highway, St Leonards. The legal property description of the site is Lot 71 in Deposited Plan 749690.

7.2. PROPOSED LEP AMENDMENTS

This section is to be read in conjunction with **Section 9** of this planning proposal report, which contains the proposed amended NSLEP 2013 maps for the maximum building height and floor space ratio controls.

Land Use Zoning

The proposal does not seek to amend the current E2 Commercial Centre zoning. The indicative concept for the future development is consistent with the objectives of the E2 Commercial Centre zone.

Building Height

It is proposed that an RL259 maximum building height development standard be applied to the site.

This outcome can be achieved by amending the existing *Height of Buildings Map – Sheet HOB_001* of NSLEP 2013.

Floor Space Ratio

There is no existing FSR development standard applicable to the site.

It is proposed that a maximum FSR development standard of 20:1 be applied to the site. This outcome can be achieved by amending the existing *Floor Space Ratio Map – Sheet FSR_001* of NSLEP 2013.

8. PART 3 – JUSTIFICATION

8.1. NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is a result of the following local strategic planning statement and strategic plans:

- St Leonards and Crows Nest 2036 Plan;
- North Sydney Local Strategic Planning Statement; and
- St Leonards/Crows Nest Planning Study (2015).

St Leonards and Crows Nest 2036 Plan

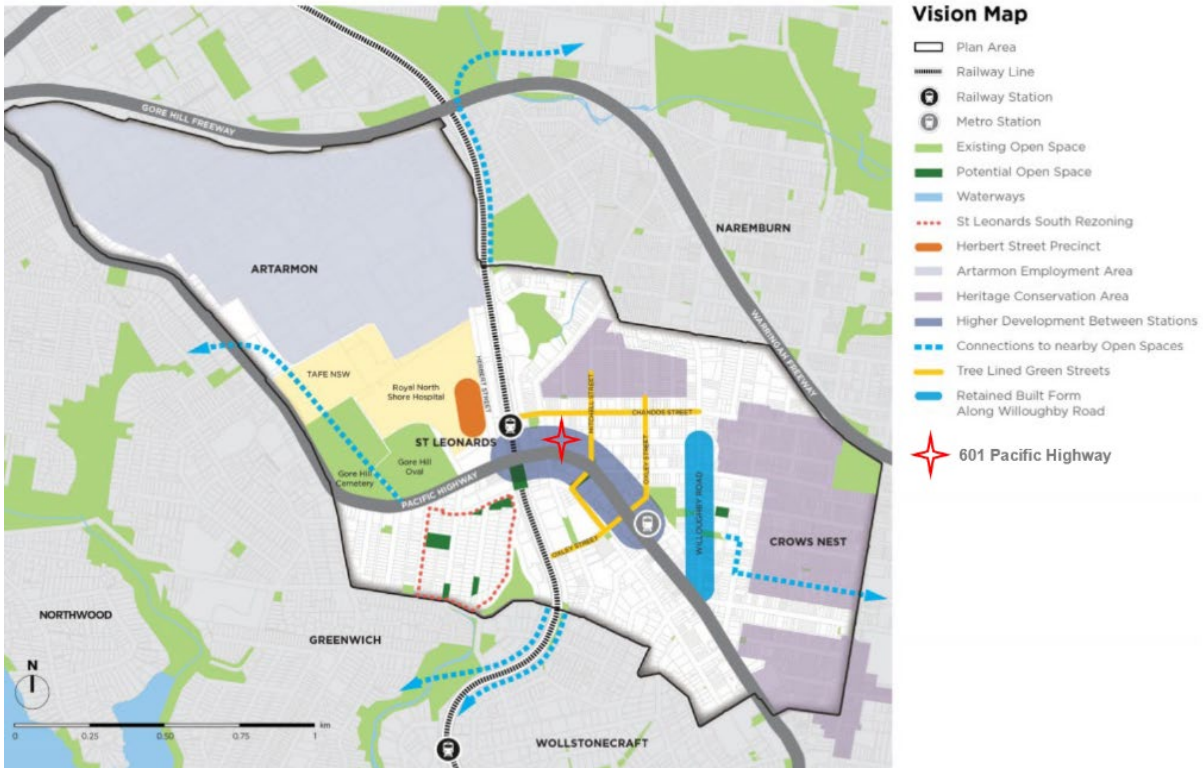
On 29 August 2020, the NSW Government finalised the planning package for St Leonards and Crows Nest. This contained the final St Leonards and Crows Nest 2036 Plan (**2036 Plan**), the Special Infrastructure Contribution (**SIC**) Determination, St Leonards and Crows Nest Local Character Statement, St Leonards and Crows Nest Green Plan, Urban Design Study, and other supporting documents and legislative amendments.

The 2036 Plan presents the following overarching vision for St Leonards and Crows Nest:

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.

The subject site is within a cluster of high-density commercial and mixed-use development along Pacific Highway between St Leonards Station and new Crows Nest Metro Station (see **Figure 18**). This cluster is earmarked for high density transit-oriented development that leverages accessibility to deliver more jobs.

Figure 18 2036 Plan Vision



Source: St Leonards and Crows Nest Plan 2036

Table 6 details the proposal's consistency with the objectives and built form parameters of the 2036 Plan.

Table 6 Achieving the outcomes of the St Leonards and Crows Nest 2036 Plan

2036 Plan	Planning Proposal Response	Compliance
Theme 01 Place		
Improve the public domain by introducing 'green streets' along Mitchell Street to allow for setbacks with grass and canopy trees	The proposal creates a vibrant and richly layered public domain and civic destination. The Mitchell Street ground level setback provides opportunities for extended street paving, tree canopies, and planted edges (fulfilling 'green street' principles). The proposal achieves a high level of solar access to Mitchell Street. Shadows cast by the proposal to Mitchell Street fall within shadows cast by the existing building on the site. The proposal does not create any additional shadows to the street.	Yes
Improve active streets and pedestrian movement to create a more vibrant streetscape and contribute to passive surveillance and safer places	Contemporary retail and commercial land uses at ground floor level will encourage pedestrian activation and streetscape vibrancy along Atchison Street and the Mitchell Street Plaza. A strong pedestrian presence across the ground plane will also contribute to passive surveillance within the streetscape.	Yes
Theme 02 Landscape		
Mitchell Street - Tree lined green street	The indicative landscape and public domain strategy provides opportunities for planted edges and tree canopy plantings.	Yes
Introduce landscaped street setbacks along Mitchell Street to allow for additional street trees	The 5 metre ground level setback to Mitchell Street allows for the extension of street paving and additional tree plantings.	Yes
Landscaped setbacks for avenue tree planting proposed along the Pacific Highway	The indicative landscape and public domain strategy provides opportunities for new tree plantings along Pacific Highway.	Yes
Theme 03 Built Form		
New development should be sympathetic to existing buildings with appropriate setbacks and street wall height	The built form is consistent with the 2036 Plan, relating to FSR, building height, setbacks, and street wall heights. It responds to desired street widths and provides ground and upper level setbacks and awnings to achieve a human scale. The tower has a slender form that sits appropriately amongst comparable-sized existing and future tall buildings in the area.	Yes
Future commercial development should contribute to a vibrant, high amenity atmosphere and activate the area between St Leonards station and Crows Nest Metro station during the daytime, in the evenings, and on weekends	Retail and commercial land uses at ground level will activate the following street frontages and create streetscape vibrancy: ▪ **Mitchell Street Plaza**: activation to urban plaza with lobby entrances and al fresco dining opportunities; ▪ **Atchison Street**: commercial / retail uses create a high amenity environment along the street frontage; and ▪ **Pacific Highway**: visual engaging retail frontages and pedestrian activation.	Yes

2036 Plan	Planning Proposal Response	Compliance
Minimise overshadowing of key open spaces, public places, and adjoining residential areas	The solar access analysis in the Addendum Urban Design Report (**Appendix A**) demonstrates that the proposal does not result in additional overshadowing at mid-winter (21 June) to: ▪ Newlands Park (between 10:00am – 3:00pm); ▪ Ernest Place (between 10:00am – 3:00pm); ▪ Willoughby Road (between 11:30am – 2:30pm); and ▪ Mitchell Street (between 11:30am – 2:30pm). Shadows cast by the proposal onto Mitchell Street fall within shadows cast by the existing building on the site. The proposal does not create any additional overshadowing to the street.	Yes
St Leonards should be the predominant centre to reinforce its commercial role	The proposal will make a significant economic contribution to St Leonards by attracting investment growth and business activity and contributing employment generation and diversity.	Yes
Large developments to be located between stations and transition in height, bulk and scale from the highway to the surrounding areas *Taller buildings are to be located within 150 - 200m of stations and transition in height to the surrounding areas*	The site is ideally located for substantial uplift in height, bulk, and density. It is within the 'knuckle area' identified as a cluster of high-density developments along Pacific Highway. The site will leverage from the existing and emerging transport network through the frequency of transport services and infrastructure upgrade projects. It is 350 metres (walking distance) east of St Leonards train station and 400 metres north-west of the new Crows Nest Metro station.	Yes
Reduce impact on Heritage Conservation Areas	The site is not located within close proximity of a Heritage Conservation Area. The proposal does not result in additional overshadowing to a Heritage Conservation Area.	Yes
Improve accessibility through appropriate frontage treatment and provision of arcades, laneways, and enhanced public domain	The proposal improves pedestrian accessibility connectivity by: ▪ DDA compliant access connections along Atchison Street, Pacific Highway, and Mitchell Street Plaza; ▪ Through-site connections between lower and upper ground floor levels; ▪ Lobby entries with strong street presences; ▪ Activation to civic gathering and meeting places (for relaxation and passive recreation); and ▪ Upgrades to pedestrian pathways around the site.	Yes
New development must respond to built form character of sub-precincts, including height, bulk, and scale and existing and proposed uses	The proposal is consistent with the envisaged high density character along the Pacific Highway. It is compliant with the FSR, building height, setbacks, and street wall heights.	Yes
The North District Plan identifies a high jobs target of 63,500 for the area by 2036	The proposal will foster investment, economic growth, and business activity and make a significant contribution to the employment generation targets for the North District.	Yes

2036 Plan	Planning Proposal Response	Compliance
Theme 04 Land Use		
Concentrate higher density along the Pacific Highway between the St Leonards Station and Crows Nest Metro Station	The proposal facilitates high-quality transit-oriented commercial on a strategically-located site along the Pacific Highway between St Leonards and the new Crows Nest Metro stations.	Yes
Retain B3 Commercial Centre zone on appropriate sites to maintain future viability of the St Leonards Core	The proposal facilities commercial development that supports and contributes to the economic viability of St Leonards.	Yes
Encourage renewal of St Leonards through the delivery of new A-grade commercial floor space	Future development is capable of achieving high amenity A-grade office accommodation with flexible commercial floor plate configurations to appeal to a range of tenant markets.	Yes
More diverse uses along Atchison Street to define a new retail focus (including restaurants and extended trading hours to stimulate night-time economy)	The proposal supports Atchison Street as a new retail focus that will leverage existing activity along Willoughby Road and the St Leonards Forum plaza. Potential retail opportunities may include outdoor / alfresco dining and ground plane activations to stimulate night-time economy. Public domain activation will reinforce Atchison Street as a vibrant day and night precinct.	Yes
Public domain improvements will also make Atchison Street more attractive for boutique retail	Proposed commercial and retail uses fronting Atchison Street will contribute to the public domain activation of the street.	Yes
Theme 05 Movement		
Provide clear, continuous, and direct pedestrian and cycle routes to priority destinations (including St Leonards Station and surrounding commercial core)	Landscape and public domain upgrades proposed along Atchison Street, Mitchell Street, and Pacific Highway will contribute to the quality and amenity of pedestrian routes to priority destinations around St Leonards including the station.	Yes
Promote the provision of end of trip facilities to support cycling	The proposal includes a designated cycle lane from Atchison Street, and basement bicycle storage and end-of-trip facilities.	Yes
Built Form Parameters for the Site		
Land Zoning *Zone E2 Commercial Centre*	The amended planning proposal retains the site's E2 Commercial Centre zoning.	Yes
Building Height *42 storeys*	The amended planning proposal seeks a maximum building height of RL259 to accommodate a building of 42 storeys.	Yes
Floor Space Ratio *20:1*	The Planning proposes a maximum floor space ratio of 20:1.	Yes

2036 Plan	Planning Proposal Response	Compliance
Minimum Non-Residential FSR	Given Zone E2 prohibits residential uses, it is not necessary to seek a non-residential FSR equivalent to the maximum FSR.	Yes
Street Wall Height *5 storey street wall height to all four boundaries of the site*	The indicative concept proposal comprises a part-5, part-6 storey podium and presents the following street wall heights: ▪ Part-five, part-six height to Atchison Street; ▪ Part-five, part-six height to Mitchell Street; ▪ Six storey height to Pacific Highway; and ▪ Six storey height to 617 Pacific Highway. Starting at ground level, the proposed podium comprises: ▪ Lower lobby floor (Ground Level) (at-grade pedestrian access from Atchison Street and Pacific Highway); ▪ Upper lobby floor (Level 01) (at-grade pedestrian access from intersection of Atchison Street and Mitchell Street); ▪ Upper podium floors (Levels 02 – 05). The site's topographical conditions do not allow compliance with the five storey street wall height. The varied podium height is a direct response to the gradient, which falls from the north-east by 2.5 metres to the south and 3.5 metres to the west. However at the site's most visible and prominent frontage to the intersection of Atchison Street and Mitchell Street, the podium expression establishes a five storey street wall height. The proposal establishes a consistent podium datum line that aligns to the prevailing streetscape in the surrounding locality.	Part compliance, intent achieved
Setbacks *5 metre setback to Mitchell Street* *Nil setback to Atchison Street* *3 metre reverse setback to Pacific Highway*	Mitchell Street Setback: **Compliant**. The proposal presents a 5 metre setback to Mitchell Street at the upper lobby level (Level 01) and above podium levels (to Level 06). The building is partly built to the Mitchell Street boundary at the lower lobby level; however this part of the building is set below street level. Atchison Street Setback: **Compliant**. The lower ground level and above podium is built to Atchison Street (nil setback). Upper tower levels are setback a further 3 metres. Pacific Highway Setback: **Compliant**. A nil setback is provided to Pacific Highway. Level 01 and upper podium levels are built to Pacific Highway as per a reverse setback principle.	Yes
Existing Open Space *Mitchell Street Plaza is identified as an existing open space*	The landscape design activates public domain connectivity to the civic gathering spaces along the Plaza. The proposal offer outdoor seating and dining opportunities, human-level planted edges, public gathering spaces, tree canopies, bench seating, open space spill out areas, and shared pedestrian walkways. These spaces can be utilised for a wide range of seasonal events such as weekend markets, 'pop-up' installations, and community engagement initiatives.	Yes

North Sydney Local Strategic Planning Statement

On 24 March 2020, Council adopted the North Sydney Local Strategic Planning Statement (**LSPS**).

Aligned with the Region Plan and the District Plan, the LSPS identifies St Leonards as a 'strategic centre' within the economic corridor extending between Sydney CBD, North Sydney CBD, and Macquarie Park. St Leonards provides a density and diversity of economic and employment activity of metropolitan significance.

Consistent with the LSPS, the planning proposal will facilitate employment land uses and contribute to St Leonards as a strategic centre in the short, medium, and long term. It will also support Council's focus on development intensification in St Leonards, connecting the Crows Nest Metro and St Leonards stations.

The planning proposal is consistent with LSPS planning priorities for St Leonards (see **Table 7**).

Table 7 Consistency with North Sydney LSPS

Planning Priorities	**Consistency**
Productivity	
P2. *Develop innovative and diverse business clusters in St Leonards/Crows Nest*	The proposed high amenity office space will attract significant future investment growth and business activity and contribute employment generation and job diversity. Diverse, flexible commercial floor plates will appeal to a wide range of tenant markets. The proposal will make a significant contribution to meeting the employment target of between 6,900 (base) and 16,500 (high) new jobs in St Leonards by 2036. New 'A Grade' employment floorspace will revitalise the current aging commercial office stock in St Leonards, a key reason for the centre not realising its employment function. Future redevelopment will create opportunities for activating the public domain, enhancing pedestrian amenity, and contributing to night-time economy and investment. The proposal responds to productivity objectives for St Leonards to facilitate a growing and evolving economy, support skills growth, attract investment and talent.
P6. *Support walkable centres and a connected, vibrant and sustainable North Sydney*	The proposal responds to the 30-minute city vision embedded in the Region Plan and LSPS by facilitating high amenity employment space. The site is highly accessible to public transport infrastructure, enabling tenants and visitors to leverage public transport usage. The proposal achieves high density transit-oriented development within a walkable distance to commercial, mixed-use, and neighbourhood centres.
Liveability	
L2*. Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community*	The proposal provides opportunities for improved pedestrian circulation and connectivity through the establishment of through-site connections and enhanced integration with the footpath network and nearby open spaces. It will deliver high quality public domain and services to support the current and future community's needs, A dynamic and permeable interface to Mitchell Street Plaza, with operable and transparent lobby frontages, will enhance this space as a focal point for the precinct.

St Leonards/Crows Nest Planning Study

In May 2015, Council adopted the St Leonards / Crows Nest Planning Study (**2015 Study**) to manage high level development interest near St Leonards station, protect jobs, and deliver public domain and services.

Whilst the 2015 Study remains in effect, the St Leonards and Crows Nest 2036 Plan has effectively become the adopted strategic plan for St Leonards. Notwithstanding, the planning proposal responds to the high density character and design criteria for St Leonards envisioned in the 2015 Study as per **Table 8**.

Table 8 Consistency with St Leonards / Crows Nest 2015 Planning Study

Design Criteria	**Planning Proposal Response**	**Compliance**
Relate to a parcel of land with a minimum street frontage of 20 metres	The site has three street frontages that exceed 20 metres.	Yes
Relate to a parcel of land that does not isolate, sterilise or unreasonably restrict the development potential of adjacent parcels of land	Future development would not result in the isolation of any adjoining land. The proposal is sympathetic to the massing of the adjoining building to the west (619-621 Pacific Highway) and the emerging built form of the locality. The proposal does not rely on access from adjoining land.	Yes
Site specific floor space ratio control having regard to the podium height, minimum setback controls in Maps 6A and 6B. ▪ *4-storey podiums* ▪ *3 metre whole of building setback to Mitchell Street* ▪ *3m ground level setback for 1 storey to Pacific Highway* ▪ *3 metre above podium setback to Atchison Street, Mitchell Street, and Pacific Highway*	The 2036 Plan incorporates specific built form parameters for the subject site that have been informed by detailed urban design analysis. The built form parameters of the 2036 plan prevail to the extent of any inconsistency with the 2015 Study and are the primary consideration. Notwithstanding, the proposed setbacks are generally consistent or greater that that envisaged in the 2015 Study. Podium: **Non-compliant**. The proposed podium is part five, part six storeys in height. However the proposal is consistent with the 2036 Plan for a five storey street wall height to all boundaries as detailed in **Table 5**. Whole of building setback to Mitchell Street: **Compliant**. The proposal presents a 5 metre setback to Mitchell Street at the upper lobby and above podium levels. The building is partly built to Mitchell Street at the lower lobby level; however this part of the building is set below street level. The upper tower levels are setback a further 3 metres. Ground level setback to Pacific Highway: **Compliant**. The proposal presents a nil setback (reverse) at ground level (1 storey) to Pacific Highway. Podium setbacks: **Compliant**. The proposal presents a consistent 3 metre above podium setback to the Atchison Street, Mitchell Street, and Pacific Highway boundaries.	Generally compliant Non-compliance justified by compliance with the 2036 Plan (which supersedes the 2015 Study)
Height control consistent with Map 6C	While the 2015 Plan detailed the site as a 'tall building' site, it did not set a height limit, instead inviting the landowners to submit site-specific planning proposals to Council for individual consideration, having regard to design criteria.	Yes

Design Criteria	Planning Proposal Response	Compliance
The site is identified for a 'Tall building', without an indicative building height.	The 2036 Plan now specifies a building height in storeys control with which the planning proposal complies.	
For tall buildings identified in Map 6C, propose height, setback and floor space ratio controls that address the design principles for tall buildings	* Refer commentary below responding to each principle. **Note** the indicative concept proposal has been prepared to demonstrate one possible reference design scheme which could be delivered on the site. Future development will be subject to separate detailed design development.	
If commercial, the built form must result in a tower with a maximum 1,000 sqm gross floor area floorplate	As detailed in **Table 6**, the proposal is compliant the above podium setback distances established in the 2036 Plan. This compliant built form yields a commercial tower form where the floor plates exceed 1,000 sqm in size. The 2036 Plan prevails to the extent of any inconsistency with the 2015 Study and is the primary consideration. The proposal delivers on the built form and redevelopment intent of the 2036 plan which identifies the site as one of few sites designated for commercial only development in St Leonards. A future building will present a slender and well-articulated form which will sit appropriately amongst comparable-sized existing and future buildings in the locality. The tower maximises separation from other tower buildings in the immediate surrounding locality to facilitate view sharing and minimise the effect of 'tower crowding'.	No Non-compliance justified by compliance with the 2036 Plan
Large, elongated floorplates are to be avoided with tower elements not exceeding 40m in length, with breaks and articulation encouraged along elevations	As above, the proposal complies with the built form parameters of the 2036 Plan (including the above podium setback controls). Compliance with these controls yields a tower form where the floor plates exceed 40 metres. Notwithstanding that the 2036 Plan prevails to the extent of any inconsistency with the 2015 Study, the length and configuration of the floor plates achieves commercial flexibility and high amenity contemporary office space.	No Non-compliance justified by compliance with the 2036 Plan
The cumulative impact of multiple towers on the public realm must be carefully considered through detailed overshadowing analysis	The detailed shadow analysis in the Urban Design Report demonstrates that the indicative concept proposal: ▪ does not create any additional overshadowing to Newlands Park between 10am and 3pm at mid-winter. ▪ does not create any additional overshadowing to Ernest Place between 10am and 3pm at mid-winter. ▪ does not create any additional overshadowing to the Mitchell Street Plaza beyond the shadows cast by the existing building on the site and existing neighbouring buildings (overshadowing is mitigated by the 5m setback street setback to Mitchell Street and 3m tower setback above the podium);	Yes

Design Criteria	Planning Proposal Response	Compliance
	▪ does not create any additional overshadowing to Willoughby Road between 11:30am and 2:30pm at mid-winter; ▪ does not result in overshadowing to the Holtermann Estate Heritage Conservation Areas at mid-winter; and ▪ provides 5 – 6 hours direct sunlight at mid-winter to the vast majority of residential areas inside the boundary.	
The design must mitigate overshadowing and wind impacts, and protect sunlight and views of the sky from streets, parks, and properties	The indicative concept proposal can mitigate wind impacts and protect sunlight and views of the sky through building separation, public domain interface, and podium/ tower design. These impacts are assessed in the following documentation (): ▪ Visual Assessment (refer to **Section 8.3.2**); and ▪ Solar access analysis (refer to **Section 8.3.4**); and ▪ Wind Assessment (refer to **Section 8.3.5**).	Yes
The design ensures high-quality living and working conditions, natural ventilation, and privacy for building occupants.	Future detailed design development will ensure high quality working conditions for future users of the commercial uses.	Yes
Propose satisfactory arrangements that provide commensurate public benefits that support the proposed scheme	The indicative concept design provides opportunities to enhance the public domain interface with the adjoining streetscape through the following design components: ▪ Upgrades to street paving along Pacific Highway (as per North Sydney Council Public Domain Manual); ▪ Proposed street tree plantings along Pacific Highway (subject to existing services); ▪ Extensions to existing paving layout along the Mitchell Street Plaza to the building edge; and ▪ Proposed stairs and retaining wall to the north-east corner of the site.	Yes

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Without an amendment to the statutory planning controls, the indicative concept proposal for the site cannot be achieved and the associated public benefits would not be realised.

The following alternative scenarios were considered to give effect to and achieve the objectives of the planning proposal. However, these were not pursued as the best means to achieve the intended outcome.

- Lodging a development application under the current NSLEP 2013 planning controls; and
- 'Do nothing' – wait for future amendments to NSLEP 2013 planning controls.

Development Application

Lodging a development application was considered as the existing E2 Commercial Centre permits a mixed use development incorporating retail and office uses (as 'commercial premises'). However, the existing NSLEP maximum building height control only permits a building height of 45 metres. The existing building height control is considered obsolete and does not reflective of the local and state strategic planning direction for the site and thus would represent an under-development of a prominent and strategically-located site.

A clause 4.6 variation request could be lodged with a development application to vary the building height control. However, there are limitations to the practical application of clause 4.6 to vary the maximum building height development standard. As the existing building height control is highly restrictive, it would not be appropriate nor expected that legal powers exist within the intent of clause 4.6 to be used to support the significant variation to the maximum building height. Consequently, this option was not pursued.

Do nothing – NSLEP 2013 Update

It is understood that North Sydney Council was awarded funding for LEP acceleration as one of the priority Councils to undertake LEP review within two years. Council was required to have a draft LEP submitted to the Greater Sydney Commission (**GSC**) / DPE by June 2020. A range of housing, employment and associated studies have commenced to inform the updated LEP.

The North Sydney Local Strategic Planning Statement was adopted by Council on 24 March 2020. The LSPS guides the strategic framework of Council's Local Environmental Plan and Development Control Plan and supports Council's consideration and determination of any proposed changes to the development standards under the LEP (via Planning Proposals). However the pending LEP amendments will not include any built form uplift for St Leonards given the timing of the recently adopted Plan 2036.

Accordingly, it is considered that amendments to the built form LEP planning controls is the most appropriate approach as it would enable a timelier delivery of high density commercial development on the site, taking advantage of the new Crows Nest Metro Station. The adoption of the 2036 Plan has resolved the position that the site warrants density uplift, such that there is no reason for further delay.

8.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

8.2.1. Guide to Preparing Planning Proposals – Assessment Criteria

The planning proposal demonstrates both strategic and site-specific planning merit in accordance with the Assessment Criteria in *A guide to preparing planning proposals* (**DPIE**). **Table 9** below contains an assessment of the planning proposal against the Guide.

Table 9 Guide for Preparing Proposals Assessment Criteria

Assessment Criteria	**Response**
*(a) Does the proposal have **strategic merit**? Will it:* ▪ *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*	Yes. Refer to below assessment addressing Question 3. The planning proposal gives effect to the objectives of the following regional and district plans: ▪ Greater Sydney Region Plan – A Metropolis of Three Cities (detailed in **Table 10**); and ▪ North District Plan (detailed in **Table 11**).
▪ *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*	Yes. Refer to below assessment addressing Question 4. The planning proposal will give effect to and is consistent with the North Sydney Local Strategic Planning Statement (detailed in **Table 7**).
*(b) Does the proposal have **site-specific merit**, having regard to the following?* ▪ *the natural environment (including known significant environmental values, resources or hazards) and*	Yes. Refer to below assessment addressing Question 7 (**Section 8.3**).
▪ *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*	Yes. Refer to below assessment addressing Question 8 (**Section 8.3**).
▪ *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*	Yes. Refer to below assessment addressing Question 9 (**Section 8.4**).

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal gives effect to objectives of the following regional and district plans:

- Greater Sydney Region Plan – *A Metropolis of Three Cities*; and
- North District Plan.

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

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (**Region Plan**) sets out policy directions to achieve identified goals and principles, with each direction underpinned by actions. **Table 10** demonstrates how the planning proposal responds and aligns to the directions and actions of the Region Plan.

Table 10 Assessment against Greater Sydney Region Plan

Greater Sydney Region Plan	**Planning Proposal Response**
Direction 1: A city supported by infrastructure	
Objective 4: Infrastructure use is optimised	The proposed density uplift is highly appropriate given the site's proximity to existing rail and future metro rail services. The proposal contributes positively to this objective by facilitating density in a highly convenient location that will encourage use of existing and new transport infrastructure. The proposed mix of commercial and retail land uses will positively contribute towards a diversity of land uses within the precinct and generation of demand and use of the public transport infrastructure. As detailed in Traffic Impact Assessment (at **Appendix F**), resultant traffic increase is negligible and will not adversely affect the existing intersection performances. Future development in line with the planning proposal will be responsible for a small increase in peak hour traffic flows along surrounding key roads. The small increase in development traffic will ensure that the surrounding road network will continue to operate efficiently. The delivery of density uplift in the correct locations (such as the site) will promote better travel behaviour in future residents and workers and encourage increased reliance on public transport.
Direction 2: A collaborative city	
Objective 5: Benefits of growth realised by collaboration of governments, community and business	St Leonards Strategic Centre is recognised as a Collaboration Area, to share resources and coordinate investment. This planning proposal will assist in collaboration of government, community, and business: ▪ Renewal of this site for contemporary commercial development will contribute towards realising employment targets for St Leonards and positively align with economic policy of government. ▪ The community will be enhanced through the delivery of high grade commercial and retail uses in proximity to services. ▪ The proposal is consistent with the precinct objectives and site-specific principles and design criteria of the St Leonards and Crows Nest 2036 Plan as detailed in **Table 6** of this report.

Greater Sydney Region Plan	Planning Proposal Response
Direction 6: A well-connected city	
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities *Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive*	St Leonard is defined in the Greater Sydney Region Plan as an integral part of the 'Eastern Economic Corridor' with a direction to continue as one of Greater Sydney's nine commercial office precincts. Density uplift for contemporary and flexible office accommodation on the site will support the commercial offerings of St Leonards into the future. The proximity of the site to existing and planned public transport connectivity will assist in promoting walkable cities and enhance the attractiveness of the site to future commercial tenants. The provision of contemporary office space within proximity to existing and future residential land uses will optimise jobs closer to home and overall self-containment levels in the LGA.
Direction 7: Jobs and skills for the city	
Objective 21: Internationally competitive health, education, research and innovation precincts *Objective 22: Investment and business activity in centres* *Objective 24: Economic sectors are targeted for success*	The provision of flexible commercial tenancies on the site could support growth in medical and allied health industry companies seeking to locate within proximity to the Royal North Shore Hospital. The floorplates are designed to accommodate flexible office arrangements and enterprise style employment models. This will promote employment generation and diversify job opportunities. Larger commercial floorplates could suit small to medium local enterprises and high end commercial tenancies. This will encourage employment containment in the LGA. Future development aligned with the planning proposal would result in substantial direct economic benefits during the construction stage and the ongoing operation of the building (including indirect supply chain jobs).
Direction 8: A city in its landscape	
Objective 31: Public open space is accessible, protected and enhanced	The planning proposal provides significant opportunities to contribute to the accessibility, activation, and enhancement of the public domain, through: ▪ Mitchell Street Plaza upgrades; ▪ Increased urban greening and streetscape amenity; ▪ Improved active frontages; ▪ Accessible public domain space; ▪ Activated and human-level street edge; and ▪ Iconic gateway into St Leonards. **Section 8.3.1** of this report describes the enhanced public open space and public domain outcomes of the planning proposal.
Direction 9: An efficient city	

Greater Sydney Region Plan	Planning Proposal Response
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The planning proposal facilitates walkable neighbourhoods and low carbon transport options given to its proximity to public transport, particularly its location within walking distance of the St Leonards train station and future Crows Nest Metro Station and existing bus services. The site's proximity to public transport provides opportunities for workers and visitors to conveniently use public transport, thereby reducing private vehicle trip movements and contributing towards the creation of low-carbon cities. Sustainability measures can be further explored in the detailed design of redevelopment of the site as part of a future DA.

North District Plan (2018)

The site is located within the North District of Greater Sydney. The North District Plan was adopted in March 2018 and reflects the broader vision of the Sydney as a three-city metropolitan.

The North District Plan envisages St Leonards contributing a total job target between 54,000 (baseline target) and 63,500 (higher target) by 2036, representing a minimum target of 7,000 new jobs over 20 years.

Table 11 details how the planning proposal aligns with relevant priorities of the North District Plan.

Table 11 Assessment against the North District Plan

North District Plan	Planning Proposal Response
Planning Priority N1*. Planning for a city supported by infrastructure*	The planning proposal leverages the new Crows Nest Metro plan for the economic growth of St Leonards. It provides new commercial floor space in a location within close proximity to existing and future transport infrastructure. Future commercial and retail land uses will support the growth of St Leonards and the new Metro services.
Planning Priority N6*. Creating and renewing great places and local centres, and respecting the District's heritage*	The planning proposal creates a great place in that it: ▪ provides opportunities for improved pedestrian circulation and connectivity throughout the St Leonards centre (through the establishment of site connections with adjacent properties); ▪ integrates with the surrounding footpath network, nearby open spaces, and key transport nodes (such as St Leonards train station); ▪ makes a meaningful contribution to activating the Mitchell Street Plaza, delivering a dynamic and permeable interface to the western side of the plaza; ▪ provides pedestrian permeability via lobbies (during business hours) and convenient paths of travel; ▪ creates pedestrian activation along the Pacific Highway frontage and adds vibrancy and vitality to what is currently a poor pedestrian environment; and ▪ generates opportunities for outdoor / sunlit alfresco dining and other ground plane activations along Atchison Street.

North District Plan	Planning Proposal Response
***Planning Priority N9**. Growing and investing in health and education precincts*	The planning proposal contributes to the growth and strengthening of the St Leonards centre in that it: ▪ leverages the new Sydney Metro Station at Crows Nest to deliver additional employment capacity; ▪ delivers economic growth and employment in the centre; ▪ encourages the use of public transport and pedestrian and cyclist accessibility; ▪ contributes to the activation and embellishment of public open spaces along Atchison Street and the Mitchell Street Plaza; and ▪ maximises the site's accessibility to the St Leonards train station and new Crows Nest Metro station to deliver a transit-orientated development and an attractive place for people to visit and work.
***Planning Priority N10**. Growing investment, business opportunities and jobs in strategic centres*	The planning proposal facilitates a future high quality contemporary commercial development with high amenity office accommodation and flexible floorplates and tenancies. The development will attract significant future investment growth and business activity and contribute employment generation and job diversity. The proposal will make a significant economic contribution to the St Leonards centre.
***Planning Priority N12**. Delivering integrated land use and transport planning and a 30-minute city*	The planning proposal will facilitate urban renewal of a strategically-located site within an identified strategic centre and optimise the value and use of the Sydney Metro City and Southwest service. In 2024, the indicative travel time on the Sydney Metro to Central Station will be 11 minutes from Crows Nest Station, and 5 minutes to North Sydney, locating St Leonards well within the desired 30 minutes travel model. The site is ideally located within a short walking distance to the future Metro station. Future development will integrate a commercial use well within the desired 30 minutes travel model.

Future Transport Strategy 2056

The Future Transport 2056 Strategy (2018) outlines the vision for the Greater Sydney mass transit network, with St Leonards as a 'strategic centre' linked directly to the 'Harbour City' (Sydney CBD) via North Sydney. The vision sets six state-wide outcomes to guide investment, policy and reform, and service provision. These provide a framework for network planning and investment with the aim to support transport infrastructure.

The site is well placed to take advantage of the future transport network and projected infrastructure upgrades which will increase both the frequency of transport services for all forms of mobility.

The planning proposal leverages from its proximity to the St Leonards train station and the new Crows Nest Metro station, which will see higher frequency metro transport offering to move more people more quickly.

The future development of the site has potential to contribute to and enhance walking and cycle connectivity between the existing and future stations.

Q4. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal will give effect to and is consistent with the following endorsed strategic plans:

- St Leonards and Crows Nest 2036 Plan (as detailed in **Table 6**);
- North Sydney Local Strategic Planning Statement (as detailed in **Table 7**); and
- St Leonards / Crows Nest Planning Study 2015 (as detailed in **Table 8**).

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

Yes. The planning proposal is consistent with the relevant State Environmental Planning Policies (**SEPPs**), as demonstrated in **Table 12** below.

Table 12 Consistency with State Environmental Planning Policies

SEPP	Consistency
State Environmental Planning Policy (Resilience and Hazards) 2021	The Resilience and Hazards SEPP sets out the statutory planning framework to manage and assess contaminated land. It requires a consent authority to consider whether land is contaminated prior to granting development consent. The only known land use of the site is as a commercial office. In this regard, there is no evidence that the subject site contains or is likely to contain any material of contamination. Notwithstanding, site investigations under the SEPP can be undertaken at a subsequent DA stage.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Transport and Infrastructure SEPP provides a consistent planning regime for the provision of infrastructure and services and prescribes the requirements for consultation with relevant public authorities during the assessment process. The provisions of the SEPP may be applicable to any infrastructure works associated with future development.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Biodiversity and Conservation SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas (including North Sydney) and amenity of non-rural areas of through preservation of trees and other vegetation. The provisions of the SEPP may need to be considered in the assessment of a future detailed development proposal on the site.

Development near Rail Corridors and Busy Roads – Interim Guideline

In addition to the relevant SEPPs, this planning proposal has given consideration to the objectives and principles of *Development Near Rail Corridors and Busy Roads – Interim Guideline* (DPE).

The provisions of the interim guideline will be considered in the assessment of acoustic impacts of future development associated with the site's location on the Pacific Highway. Suitable mitigation and management measures will be provided such that a satisfactory level of acoustic amenity can be achieved. Acoustic mitigation can be addressed in detailed design development as part of a future development application.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

Yes. The planning proposal has been assessed against the applicable Section 9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 13**.

Table 13 Assessment against Section 9.1 Directions

Section 9.1 Direction	**Consistency**
Focus Area 1 – Planning Systems	
1.1 Implementation of the Minister's Planning Principles	Principles issued by the Minister in December 2021 to be noted.
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	This is an administrative requirement for Council.
1.4 Site Specific Provisions	The planning proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	**Table 6** provides a detailed assessment of the planning proposal against the St Leonards and Crows Nest 2036 Plan.

Section 9.1 Direction	Consistency
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19 Implementation of the Westmead Place Strategy	Not applicable
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable
1.21 Implementation of South West Growth Area Structure Plan	Not applicable
Focus Area 3 – Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	Not applicable
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	Not applicable
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	Not applicable
Focus Area 4 – Resilience and Hazards	
4.1 Flooding	Not applicable

Section 9.1 Direction	Consistency
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	The only known land use of the site is as a commercial office. There is no evidence that the subject site contains or is likely to contain any material of contamination. The reduction in building height to RL259 is not likely to have any resultant contamination impacts as per the Preliminary Site Investigation Report (provided at **Appendix C**). It is anticipated that site investigations can be undertaken at a subsequent DA stage.
4.5 Acid Sulfate Soils	There is no LEP mapping of acid sulfate soils. Given the location of the site and ridge height, the likelihood of acid sulfate soils is low. Evidence of recent construction near the site demonstrate that acid sulfate soils is not a constraint to future development. Further assessment can be carried out at a future DA stage.
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus Area 5 – Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The planning proposal is consistent with the direction for the following reasons: ▪ The site has excellent access to public transport, being within walking distance of the St Leonards train station and the Crows Nest Metro Station and existing bus services. ▪ The increased density will support the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within walking catchment of public transport nodes. ▪ The proposal will provide a mix of employment opportunities (retail and commercial) within the North Sydney LGA, within close proximity to existing services and infrastructure.
5.2 Reserving Land for Public Purposes	Not applicable
5.3 Development Near Regulated Airports and Defence Airfields	Avlaw Aviation Consulting has prepared an Addendum to the Preliminary Aeronautical Impact Assessment (**Appendix H**) to assess airspace constraints of the planning proposal and identify building height restrictions against prescribed airspace limits. The Assessment identifies the following: ▪ Obstacle Limitation Surfaces (OLS) – Conical Surface: 156m AHD ▪ Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS): 340m AHD

Section 9.1 Direction	Consistency
	▪ Radar Terrain Clearance Chart (RTCC): 1100 ft / 335.28m AHD ▪ Combined Radar Departure Assessment Surfaces: 455m AHD Key conclusions and recommendations of the Addendum are: ▪ The critical airspace protection surface for operations at Sydney Airport is the Outer Horizontal Surface of the OLS. As this surface will be penetrated permanently by a future building and temporarily by crane(s), each will require aeronautical assessment and classified as a "controlled activity", requiring approval to be carried out. The OLS penetration should be acceptable for the reason that the site is clear of the approach and take-off areas for all runways at Sydney Airport. ▪ The Combined Radar Departure Assessment Surfaces should be acceptable because Sydney Noise Abatement Procedures (NAP) will be followed by all aircraft operating to and from Sydney Airport. This dictates that there will be no random aircraft departures deviating from Standard Instrument Departures (SIDs). Required safety clearances for these procedures are accounted for in the PANS-OPS surfaces. The Addendum concludes that aviation approval can be granted subject to the temporary construction cranes and building envelope (inclusive of plant room and ancillary features) remaining below the Radar Terrain Clearance Chart (**RTCC**) height (335.28m AHD).
5.4 Shooting Ranges	Not applicable
Focus Area 6 – Housing	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus Area 7 – Industry and Employment	
7.1 Business and Industrial Zones	The planning proposal does not seek to change the existing E2 Commercial Centre zone. Consistent with this Direction, the planning proposal will deliver contemporary commercial and retail land uses and retail employment generating uses. The planning proposal will optimise a development outcome that facilitates retail and commercial uses by amending built form planning controls. The economic benefits of the proposal include:

Section 9.1 Direction	Consistency
	▪ Providing for a broader variety of job types, including retail and commercial offices, which adds to the diversity of workers; ▪ Inclusion of retail land uses will activate the site's strategically important location, adding to a sense of place and safety and activating the ground plane both day and night; and ▪ Revitalise the existing building by providing for high amenity, flexible office layouts, creating a higher density of workers, and contributing to employment generation in St Leonards.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	As detailed in this Report, the planning proposal is appropriate in the site's context along the Pacific Highway. It will reinforce the role of commercial development in St Leonards.
Focus Area 8 – Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus Area 9 – Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

8.3. ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

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 occupied by a 14-storey commercial building and perimeter hardstanding. There are no known critical habitats, threatened species, or ecological communities located on the site. Therefore the likelihood of any negative impacts are 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 environmental constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through detailed design development.

This section assesses potential environmental impacts of the planning proposal. This assessment is informed by a suite of technical investigations that accompany the planning proposal.

8.3.1. Built Form and Context

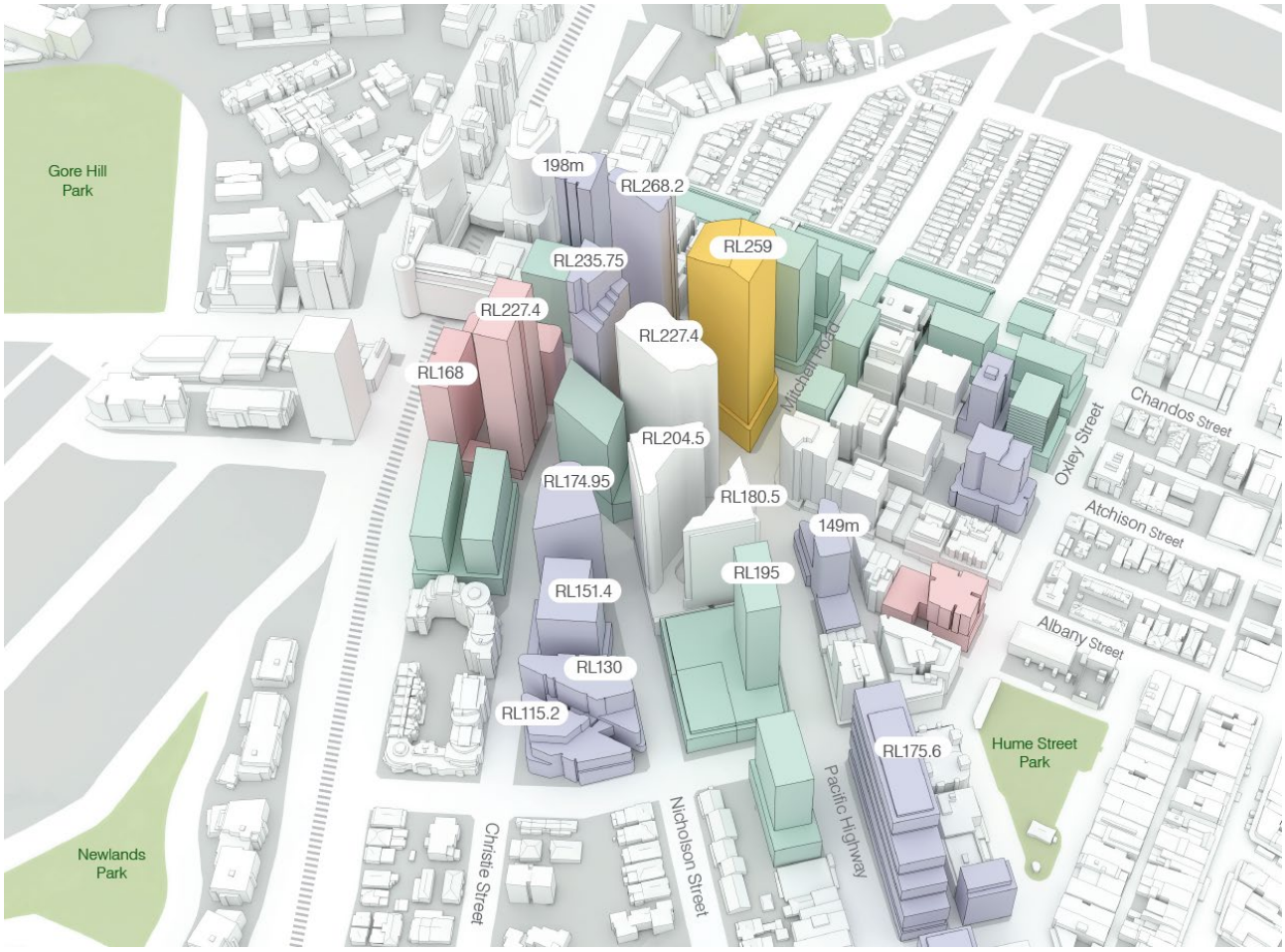
Building Height and Tower Form

The planning proposal is entirely consistent with the 2036 Plan and delivers on the vision for St Leonards centre. The built form complies with the desired future character and built form principles identified for the site, specifically the 20:1 FSR, 42 storey building height, and building setback parameters.

As detailed in **Table 8**, recent development activity in the surrounding locality, including development approvals for high density tall buildings along the Pacific Highway, is redefining the character of St Leonards and contributing to its ongoing transformation to a high density mixed use precinct in line with the 2036 Plan. The built form of the proposal is contextually appropriate within the emerging cluster of future tower forms.

Figure 19 indicates the proposed concept proposal height and built envelope in the context of surrounding developments under construction and developments either approved and likely to be approved in the future.

Figure 19 Concept Building Envelope within Adjacent Development Context



Source: Architectus

The maximum building height (RL259) will sit comfortably in the context of the cluster of towers in the St Leonards centre skyline. The built form reinforces the site's predominant location at the topographical high point of the 'knuckle area' identified in the 2036 Plan as a concentrated cluster of high-density development fronting the Pacific Highway between St Leonards station and the new Crows Nest Metro Station.

Future development in line with the indicative concept proposal will present a slender and well-articulated tower form which will sit appropriately amongst comparable-sized existing and future buildings in the surrounding locality. The proposed built form of the tower maximises separation from other tower buildings in the immediate surrounding locality to facilitate view sharing and minimise the effect of 'tower crowding'.

Podium Design

Whilst the indicative concept proposal has been designed to achieve compliance with the 2036 Plan podium street wall heights controls, the site's topographical conditions do not allow strict compliance with the five storey street wall height to be achieved. However, at the site's visible and prominent frontage to the Atchison Street and Mitchell Street intersection, the podium expression establishes a five storey street wall height.

The concept building envelope establishes a consistent podium datum line that aligns to existing and future development in the surrounding locality, principally along Atchison Street and Mitchell Street. The design of the podium reflects key podium datum lines of the surrounding built forms (existing and future).

Figure 20 presents indicative concept renders for the podium design from key public domain perspectives.

Figure 20 Indicative Podium Design

Picture 7 Lobby view from Pacific Highway, looking north, with Mitchell Street Plaza to the right

Picture 8 Atchison Street corner looking west with Mitchell Street Plaza to the left

*Source: Architectus [**Note**. These are artists impressions, and likely subject to future change]*

Public Domain Built Form

The built form of the public domain responds to the principles and controls of the 2036 Plan to activate the ground plane of the surrounding streetscape (including Atchison Street and the Mitchell Street Plaza).

The public domain contributes to the public domain activation with outdoor seating and dining opportunities, human-level planted edges, public gathering spaces, tree canopies, bench seating, open space spill out areas, and shared pedestrian walkways. These spaces can be utilised for a wide range of seasonal events such as weekend markets, 'pop-up' installations, and community engagement initiatives within the Plaza.

8.3.2. Visual Impact

The Addendum Urban Design Report (at **Appendix A**) contains a visual impact assessment of the indicative concept proposal illustrating views from all directions at a local (short) and suburban (medium) distance.

The character of the site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers aligned with the strategic planning context and desired future character of the St Leonards centre. The 2036 Plan identifies the site within a cluster of high-density commercial and mixed-use development along Pacific Highway between the St Leonards Station and the new Crows Nest Metro Station. The concentration of higher density along the Pacific Highway indicates a transition towards significant height and density increase and a transformation of views from the surrounding locality.

Given its prominent location along the Pacific Highway, the site has a potentially large visual catchment. However, the potential visual impacts of the indicative concept proposal will be predominantly restricted to the nearby vantage points around St Leonards centre, including the Pacific Highway, Atchison Street and Mitchell Street. The upper part of the tower form would be visible from distant locations predominantly to the north, west and east and will be visible in the context of the cluster of towers in the St Leonards skyline.

The figures below show visual perspectives of the proposal from selected local and medium vantage points. These visual perspectives include approved developments and likely future development proposals.

Figure 21 Photomontages of Indicative Concept Proposal

Picture 9 Falcon Street, Pacific Highway and Willoughby Road

Picture 10 Shirley Road at Nicholson Street

Picture 11 Pacific Highway at Greenwich Road

Picture 12 Pacific Highway at Reserve Road

Picture 13 Naremburn Park - Station at Dalleys Road

Picture 14 Willoughby Road and Albany Street

The following provides a summary of the visual impact assessment:

- The concept proposal will have a moderate impact on views, considering the importance of public views, timing of view and screening provided by approved and likely future development in the vicinity.
- In most views, the proposal will partially obstruct views of the sky; however the proposal is consistent with the scale of future development in the centre and presents a slender form against the sky.

- When viewed from the Pacific Highway from the south and the north, and from Falcon Street, the proposal is partially obscured by approved and likely adjacent future development.
- From the Pacific Highway at Reserve Road, a large portion of sky view is preserved.
- When viewed from local vantage points in Willoughby Road, the concept proposal is shorter than other likely future development and has minimal impacts on views of the sky.
- When viewed from medium vantage points in Northbridge, Artarmon, Greenwich, and Willoughby, the proposal has a moderate impact on the skyline.
- The tower will be particularly visible from Willoughby Road Crows Nest; however its visual impact is mitigated by the slender tower form and the approved and future adjacent built form in the locality.

Detailed design development for a future proposal as part of a new development application will address façade detailing in order to mitigate the visual impact of built form. External materials, colours, and finishes for a future development can be selected to respond to the surrounding environment and add diversity in architectural expression of the tower.

8.3.3. Traffic Impact

This planning proposal is supported by a Traffic Impact Assessment prepared by Arup (at **Appendix F**) to describe the existing local traffic context, including access and the potential traffic implications of the planning proposal. The report addresses the following matters:

- An overview of the existing transport network and planning context
- Trip generation of future development
- Traffic impacts of future development
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access
- Green travel initiatives

Calculated in accordance with the maximum car parking rates prescribed in the North Sydney DCP, a maximum 159 car parking spaces is permitted on the site. The indicative concept proposal includes a 4-level basement car park with provision for 128 parking spaces. This complies with the DCP car parking rates.

Assessed against the existing condition of the site, the Traffic Impact Assessment estimates that the subject development will generate a net decrease of 8 car trips during the AM peak hour and net decrease of 6 car trips during the PM peak hour. The analysis indicates that due to an overall reduction in parking, the estimated traffic generated by the development will reduce. Accordingly, given the reduction in vehicle trips compared to the condition situation, the impact to the surrounding network is expected to be negligible.

The Traffic Impact Assessment recommends travel demand management measures, including preparation of a Green Travel Plan (**GTP**) to mitigate negative impacts of private vehicle travel on the environment. A GTP can be incorporated in the future detailed design at the development application stage.

8.3.4. Overshadowing

The Addendum Urban Design Report (at **Appendix A**) includes an assessment of potential shadowing impacts associated with the indicative concept proposal. The solar access study is assessed in accordance with the solar access provisions of the 2036 Plan.

The planning officer's assessment report to the Council Meeting of 14 August 2023 acknowledged that the existing proposal (with a maximum height of RL 265) complied with the 2036 Plan's solar access controls and did notcreate additional overshadowing to Newlands Park, Ernest Place, or Hume Street Park between 10am-3pm at mid-winter or and does not create additional overshadowing to Oxley Street, Mitchell Street, or Willoughby Road between 11.30am and 2.30pm at mid-winter. However, the Gateway Determination Report noted that the maximum building height resolved by Council (RL 259) had not been modelled and therefore the Urban Design Report has updated the maximum building height to reflect RL 259. The further reduced maximum building height (RL 265 to RL 259) maintains compliance with the 2036 Plan's solar access

controls and reduces overshadowing impacts. The reduced solar impacts of the amended planning proposal are demonstrated in **Figures 22, 23,** and **24** below..

Table 14 assesses the shadow impacts of the indicative concept proposal against the 2036 Plan.

Table 14 Solar Impact Assessment

Solar Access Provision	Proposal Impact	Compliance
Public Open Space Development must not produce additional overshadowing in mid-winter (21 June) to: ▪ Newlands Park (10:00am – 3:00pm) ▪ Ernest Place (10:00am – 3:00pm)	**Figure 22** indicates that the proposal: ▪ does not create any additional overshadowing to Newlands Park between 10am and 3pm at mid-winter. ▪ does not create any additional overshadowing to Ernest Place between 10am and 3pm at mid-winter.	Yes Yes
Streetscape Development must not produce additional overshadowing in mid-winter (21 June) to: ▪ Mitchell Street and Oxley Street (11:30am – 2:30pm) ▪ Willoughby Road (11:30am – 2:30pm)	**Figure 23** indicates that the proposal does not create any additional overshadowing to the Mitchell Street Plaza beyond the shadows cast by the existing building. Overshadowing to the Plaza is mitigated by the 5m setback street setback to Mitchell Street and 3m tower setback above the podium. **Figure 22** indicates that the proposal does not create any additional overshadowing to Willoughby Road between 11:30am and 2:30pm at mid-winter.	Yes
Residential Areas Development must not produce additional overshadowing in mid-winter (21 June) to: ▪ Residential areas inside boundary (for at least 2 hours) ▪ Heritage Conversation Areas inside boundary (for at least 3 hours) ▪ Residential outside boundary (for the whole time between 9am and 3pm)	The solar access diagram at **Figure 24** indicates: ▪ The vast majority of residential areas inside the boundary (zoned R4 and R3) receive 5 – 6 hours direct sunlight at mid-winter. ▪ A small area of land zoned R4 adjacent to the rail corridor inside the boundary) receives 4 – 5 hours direct sunlight at mid-winter. ▪ The indicative concept proposal does not result in any overshadowing to the Holtermann Estate Heritage Conservation Areas at mid-winter.	Yes

Public Open Space – Newlands Park and Ernest Place

The solar access diagram at **Figure 22** below demonstrates that additional shadows cast by the indicative concept proposal will not impact on Newlands Park or Ernest Place between 10am and 3pm at mid-winter.

Figure 22 Solar Access to Newlands Park, Ernest Place and Willoughby Road

Source: Architectus

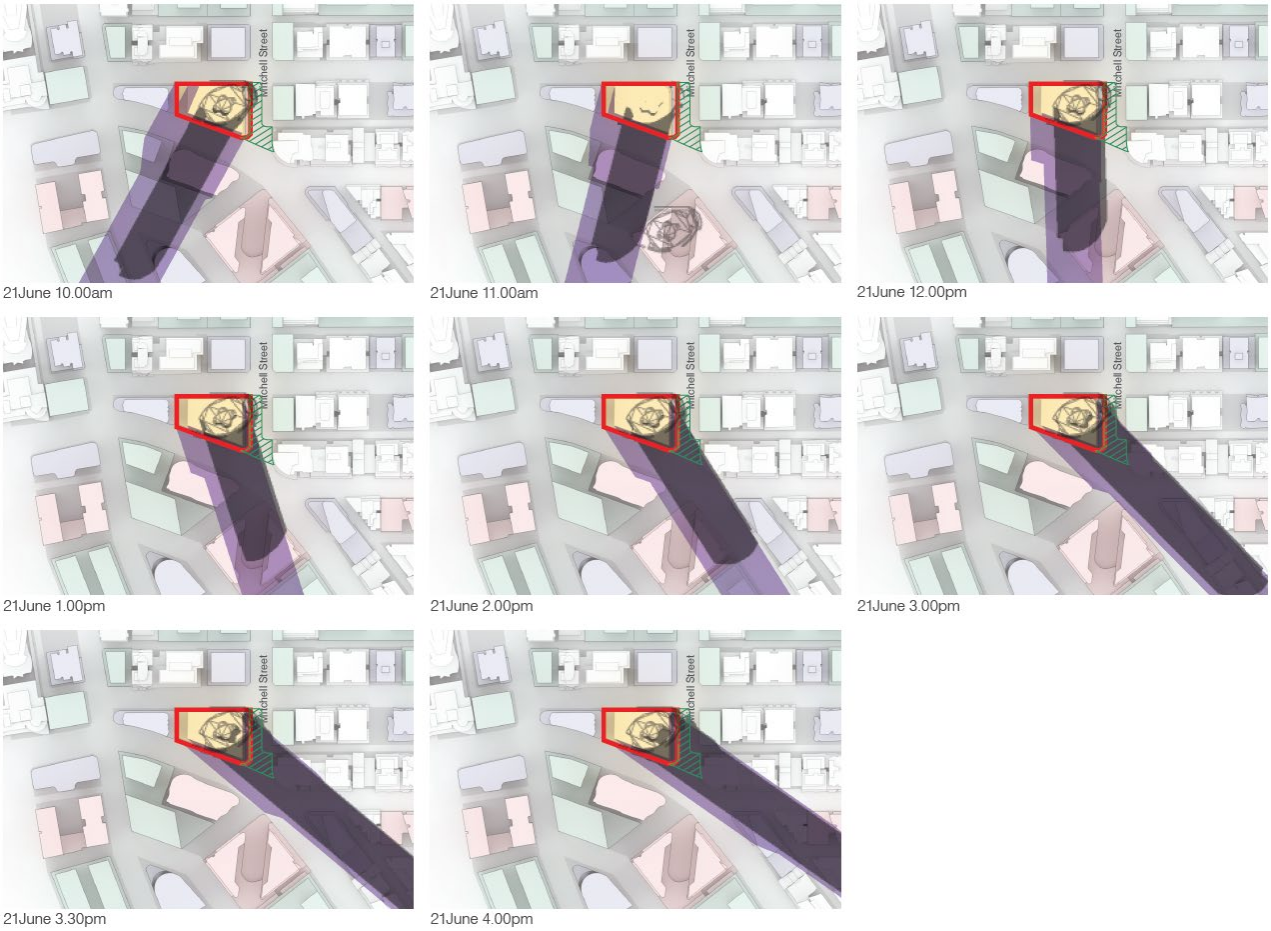
Streetscape – Willoughby Road

The solar access diagram at **Figure 22** above demonstrates that the indicative concept proposal does not cast any additional overshadowing to Willoughby Road between 11:30am and 2:30pm at mid-winter.

Streetscape – Mitchell Street

The solar access diagram at **Figure 24** indicates that the indicative concept proposal does not create any additional overshadowing to the Mitchell Street Plaza beyond the shadows cast by the existing building.

Figure 23 Solar Access to Mitchell Street



Source: Architectus

Residential Areas and Heritage Conservation Areas

Figure 24 indicates overshadowing to residential areas and Heritage Conservation Areas.

Figure 24 Solar Access to Residential Areas and Heritage Conservation Areas

Source: Architectus

Figure 24 indicates that following additional overshadowing cast by the indicative concept proposal in mid-winter (21 June) to residential areas and Heritage Conservation Areas.

- The vast majority of residential areas inside the St Leonards and Crows Nest Precinct boundary (land zoned R4 and R3) receive 5 – 6 hours direct sunlight at mid-winter.
- A small area of land zoned R4 adjacent to the rail corridor to the south-west of the site (inside the St Leonards and Crows Nest Precinct boundary) receives 4 – 5 hours direct sunlight at mid-winter.
- The indicative concept proposal does not result in any overshadowing to the Holtermann Estate Heritage Conservation Areas (extending to the east of the site) at mid-winter.

In summary, this analysis confirms that the proposal complies with the 2036 Plan solar access provisions.

8.3.5. Wind

The planning proposal is accompanied by a Pedestrian Wind Environment Statement prepared by Windtech Consultants (at **Appendix G**) to assess the likely impacts of the indicative concept building envelope on the local wind environment that affects pedestrians in the proposed outdoor areas and communal open spaces.

The below summarises conclusions and recommendations of the Statement and the Addendum:

- The effect of wind activity has been examined for the three predominant wind directions for the Sydney region, namely winds from a north-easterly, southerly, and westerly direction.
- The majority of ground level pedestrian trafficable areas around the site are exposed to southerly and westerly winds as a consequence of the alignment of the site and adjacent roads to the prevailing winds.
- High-rise development to the west (619-621 Pacific Highway) and the south (including The Landmark and St Leonards Square) is expected to provide significant shielding from prevailing southerly winds.

- However surrounding high-rise development (existing and proposed) is expected to cause some funnelling of the prevailing westerly winds along Atchison Street and Pacific Highway, and adversely impact pedestrian footpaths, entrances, and seating areas along the northern portion of the site.
- Further, these high-rise developments are also expected to direct the prevailing north-easterly winds to funnel through Atchison Street and Mitchell Street, impacting the proposed lobby entrance at the street corner, the pedestrian footpaths, and proposed seating areas along the streets.
- There is the potential for the prevailing winds to impact the adjacent development to the west (619-621 Pacific Highway) and downwash down into the trafficable areas at the southern perimeter of the site.
- The proposed building setbacks (including the above podium setbacks) will assist in reducing the effect of downwash onto the ground plane from the prevailing winds.
- The following treatment strategies can be implemented into the detailed design of a future development application in order to mitigate wind effects at ground level areas:
  - Impermeable awning along the northern and eastern aspects of the podium façade.
  - Localised baffle screens or densely foliating evergreen planting within and around seating areas along Atchison Street and Mitchell Street.
  - Densely foliating evergreen planting along Pacific Highway, Atchison Street, and Mitchell Street.
- The elevated outdoor podium area is exposed to prevailing north-easterly and westerly winds, streaming along the tower's northern façade and funnelling through the gap towards the south-west. Further, prevailing southerly winds are expected to flow around the adjacent tower to the south and accelerate to the west funnelling through the gap between the subject site and the adjacent tower to the west.
- Communal terrace areas located on the upper levels are exposed to direct prevailing winds from the north-east, south, and west. Development on the adjacent site (619-621 Pacific Highway) is expected to provide some shielding to terrace areas and reduce the direct impact of the prevailing westerly winds. The prevailing north-easterly and southerly winds are expected to directly impact these terrace areas and accelerate around the north-western and south-western corners respectively into the terrace areas.
- The following treatment strategies can be implemented into the detailed design of a future development application in order to mitigate wind effects at elevated outdoor areas:
  - Impermeable balustrades around the terrace areas.
  - Impermeable canopy over the terrace areas.
  - Densely foliating landscaping throughout the terrace areas.

The Pedestrian Wind Environment Statement does not include wind tunnel testing of future development. At this stage, the assessment addresses only the general wind effects and any localised effects identifiable by visual inspection of the indicative reference drawings (for the purpose of the indicative concept proposal). Recommendations provided in the Statement are made only in-principle.

Comprehensive wind tunnel testing and assessment of the pedestrian wind environment associated with a detailed development proposal will be required as part of a future development application for the site.

The assessment concludes that, subject to implementation of recommendations, the site is capable of accommodating a future development aligned with the planning proposal and relevant wind controls.

8.3.6. Aviation

The planning proposal is accompanied by an Addendum Preliminary Aeronautical Impact Assessment (**PAIA**) prepared by Avlaw Aviation Consulting (at **Appendix H**) to assess airspace constraints associated with the amended indicative concept proposal and identify maximum building height restrictions against prescribed airspace limits.

This PAIA assesses the current airspace protection surfaces that cover the site against the maximum building height of RL259. Sydney Airport airspace protection surfaces are the most relevant with respect to the site.

The below summarises the PAIA findings.

Airspace Surface (Sydney Airport)	Height of surface over site
Obstacle Limitation Surfaces (**OLS**) – Conical Surface	156 metres AHD
Procedures for Air Navigation Services – Aircraft Operations (**PANS-OPS**)	340 metres AHD
Radar Terrain Clearance Chart (**RTCC**)	1100 ft / 335.28 metres AHD
Combined Radar Departure Assessment Surfaces	455m AHD (N/A)

The conclusions and recommendations of the Addendum and PAIA can be summarised as follows:

- The critical airspace protection surface for operations at Sydney Airport that apply to the site is the Outer Horizontal Surface of the OLS. As this surface will be penetrated permanently by a future building and temporarily by crane(s), each will require aeronautical assessment and be classified as a "controlled activity", requiring approval to be carried out. The OLS penetration itself should be acceptable for the reason that the site is clear of the approach and take-off areas for all runways at Sydney Airport.
- The Combined Radar Departure Assessment Surfaces should be acceptable because Sydney Noise Abatement Procedures (**NAP**) will be followed by all aircraft operating to and from Sydney Airport. This dictates that there will be no random aircraft departures deviating from Standard Instrument Departures (**SIDs**). Required safety clearances for these procedures are accounted for in the PANS-OPS surfaces.
- The minimum vertical distance between the indicative maximum building height of 276.5m AHD and the next lowest and relevant airspace protection surface (the RTCC) is 59.03m, providing a generous buffer for temporary crane activity.
- The "Northshore Lane" is the most relevant helicopter transit lane published in the *Aeronautical Information Publication-En Route Supplement Australia* (**AIP-ERSA**) with respect to the subject site. This helicopter transit lane is well clear to the south-east of the site.
- Airspace protected under National Airport Safeguarding Framework (**NASF**) - *Guideline H for strategically important helicopter landing sites* does not apply to the proposal. Helicopter approaches and departures at the Royal North Shore Hospital Helipad are to the north-east and south-west of the site.

The Preliminary Aeronautical Impact Assessment concludes that aviation approval can be granted subject to the temporary construction cranes and overall building envelope (inclusive of plant room and ancillary features) remaining below the Radar Terrain Clearance Chart (**RTCC**) height (335.28m AHD).

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. The planning proposal will deliver a range of economic benefits which will create a positive social on-flow effect, which in turn will realise significant public benefit through job creation and the provision of new A-grade commercial accommodation and retail uses. The economic and social benefits are summarised as:

- **Renewal of a key site**: The planning proposal will facilitate urban renewal of a strategically-located site and contribute to the ongoing transformation of the St Leonards centre and the Pacific Highway corridor.
- **Significant employment creation**: Future development aligned with the planning proposal would result in substantial direct economic benefits during the construction stage and the ongoing operation of the building (including indirect supply chain jobs). The proposal will create approximately 3,346 jobs.
- **New and greater variety of job types**: the proposal is designed to accommodate flexible office arrangements and enterprise style employment models. This will promote diversify employment opportunities. Larger commercial floorplates could suit small to medium local enterprises and high end commercial tenancies. Direct and indirect jobs will be created during the construction stages. The proposal may also contribute to the creation of additional full-time, part-time, and casual retail jobs.
- **Economic catalyst**: The development will attract significant investment growth and business activity and contribute employment generation and job diversity. It will foster investment, economic growth, and business activity to deliver a significant contribution to the North District employment generation targets.

- **Improving the quality of the commercial floorspace**: the proposal is capable of achieving high amenity A-grade office space with flexible commercial floor plate configurations to appeal to a range of markets. The development of new office space would create a more modern, flexible, and contemporary working environment. New commercial floorspace would be designed to better suit tenant needs and demand, including co-working spaces better accommodate to creative and new age industries. The provision of flexible commercial tenancies on the site could support growth in medical and allied health industry companies seeking to locate within proximity to the Royal North Shore Hospital.
- **Additional retail activity**: The proposal envisages retail uses at ground floor level which will encourage pedestrian activation and streetscape vibrancy and support Atchison Street as a new retail focus for St Leonards that leverages existing activity along Willoughby Road and the St Leonards Forum plaza.
- **Ground floor activation to the public domain**: Future redevelopment of the site will offer significant opportunities for the ground plane activation of the public domain to Atchison Street and Mitchell Street Plaza, enhancing pedestrian amenity, and contributing to night-time economy and investment. The provision of a dynamic and permeable interface to the western side of Mitchell Street, with operable and transparent lobby frontages, will enhance the role of the Plaza as a focal point for the precinct.
- **Contribution to community infrastructure**: The proponent has submitted a Letter of Offer to enter into a planning agreement with North Sydney Council to provide a monetary contribution for the construction of a future signalised pedestrian improvements at the corner of Albany Street and Pacific Highway.

8.4. STATE AND COMMONWEALTH INTERESTS

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

Yes. The planning proposal is informed by preliminary public infrastructure investigations that conclude:

- The planning proposal leverages from the existing St Leonards train station and the new Crows Nest Metro station, which provide higher frequency metro transport to allow quicker pedestrian circulation. As envisioned by the 2036 Plan, future redevelopment of the subject site has the potential to contribute to a transit orientated development and enhance walking and cycle connectivity between stations.
- Capacity exists within the road network to support future development on the site as envisaged by the planning proposal. The Traffic Impact Assessment (at **Appendix F**) concludes that due to an overall reduction in car parking provision at the site, the traffic generated by the indicative concept proposal will reduce from its existing condition. Given the net reduction in vehicle trips, the impact to the surrounding road network during the peak periods is expected to be negligible. A Green Travel Plan can be incorporated in the future detailed design of the site and at the development application stage.
- The existing building is serviced by utility services and connections and is located to allow future workers and visitors to utilise existing and planned infrastructure and services within the area.
- The 2036 Plan introduces a Special Infrastructure Contribution (**SIC**) scheme to ensure that development which relies on State and regional infrastructure provides a contribution to assist in the delivery and improvements of assets. However the SIC scheme only levies contributions to residential development.

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 undertaken to support the planning proposal. It is noted that North Sydney Council will undertake consultation with relevant state and Commonwealth public authorities following the Gateway determination.

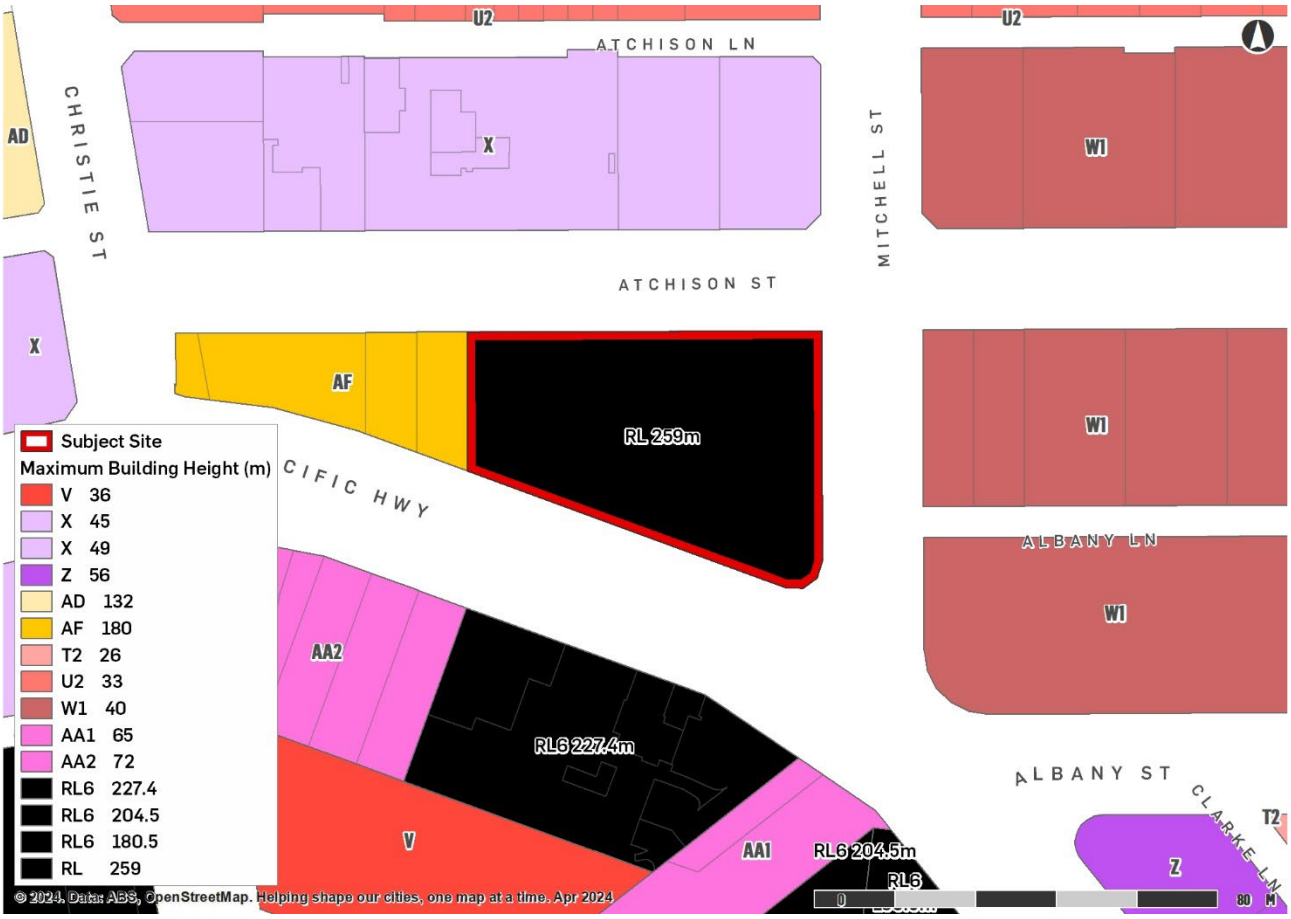
9. PART 4 - MAPPING

The planning proposal seeks to amend the following NSLEP 2013 Maps:

- Height of Buildings Map – Sheet HOB_001
- Maximum Floor Space Ratio Map – Sheet FSR_001

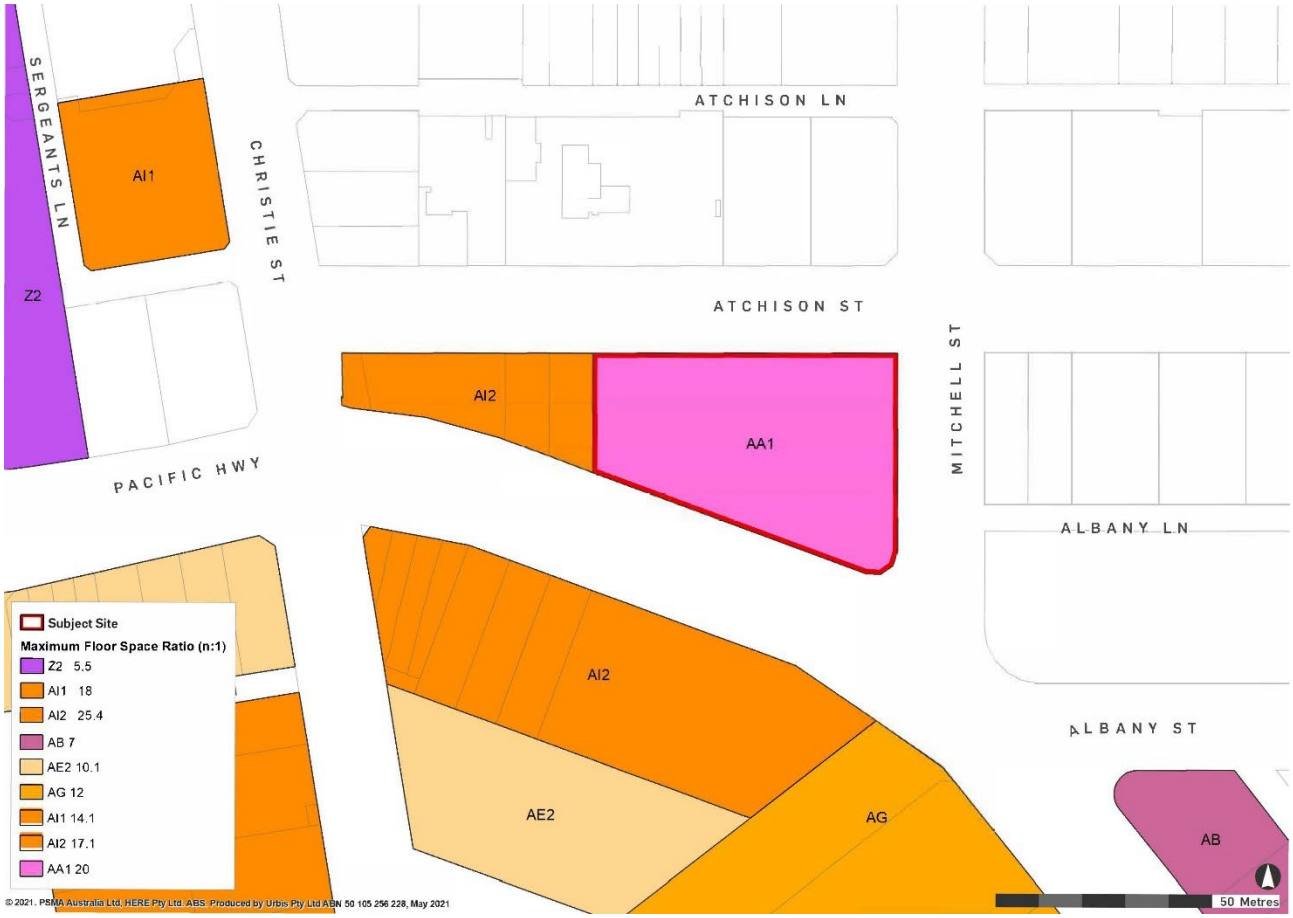
The proposed amendments to NSLEP maps are identified in the figures below.

Figure 25 Amended Height of Buildings Map – Sheet HOB_001



Source: Urbis

Figure 26 Amended Maximum Floor Space Ratio – Sheet FSR_001



Source: Urbis

10. PART 5 - COMMUNITY CONSULTATION

Section 3.34 of the Environmental Planning and Assessment Act 1979 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 required to be publicly exhibited for 28 days in accordance with the requirements of *A Guide to Preparing Local Environmental Plans* (**DPE**). It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.

Within the public consultation process, Stockland will review all submissions, consult with Council and DPE (as required), and provide a written response to assist in the assessment of the planning proposal.

11. PART 6 - PROJECT TIMELINE

An indicative project timeframe is provided below.

Table 15 Project Timeline

Stage	Timeframe and / or Date
Planning proposal submitted to North Sydney Council	December 2022
Preliminary review and consideration by Council	January 2023
Local Planning Panel recommend the planning proposal be submitted to DPE for Gateway Determination	October 2023
Council Meeting to submit planning proposal to DPE	November 2023
Planning proposal referred to DPE for Gateway Determination	November 2023
DPE issue Gateway Determination	April 2024
Proponent response to matters in Gateway Determination	May 2024
Public exhibition and agency consultation	June 2024
Post exhibition review of submissions	August 2024
Council endorsement of planning proposal	October 2024
Submission to DPE for finalisation	November 2024
Legal drafting of amendment to LEP	December 2024
Gazettal of amendment to LEP	24 January 2025

12. CONCLUSION

This planning proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to establish planning controls that would enable high density commercial development at 601 Pacific Highway St Leonards.

The planning proposal sets out the justification for the proposed LEP amendment. It is supported by an indicative concept proposal and a suite of technical documentation (including amended documentation as required) that provides an analysis of the site and its surrounding to demonstrate that the proposalis sound and suitable for its context.

It is considered that the proposed amendments to NSLEP 2013 would enable an appropriate development outcome and generate significant economic and community benefit for the following reasons:

- From a local context perspective: The planning proposal has site-specific merit insofar it will facilitate future development that would achieve an appropriate built form and scale outcome for this significant site. Future development in line with the planning proposal will contribute to the emerging cluster of towers within the St. Leonards Centre and complement the existing and emerging character of the surrounding locality. The planning proposal is consistent with local planning objectives and outcomes, including site specific opportunities and constraints in the 2036 Plan.
- From a strategic planning policy perspective: The planning proposal has strategic planning merit insofar as it will positively contribute to the achievement of State and Local Government strategic planning policy, including the significant site objectives in the 2036 Plan. The indicative concept design proposes a development that will facilitate the provision of high grade and high amenity commercial office space.
- From a net community benefit perspective: The planning proposal has the potential to create a range of benefits for the community, including:
  - Direct economic benefits and the creation of additional employment opportunities, during the phases of construction, marketing, fitout, and ongoing operation.
  - New A-grade commercial office accommodation and easily identifiable and permeable ground level retail uses. Future uses will encourage the patronage of the locality and establish a landmark location to strengthen the realisation of St Leonards as a highly desirable place to live, work and play.
  - Public domain activation along Atchison Street, Mitchell Street Plaza, and the Pacific Highway.
- From a job creation perspective (short term): future development has potential to create approximately 3,346 full time jobs.
- The indicative concept proposal is appropriately and sensitively designed to minimise adverse environmental impacts on the locality in relation to privacy, wind, overshadowing, and traffic.
- From an urban renewal perspective: Future redevelopment of this key site will assist in the ongoing transformation and renewal of St Leonards centre through built form improvements and public domain improvements and more efficient use of land that is more aligned with commercial market demand.
- Contribution to community infrastructure: The proponent has submitted a Letter of Offer to enter into a planning agreement with North Sydney Council to provide a monetary contribution for the construction of a future signalised pedestrian improvements at the corner of Albany Street and Pacific Highway.

The amened planning proposal achieves an appropriate balance of strengthening commercial and employment focus and capitalising on its strategically location and frontage to the Pacific Highway and the associated amenity and public transport facilities provided in this part of the St Leonards Strategic Centre. Overall, it is demonstrated that the planning proposal would result in significant public benefits by creating new planning controls and a public benefit offer that would facilitate future redevelopment of a key urban renewal site. The planning proposal seeks a reduced maximum building height from RL265 to RL259. This amendment responds to Council's recommendation for a maximum building height of RL 259 and maintains compliance with the 2036 Plan's solar access controls and reduces overshadowing impacts to public open spaces, streetscapes, and nearby residential areas identified in the 2036 Plan.

13. DISCLAIMER

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

APPENDIX A APPENDIX

URBIS