

<b>JRPP No:</b>	<b>2011SYE060</b>
<b>DA No:</b>	<b>DA 163/11</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>619 Pacific Highway, St Leonards</b> Demolition of existing 7 storey commercial building and construction of 16 storey mixed use development
<b>APPLICANT:</b>	Duppa Pty Ltd
<b>REPORT BY:</b>	George Youhanna, Executive Planner North Sydney Council

### **Assessment Report and Recommendation**

**Attached:** SEPP 1 objection

### **EXECUTIVE SUMMARY**

The subject development application seeks to demolish the existing 7 storey commercial building and erect a 16 storey mixed use building containing ground floor retail, 21 serviced apartments at levels 1-3, 48 residential apartments at levels 4-15 and four levels of basement carparking for 43 vehicles.

The site has an area of 481.1m<sup>2</sup> with frontages of 21.505m to Pacific Highway and 20.17m to Atchison Street. Attempts to amalgamate the site with the adjoining site at No.621 Pacific Highway have been unsuccessful.

The application has been amended to address a number of concerns such as vehicle queuing onto Atchison Street, loading, communal space, ground floor configuration and other issues. The proposal is now considered to be satisfactory, subject to a number of conditions of consent to address any remaining issues.

The application is recommended for approval by the Joint Regional Planning Panel.

### **DESCRIPTION OF PROPOSAL**

The subject application proposes demolition of the existing 7 storey commercial building at 619 Pacific Highway, St Leonards, and construction of a 16 storey mixed use development on the site. The proposed building form comprises a 3-4 storey podium with a further 12 storey tower extending to maximum height of RL 139.95 (53.15m).

The proposed development incorporates the following:

#### **Basement-**

- Three (3) levels of basement car parking for 42 vehicles, utilising a car lift and mechanical stacking system. Residential storage and bicycle racks are also provided on each basement level, accessed by passenger lift and stairs.
- One (1) basement level providing ramp access from Atchison Street to car lift, queuing area, waiting bays, 1 x disabled parking space, 5 x motorcycle spaces

and residential storage areas.

Podium and tower-

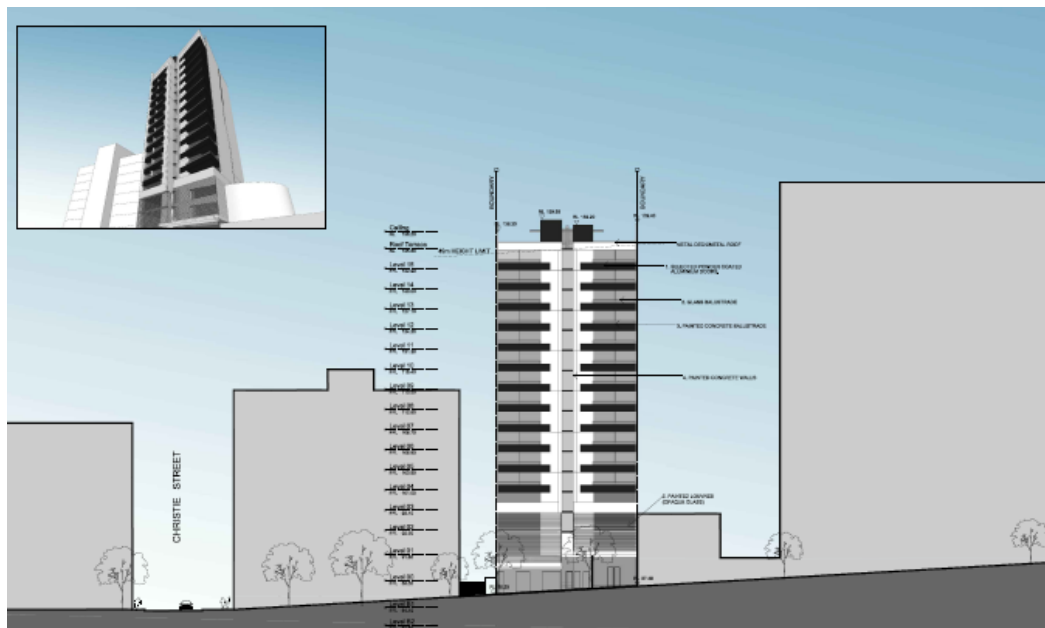
- Two (2) retail suites with a gross floor area of 180m<sup>2</sup> on the ground floor, in addition to the residential lobby, loading dock, garbage room, substation and access ramp;
- 21 x serviced apartments on levels 1-3;
- 48 residential units from Level 4 through to Level 15, comprising 24 x 1 bedroom units and 24 x 2 bedroom units

Roof-

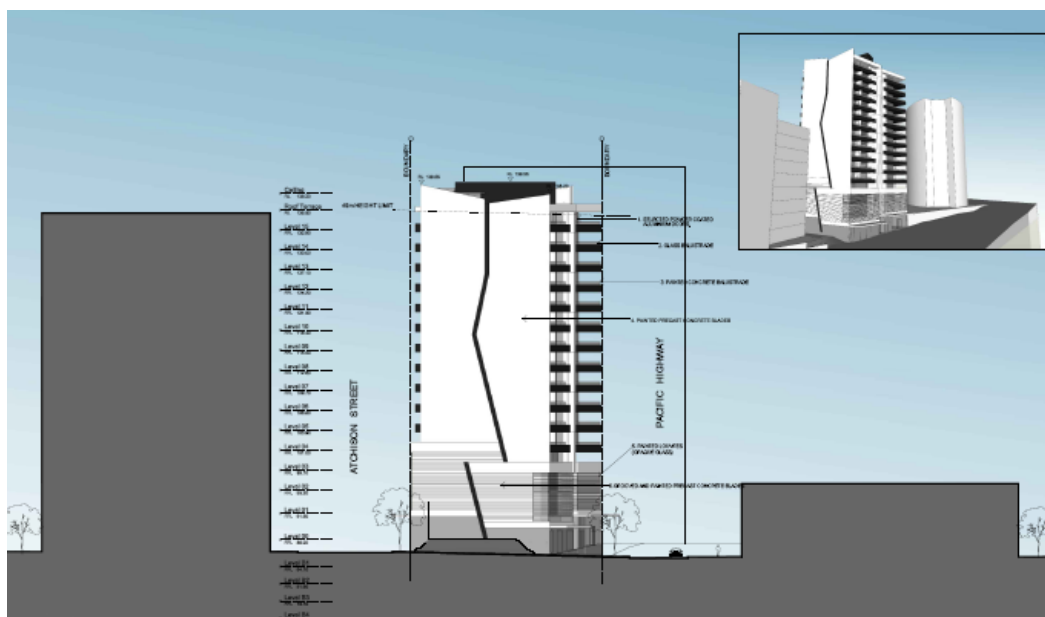
- Communal room and roof terrace, lift overrun, landscaping and plant/services



*Photomontage – Pacific Hwy elevation*



*Pacific Hwy (south) elevation*



*Atchison Street (north) elevation*

## STATUTORY CONTROLS

North Sydney LEP 2001

- Zoning – Mixed Use
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No
- FSBL - No

Section 94 Contributions

Environmental Planning & Assessment Act 1979

SEPP No. 1 – Development Standards:

SEPP No. 55 – Remediation of Land

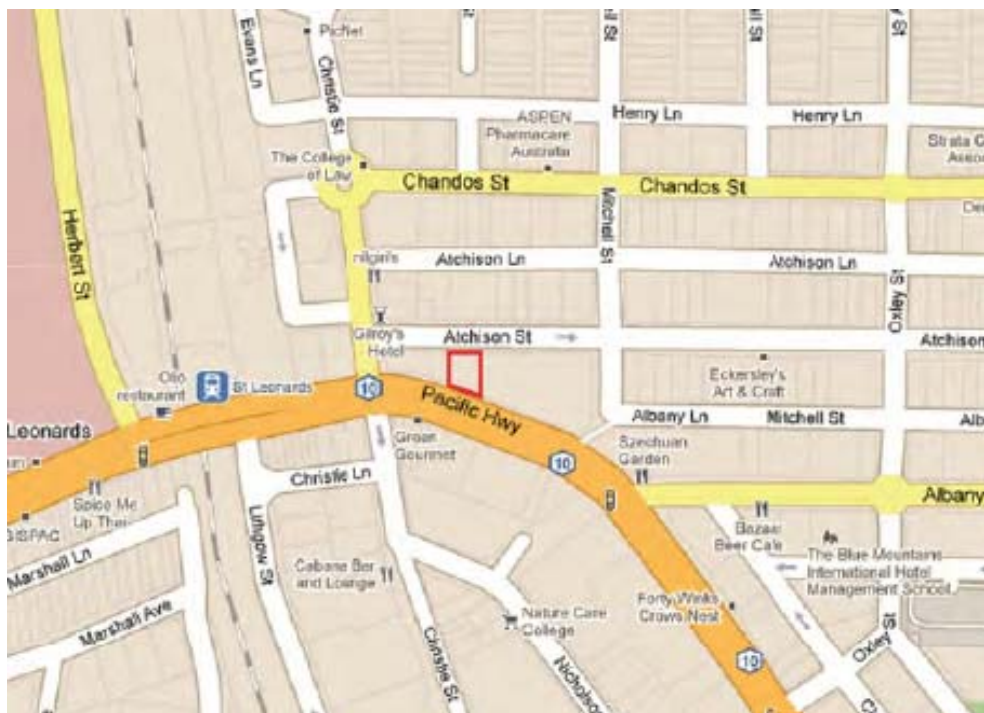
SEPP No.65 – Design Quality of Residential Flat Development  
SEPP (Building Sustainability Index: BASIX) 2004  
SEPP (Infrastructure) 2007  
Sydney Harbour Catchment REP and DCP  
Draft North Sydney LEP 2009

## **POLICY CONTROLS**

DCP 2002

## **DESCRIPTION OF LOCALITY**

The subject site is located between Christie Street and Albany Street on the northern side of the Pacific Highway, with a second frontage to Atchison Street. The site has an area of 481.1m<sup>2</sup> with frontages of 21.505m to Pacific Highway and 20.17m to Atchison Street. The site is legally described as Lot 1, DP577070 and Lot 1, DP102281.





*Aerial photo showing site and surrounding buildings*



*Pacific Highway elevation*

Existing development on the site comprises a 7 storey commercial building with ground floor retail and one level of basement parking, built to the boundary on the east, west and Atchison Street boundaries. Surrounding development includes a range of building forms, from two storey retail to high-rise office towers. To the west of the site at No.621 Pacific Highway is an 11 storey office building which has a pedestrian thoroughfare linking Atchison Street and Pacific Highway. To the east of the site is the IBM building, a 17 storey mixed use development. Opposite the site at 2-4 Atchison Street is a 16 storey mixed use building. A Project Application under Part 3A for a 120m tower development at 6-16 Atchison Street is currently being assessed by the Department.

The site is approximately 50 metres from St Leonards railway station and in close proximity to a number of bus routes.

## RELEVANT HISTORY

### Relevant history prior to lodgement

A pre-lodgement meeting for redevelopment of the site was held involving the proponents and Council staff on 15 February 2011. The form of development proposed was similar to that sought under the current proposal. The key issues identified with the proposal were:

#### *Permissibility – NSLEP 2001 and Draft NSLEP 2009*

The site is zoned Mixed Use pursuant to NSLEP 2001 and therefore the proposed development and uses are permissible within this zone. However, pursuant to Draft NSLEP 2009, the zoning of this site is proposed to change to B3 – Commercial Core, which would prohibit the residential apartment component of the proposed scheme. Adequate residential amenity would be required to be demonstrated.

#### *Amalgamation of site with neighbour*

Amalgamation of the subject property with its immediate neighbour to the west at No. 621 Pacific Highway was recommended as these two properties are the last remaining potential development sites along this section of the Pacific Highway, and as a result of the small allotment size of the subject site. The reasons for not amalgamating the sites should form part of any DA submission. Consideration should be given to the impacts of the proposal on the redevelopment potential of the adjacent site at No. 621, including side setbacks, podium interface and appearance of the buildings from the Pacific Highway.

#### *Height*

Pursuant to Clause 29 of NSLEP 2001, the subject site has a maximum permissible height of 49 metres. The height controls developed for the St Leonards centre were developed as a stepping down from the Forum development (to the west of the site) towards the lower-scaled building of Willoughby Road, Crows Nest.

The potential for greater variation to the height control was discussed, and whilst compliance with the controls is recommended, it was noted that there may be scope for minor additional breaches where it could be demonstrated that no greater amenity impacts would arise.

#### *Setbacks/Podium*

The proposed development is non-compliant with the setback requirements (both sides and on the Pacific Highway frontage) and desired podium height pursuant to Section 6 and the character statement of NSDCP 2002.

With regard to the podium variations, any submission should include the design rationale and benefits of the proposed scheme versus a compliant development. Furthermore, the variations to the setback controls should be justified to



demonstrate that the lack of setbacks, particularly from the side boundaries do not limit or impede development potential on adjacent sites.

#### *Car parking*

Due to the proposed reliance on a car lift, turntable and mechanical car storage system within the basement car park, any DA lodged should include a report from a Traffic Engineer which undertakes a statistical queuing analysis to demonstrate potential impact on vehicular movements within Atchison Street.

#### *Other matters*

Any detailed design should not treat the Atchison Street frontage as a secondary service façade, and should limit the appearance of vehicular access, garbage storage and services and should include street activation.

### **DA History**

15 April 2011 – DA163/11 Lodged.

25 May 2011 – Design Excellence Panel (DEP) meeting held.

3 June 2011 – DEP minutes issued to applicant. (see detailed comments later in this report)

17 June 2011 – Additional information letter sent to applicant, raising concerns including DEP comments, parking/traffic, site amalgamation, AC plant location and storage.

5 August 2011 – Amended plans and additional information provided by applicant, including the following:

- Revised ground floor layout including lobby access to Atchison Street, loading dock, ramp down to basement parking levels, extension to Pacific Highway boundary and relocation of substation to Pacific Highway,
- Motorcycle, bicycle and storage areas at basement level, ramp down to car stacker to accommodate queuing vehicles, provision of 1 disabled car space, details of air conditioning plant location and evidence of attempts to amalgamate with the adjoining site.

16 August 2011 – DEP reviews amended scheme and recommends addition of roof garden common area and improved eastern and western façade treatments, and raised concern regarding the amenity of the serviced apartments and upper level balconies.

22 August 2011 – Amended plans including roof garden common area provided by applicant.

23 August 2011 – Revised SEPP 1 objection to building height development standard provided by applicant to address minor increase in lift overrun (maximum) height.

## REFERRALS

### Traffic

The application was referred to Council's Traffic Engineer to assess the acceptability of the proposed development with regards to traffic and parking. Council's Traffic Engineer raised concerns in relation to the absence of a loading dock and inadequate queuing length, in addition to other concerns discussed below. The applicant has addressed these issues in the amended plans received by Council on 5 August 2011.

The Traffic Engineer's comments are as follows:

#### ***Existing Development***

*The existing development is a seven-storey commercial building with approximately 2,200m<sup>2</sup> GFA and 10 parking spaces accessed from Atchison Street.*

#### ***Proposed Development***

*The proposed mixed use development incorporates 21 serviced apartments (15 x studio, 6 x one-bedroom), 48 residential apartments (24 x one-bedroom, 24 x two-bedroom), 155m<sup>2</sup> of retail floor space and three levels of basement parking for 40 vehicles.*

#### ***Parking***

*The North Sydney DCP 2002 outlines a maximum parking space provision as follows:*

<i>Development Component</i>	<i>Parking Rate</i>	<i>Maximum Parking</i>
<i>Serviced apartments (21)</i>	<i>0.2</i>	<i>4.2</i>
<i>1-bedroom apartments (24)</i>	<i>0.5</i>	<i>12</i>
<i>2+ bedroom apartments (24)</i>	<i>1</i>	<i>24</i>
<i>Retail (155m<sup>2</sup>)</i>	<i>1/400m<sup>2</sup></i>	<i>0.4</i>
<i>Total</i>		<i>40.6</i>

*The applicant is proposing to install 40 parking spaces which complies with the DCP.*

#### ***Motorbike & Bicycle Parking***

*I concur with TTPA that the motorbike parking in the DCP has been included somewhat as an encouragement mechanism. However, Council's experience is that there is an ever increasing number of people choosing motorbikes as their mode of transport, particularly in the inner city area where parking is difficult. With this comes an ever increasing demand for motorbike parking. I note that Council has installed eight motorbike parking spaces on Atchison Street, St Leonards in recent years. These motorbike parking spaces are highly utilised. It would be*



*unreasonable for the residents of this proposed new development to take up this on-street motorbike parking because motorbike parking is not being proposed with the new development. The developer is essentially trying to push motorbikes associated with this private development onto the public road, thus taking up a valuable community resource.*

*The applicant is proposing to provide 5 bicycle parking spaces. Looking just at the residential component of the building, the North Sydney DCP outlines that 16 bicycle lockers and 4 bicycle rails should be provided.*

### **Traffic Generation**

*TTPA have utilised a reduced traffic generation rate for the serviced apartments on the basis of the reduced number of parking spaces provided for this component of the development. However, this reduced traffic generation rate does not take into account that the guests to the serviced apartments are more likely to utilise taxis, minibuses and/or airport transfers to and from the site. Further, there are likely to be additional service vehicles, such as regular laundry services, associated with the serviced apartment component of the building.*

*The RTA does not outline traffic generation figures for serviced apartments. It is not appropriate to utilise the motel traffic generation rate and the RTA recommends that the analysis of proposed hotel developments be based on surveys of similar existing hotels.*

*In the absence of any survey data, it has been assumed that the serviced apartment rate is the same as that for the residential apartment component of the building. On this basis, the proposed development would generate approximately 16 peak hour vehicle movements.*

*I concur with TTPA that this traffic generation will have a minor impact on the surrounding road network.*

### **Queuing Length**

*An issue of serious concern with regards to this development is the proposed mechanical parking system.*

*The proposed development incorporates a Klaus brand automated parking system with a driveway and waiting bay on the Atchison Street frontage.*

*The use of mechanical parking equipment should always be the last alternative for vehicular access. With any vehicular lift, there are concerns that the motorists will chose not to use the lift because of the time delay and inconvenience, and this will place demands on the on-street parking. Particularly if the residents are returning home for only a short time, it is likely that they will not “bother” with the inconvenience of the mechanical parking system.*

*The proposed parking system is by its very nature a highly mechanical systems, which therefore makes it highly likely to break down. There is the concern that if there is a mechanical problem with the system then residents of the building will be*

*unable to access the off-street parking. Vehicles may get “stuck” underground. Further, with a development of this size, if the parking system is broken down for an extended period of time, this will place significant strain on the already very high demand for parking in this area.*

*Australian Standard 2890.1 states in relation to mechanical parking installations, “Access to mechanical parking installations such as car stackers, shall be by means of access driveways and circulation roadways designed in accordance with this Standard, and providing sufficient vehicle storage to ensure that queues of vehicles awaiting service by the installation do not extend beyond the property boundary of the parking facility under normally foreseeable conditions.*

*“When determining the amount of vehicle storage required, queue lengths shall be calculated by applying conventional queuing theory to estimated mean arrival rates during normal peak periods, and mean service rates under continuous demand, determined as closely as possible from observing the operation of similar facilities. The storage area shall be designed to accommodate the 98<sup>th</sup> percentile queue under such conditions.”*

*A statistical queuing analysis has not been undertaken by the applicant. The applicant has outlined the following service rates for the parking system:*

*Service rate in = 180 seconds (system) + 40 seconds (user) + 20 seconds (turning) = 240 seconds*

*Service rate out = 180 seconds (system) + 40 seconds (user) = 220 seconds*

*Utilising the lower traffic generation rate of 14 peak hour vehicles as calculated by TTPA and assuming a 80:20 in:out ratio in the peaks, in the PM peak there is an average service rate of 236 seconds.*

*The proposed development incorporates waiting space for one vehicle on-site. Allowing for one vehicle in the transfer cabin, concern is raised when there are three vehicles as the third vehicle will be queued into Atchison Street.*

*Queuing analysis by Poisson Distribution demonstrates that there is a 77.3% chance of three or more vehicles being at the site and queued during the peak hour. The Australian Standard outlines that this should be less than 2%. The proposed mechanical parking system therefore cannot cater to the proposed number of parking spaces and is inadequate and inappropriate for the site.*

*Queued vehicles are of particular concern, as it is likely that the queued vehicles will block the contra-flow bicycle lane in Atchison Street. Bicycles are a more vulnerable road user and as such, it is highly inappropriate to have queued vehicles blocking the bike lane.*

### **Parking for People with Disabilities**

*The Klaus automated parking system documentation outlines that the system can accommodate a vehicle with a maximum height of 1600mm. Section B6 of Australian Standard 2890.1 outlines that the height of all passenger cars and station wagons is below 1.5 metres. However, the Standard outlines that people with disabilities require headroom for a vehicle of up to 2200mm in height. The*

*Standard therefore in Section 5.3.1 outlines that headroom should be 2200m. The proposed parking system does not allow for parking for people with disabilities.*

*The other more minor concern associated with the proposed mechanical parking system is that it cannot accommodate all sizes and models of vehicles, particularly given the increasing prevalence of larger vehicles such as 4WDs.*

### **Loading Dock**

*The other major concern with regards to the proposed development is the lack of a loading dock.*

*A development of this size with 48 apartments, 21 serviced apartments and 155 m<sup>2</sup> of retail space requires provision for a medium rigid truck as defined by Australian Standard 2890.2.*

*The population of North Sydney is highly mobile. Nearly half of all residents rent and, over a five-year period, over 65% move to a new address. This is particularly the case for apartments, and particularly for the smaller apartments included in the proposed development. Smaller apartments are more likely to be utilised by renters, who move in and out more readily. Given that this development is for 48 residential apartments, it could be assumed that there will be a substantial number of residents moving in and out of the building on a weekly basis. It would be entirely unacceptable to have furniture removalist vans parked on the Pacific Highway or Atchison Street. Further, it is noted that removalist vans often double-park, park in "No Stopping" areas or other undesirable locations if they are unable to obtain a parking space directly in front of the building they wish to service. Furniture would have to be carried from the building to the kerb, across the footpath that is heavily used by pedestrian. Given the significant volume of vehicles and pedestrians that utilise the Pacific Highway and Atchison Street, this type of impact is unacceptable.*

*It could be anticipated that there will be a number of service vehicles, such as regular laundry services, associated with the serviced apartments.*

*The developer is essentially trying to push service vehicles associated with this private development onto the public road, thus taking up a valuable community resource. It is therefore felt that furniture removalist vans, service vehicles and garbage vehicles must be accommodated on-site.*

*The truck loading bay should be located immediately adjacent to a lift, providing access to the residential and serviced apartment floors of the building. Flat or ramped access should be available to the retail areas of the building.*

*All vehicles, including heavy vehicles, must enter and exit the site in a forwards direction.*

### **Conclusion**

*For the reasons outlined above, it is recommended that this proposed development be refused until such time as the car parking and loading dock issues*

*are resolved. Given the size of this development and the associated number of parking spaces, the only way that this development can be recommended for approval is if:*

- 1. Conventional circulating access ramps are provided OR another mechanical parking system is proposed, which the applicant can demonstrate through queuing analysis, complies with section 3.5 of Australian Standard 2890.1.*
- 2. A loading dock which can accommodate a Medium Rigid Vehicle as defined by Australian Standard 2890.2 is provided on-site.*

*Should the above issues be resolved and should this development be recommended for approval, it is recommended that the following conditions be imposed:*

- 1. That a minimum of four motorbike parking spaces be provided on-site, in accordance with the North Sydney DCP 2002.*
- 2. That a minimum of 16 bicycle lockers and 4 bicycle rails be provided on-site, in accordance with the North Sydney DCP 2002.*
- 3. That a Construction Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*
- 4. That all vehicles, including furniture removalist vans, delivery vehicles and garbage collection vehicles must enter and exit the site in a forwards direction.*
- 5. That the developer pay to upgrade the lighting levels on the Pacific Highway and Atchison Street adjacent to the site, to the satisfaction of Council.*
- 6. That all aspects of the carpark comply with the Australian Standard AS2890.1 Off-Street Parking. In particular, headroom is to be a minimum of 2.2 metres.*
- 7. That all aspects of parking spaces for people with disabilities comply with the Australian Standard AS 2890.6.*
- 8. That all aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.*
- 9. The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.*
- 10. That signs be installed at the exit to the driveway stating "Stop – Give Way to Pedestrians"*

## **Development Engineer**

Council's Development Engineer has raised no objection to the proposed development, subject conditions of consent.

## **Landscaping**

Council's Landscape Development Officer has reviewed the proposed landscaping and street tree planting, and provides the following comments:

*I have inspected the property with Councils Arborist, with the benefit of the submitted plans, and the following observations made, recommendations provided and conditions recommended.*

*There are two Street Trees growing outside the property on the Pacific Highway are London Plane Trees and are good specimens, with one of them being an excellent specimen. There are also two further trees of the same species in the vicinity of the proposed works.*

*Given the existing site conditions i.e.: the Pacific Highway frontage of the property is raised a number of metres above the existing footpath level, the generous footpath width, and the location of the trees in the footpath, it is our opinion that if the works are undertaken with prudence, the health and stability of the trees should remain relatively unaffected.*

*There is a semi mature Eucalyptus Street tree growing adjacent to the north western boundary of the property in the footpath. It is proposed to remove the tree to accommodate the driveway access for the property. Given that the tree is a poor specimen and only fairly young I determined that its removal without replacement is deemed acceptable.*

*There is a young and small (2-3 metres tall) Leopardwood Street Tree and an adjacent garden bed adjacent to the south eastern boundary of the property. It is proposed to retain them.*

*It is also apparent that the majority of works will have to be undertaken from the Atchison Street frontage of the property and given the works will require a significant amount of demolition/excavation and construction, it is my belief that both the tree and garden bed may be damaged, however provided they are replaced as part any required road works if damaged, I am not greatly concerned if they are damaged during the works.*

*We assessed the viability of requiring awnings on either of both frontages of the property to link to existing awnings. The nature of the properties' relationship to the footpath on the Pacific Highway and the adjacent buildings on the Atchison Street frontage results in the provision of awnings being inappropriate.*

*In conclusion I raise no objections to approval of the development application as submitted provided the following conditions are included in the consent...*

## **BCA**

Council's Fire Safety Officer advises that the proposed single fire isolated exit does not comply with the Deemed to Satisfy provisions of the BCA and will need to be certified as an alternative solution. A condition requiring compliance with the BCA will be applied.

## **Design Excellence Panel**

Council's Design Excellence Panel (DEP) considered the application at its meeting on 25 May 2011. The DEP provided the following comments:

### **Panel's Comments**

*The Panel is advised that the subject site is proposed to be rezoned to commercial core under the draft NSLEP 2009 in accordance with the St Leonards Strategy, however the proposal is currently permissible under the NSLEP 2001.*

*The Panel is also advised that the proposal does not satisfy Council's DCP with regard to setbacks above the podium to both frontages and the requirement for a 3m setback from each side boundary.*

*The Panel noted that the site is extremely tight particularly with regard to parking, access and ground floor facilities. The site to the west is also constrained and amalgamation of the two sites would produce a better outcome.*

*The Panel has a number of concerns with the current proposal with regard to the vehicle access, the lack of setbacks and the layout of the ground floor. While the Panel understands that the site is small and the proponent may have made significant efforts to approach the adjoining landowners to develop an amalgamated proposal, it does not accept that a compromise to all the requirements of the DCP is justified because the site is small.*

*The Panel does not support a nil side setback for both side boundaries as this would set a precedent. Future development on both adjacent sites to the boundary would result in a 50m high wall with no breaks between the buildings for a length of 70m. The Panel accepts that development to the east is likely to be limited to the smaller building on the common boundary and a setback is unnecessary as there would be a reasonable separation to the existing IBM office tower.*

*The Panel considers that a 3m setback is required on the western boundary to ensure that excessive building walls are avoided. Future development of the site to the west would also require a 3m setback to the common boundary (this would result in two groups of development with building towers of around 32m separated by 6m). Having regard to the development pattern in the area, there is generally at least one 3m side setback for building sites of 20m width. The setback should occur above podium level which is above level 4 on this site. A redesign would result in the loss of a one bedroom apartment on each level but improved cross ventilation and apartment layout/sizes for the remainder of the apartments.*

*The Panel accepts the proposed setbacks above the podium to both frontages as the podium is well defined architecturally and the remainder of the block between Mitchell Street and Christie Street are commercial buildings not built to the street with no podiums.*

*The Panel has concern with the ground floor layout and the width of the vehicle access from Atchison Street. A redesign is required to improve the layout, allow for garbage storage/collection from Atchison Street and increase the active frontage. The Panel felt that a through site link might be achieved from the apartment lobby with additional retail space in lieu of the car lift.*

*The Panel felt that the car access should be limited to a single entry point with a ramp to the basement to the car lift. This might allow for a waiting area for several*

*vehicles as well as bicycle storage and apartment storage. Queuing of vehicles on Atchison Street is not supported.*

### **Conclusion**

*The Panel does not support the proposal in its current form. The Panel would encourage the applicant to submit amended plans in accordance with the above suggestions back to the Panel for further comment.*

The applicant provided a detailed response and amended plans in relation to the DEP comments. The information was reviewed by the DEP at its meeting of 16 August 2011, and the following comments were provided:

### **Panel's Comments**

*The Panel accepted that efforts had been made to consolidate the property without success. The Panel noted the submission with regard to building to the boundary and that if the sites had been consolidated a similar building form may result and the space between buildings would be limited when travelling along the Highway in both directions.*

*The Panel felt that as the applicant is getting the full potential of the controls on the site and was not complying with the side setbacks requirements, then the finishes and materials need to be improved and communal facilities provided. The Panel also had concern with the side elevations that are highly visible and suggested a high quality finish, such as an aluminium composite panel ("alucobond" finish or similar) rather than painted concrete.*

*Concern was raised with the very poor amenity of serviced apartments facing south and the Highway, with no sunlight in winter and exposure to constant road noise. The acoustic conditions in bedrooms of the other apartments will also require attention. The Panel did not comment on other SEPP 65 matters that are required to be met.*

*The Panel felt that additional amenity and benefit would be provided by providing a communal space on the roof with lift access (consisting of sheltered area with sink and open deck area facing north) over part of the roof with the remainder of the roof being a green roof. Provision of seating in the entrance lobby and internal access to the mail collection would also be desirable.*

*The Panel raised concern about the exposure of the balconies on the south east corner at the upper levels and considered that wind protection was required if they were to be useable, particularly at higher levels.*

### **Conclusion**

*The Panel would encourage the applicant to submit amended plans in accordance with the above suggestions to overcome the Panel's concerns.*

### **Planning Comment -**



The applicant has added a communal roof space and roof garden to the building, with a minor increase in the overall height (from RL139.1 to RL 139.95). An amended SEPP 1 objection to the building height standard has been submitted in this regard.

In relation to the east and west facades, the applicant considers that “*the success of the precast concrete relies on the quality of the finish applied in the construction and not the material itself, and that the proposed precast white finish will be the best material to emphasise the black dynamic strip, articulating the flat facade and reinforcing the strong geometry of the building*”. Given that the east and west facades are prominent and likely to remain visible for a number of years, it is considered appropriate to apply a high quality finish to these elevations, consistent with the recommendation of the DEP and a condition of consent will be applied.

Conditions of consent will be applied to address the remaining amenity issues.

## SUBMISSIONS

The owners of adjoining and nearby properties and the Holtermann Precinct Committee were notified of the proposed development, with the notification period being from 27/4/11 to 13/5/11. In response to this notification, a total of four (4) submissions were received. The issues raised in the submissions are summarised as follows:

Name & Submitter	Address	Basis of Submissions
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Holtermann Precinct		<ul style="list-style-type: none"><li>• Building height</li><li>• Unit mix/inadequate 3 bedroom units</li><li>• Reliance on serviced apartments for non-residential FSR</li><li>• Parking</li><li>• Podium/setbacks</li><li>• Stacker noise</li><li>• Vehicle queuing</li><li>• Lack of loading dock</li></ul>
Mr D& E Carter	1506/2-4 Atchison Street St Leonards	<ul style="list-style-type: none"><li>• Building height</li><li>• Traffic impacts</li><li>• Local road network inadequate</li><li>• Parking</li><li>• Infrastructure inadequate</li><li>• View loss</li><li>• Serviced apartments generating additional traffic</li><li>• Property value</li></ul>
DP & KP Pietriche	1505/2-4 Atchison Street St Leonards	<ul style="list-style-type: none"><li>• Building height</li><li>• Traffic impacts</li><li>• Local road network inadequate</li><li>• Parking</li><li>• Reduced light and solar access</li><li>• View loss</li><li>• Serviced apartments generating additional traffic</li><li>• Privacy impacts</li><li>• Streetscape</li><li>• Property value</li></ul>

Mr D Fung  
1305/2-4 Atchison Street  
St Leonards

- Building height
- Traffic impacts
- Local road network inadequate
- Queuing in Atchison Street
- Draft LEP Commercial zoning
- View loss
- Serviced apartments generating additional traffic
- Architecture too angular

## CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

### NORTH SYDNEY LEP 2001

The application has been assessed against the relevant numeric controls in NSLEP 2001 as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided later in this report.

### Compliance Table

STATUTORY CONTROL – North Sydney Local Environmental Plan 2001				
Site Area – 481.1m <sup>2</sup>	Existing	Proposed	Control	Complies
Mixed Use Zone				
Building Height (Cl. 29) (max)	7 storeys	53.15m (top of lift overrun)	49m	NO *
Non-Residential Floor Space (Cl. 31) (max)	-	3.1:1	3:1 to 4:1	YES
Design of Development (Cl. 32)	N/A	Building has both residential & non-residential uses, with non-residential (retail and serviced apartments) at lower levels;	Building to have residential and non-residential uses, with non-residential at lower levels;	YES
		No residential at ground level; separate residential entries;	No residential to be at ground level (except access); separate entrance for residential;	YES
				YES

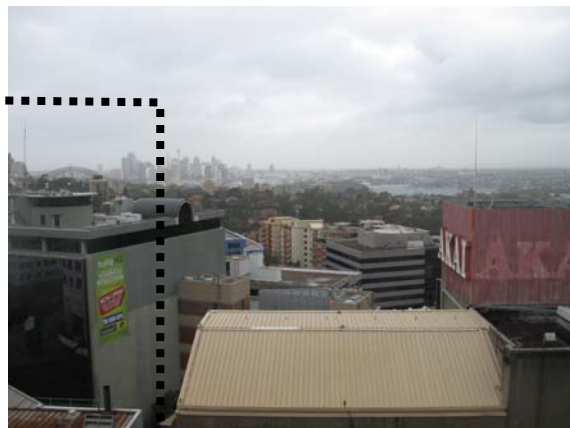
		Tower is set back above podium	Building to be set back above podium	
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\* SEPP No 1 objection received from applicant

## DCP 2002 Compliance Table

DEVELOPMENT CONTROL PLAN 2002		
	<b>Complies</b>	<b>Comments</b>
<b>6.1 Function</b>		
<b>Diversity of activities, facilities, opportunities and services</b>	Yes	This mixed use proposal incorporates 2 separate retail spaces on the ground level, thus providing an adequate diversity of non-residential spaces and activities.  An appropriate communal space has been provided on the roof level.
<b>Mixed residential population</b>	Yes	The proposed dwelling yield of one unit per 113.5m <sup>2</sup> of GFA (5,448m <sup>2</sup> ) is within the DCP range of 1 unit per 100m <sup>2</sup> - 150m <sup>2</sup> gross GFA.
	No	The proposed dwelling mix does not include any 3 bedroom units. This is considered acceptable in this instance, essentially due to the demographic analysis provided with the application, and also given the building configuration, site location, and satisfactory residential amenity to all 48 units.
	Yes	Two (2) adaptable units are provided (excluding the serviced apartments) and an additional 3 adaptable units will be required by condition, in accordance with the DCP 10% minimum requirement (5 units).
	Yes	Non-residential parking does not exceed DCP controls. The site has excellent access to public transport, located within 50m of St Leonards railway station and numerous bus routes on Pacific Highway.
<b>6.2 Environmental Criteria</b>		
<b>Clean Air</b>	Yes	Satisfactory.
<b>Noise and acoustic privacy</b>	Yes	An Acoustic Report, prepared by

	(with conditions)	Sebastian Giglio, was submitted with the application. The report indicates that the proposal is capable of satisfying the DCP noise and acoustic privacy requirements subject to mitigation and construction recommendations.
<b>Visual Privacy</b>	Yes	The proposal includes appropriate design and privacy mitigation measures to ensure adequate visual privacy for occupants and neighbours. The separation distance between the development and the nearest dwelling is in excess of 20m.
<b>Wind Speed</b>	Yes (with conditions)	A wind impact assessment was provided with the application. The report concludes that the wind impact will be acceptable. Conditions will be applied relating to screening to corner balconies and the rooftop terrace.
<b>Awnings</b>	Yes	The location of the site does not warrant or require the provision of a street awning to either Atchison Street or Pacific Highway.
<b>Solar access</b>	Yes	The submitted shadow diagrams indicated that there is no shadowing impact on existing or proposed areas of public open spaces between 11.30am and 2.30pm on the winter solstice as a result of the proposed development. .
<b>Views</b>	Yes	<p>The view analysis submitted with the application demonstrates that the most affected dwellings are at No.2-4 Atchison Street, and that the majority of the view impact results from that part of the building below the 49m height limit.</p> <p>An inspection of Level 15 of No.2-4 Atchison Street reveals that the proposed building would obscure views available to the south-east, including part of the Sydney CBD and the entire Harbour Bridge. An assessment of view impacts with regard to all of the considerations set out in the test established in <i>Tenacity Consulting Pty Ltd v Warringah Council</i> [2004] NSWLEC 140 has been provided.</p> <p>The assessment demonstrates that the proposed view impact is acceptable with</p>

		<p>regard to all relevant considerations.</p>  <p><i>Approximate extent of view impact from apartment 1506, No.2-4 Atchison Street</i></p>
<b>6.3 Quality built form</b>		
<b>Context</b>	Yes	The proposed height and scale is considered satisfactory and represents a suitable response to the site's context. The building height is slightly in excess of the 49m height limit and is acceptable with regard to surrounding development.
<b>Skyline</b>	Yes	The architectural treatment of the upper levels of the proposed building would result in a satisfactory skyline appearance.
<b>Public spaces &amp; facilities</b>	Yes	Appropriate integration of the retail areas and residential entries with the public domain is proposed.
<b>Through-site pedestrian links</b>	Yes	A through-site link is not identified in the DCP as being required on this site.
<b>Streetscape</b>	Yes	An acceptable degree of activation of the Pacific Highway and Atchison Street frontages is provided in the revised design. The need to provide a loading dock and driveway entry has been appropriately incorporated into the Atchison Street ground level design and the Pacific Highway configuration also provides acceptable activation of the street frontage.
<b>Setbacks</b>	No	The proposed eastern and western sides of the building do not provide the required 3m above podium setback. The applicant has provided justification for the proposed nil side setbacks above the podium, including that even an amalgamated site would not likely have a 3-6m separation on the western boundary. Council's concern primarily

		<p>relates to avoiding a continuous unbroken wall of development in this location, and the applicant has adequately demonstrated that this can be achieved through architectural design as effectively as through a 6m space between buildings.</p> <p>The proposed above podium setbacks to Atchison Street and Pacific Highway are slightly below the required setbacks, however, the building reads appropriately as a 3 and 4 storey podium base with tower above to both the north and south elevations.</p>
<b>Entrances and exits</b>	Yes	Access is satisfactory, with residential entry provided from both Atchison Street and Pacific Highway. Separate retail entries are provided.
<b>Street frontage podium</b>	Yes	As discussed above, the 3 and 4 storey Atchison Street and Pacific Highway podiums are satisfactory.
<b>Building design</b>	Yes	The building has satisfactory floor to ceiling heights and the podium is built to all boundaries. All residential floors will have the required minimum 2.7m floor to ceiling height
	Yes	Balconies on the south eastern corner require additional screening to provide adequate amenity and shelter from wind impacts. A suitable condition will be applied.
<b>6.4 Quality urban environment</b>		
<b>High quality residential accommodation</b>	Yes	The proposed one bedroom units are slightly under the required 55m <sup>2</sup> , at 52m <sup>2</sup> in area. The proposed two bedroom units are 77m <sup>2</sup> and 94m <sup>2</sup> . The 77m <sup>2</sup> units are slightly below the 80m <sup>2</sup> requirement. The proposed minor non-compliance is satisfactory given that the areas exceed the 'rule of thumb' minimum of 50m <sup>2</sup> and 70m <sup>2</sup> in the SEPP 65 Residential Flat Design Code, and given that the unit configuration and internal amenity is satisfactory to all units.

	Yes	100% of the units (excluding the serviced apartments) will receive at least two hours of solar access in midwinter, which is uncommon in a high density urban area. (91.3% for both serviced apartments and units)
	No	Cross-ventilation to 50% of the apartments is proposed (all 2 bedroom units). The 1 bedroom units will also have adequate natural ventilation despite not having conventional cross ventilation, due to the 5.5m unit width and 7m unit depth, the unit configuration and the location of the units within the tower element at levels 4 to 15, being exposed to a range of wind directions and intensities.
<b>Balconies</b>	Yes	All residential apartments have north facing balconies and the 2 bedroom units all have a minimum width of 2m and an area >8m <sup>2</sup> . The 1 bedroom units on Levels 5-15 have a minimum width of 2m, however, the balcony area is 7.5m, being slightly below the required 8m <sup>2</sup> . These balconies have minimum dimensions of 2.4m. It is accepted that the variation is minor (0.5m <sup>2</sup> ) and that the balconies have excellent solar access and usable dimensions.
	No	The balconies at Levels 5-15 are not recessed behind the 3m podium setback to Pacific Highway, however, as previously discussed the building design is satisfactory with regard to the legibility of the podium and tower as distinct elements. The north-facing balconies are predominantly behind the 1.5m Atchison Street setback line and are satisfactory.
<b>Accessibility</b>	Yes	An Accessibility Report has been submitted with the application to demonstrate that the development would comply with requirements of AS1428.3 for disabled access. Lift access is proposed to all levels and



		at grade access is provided from Atchison Street.
<b>Safety and security</b>	Yes	Satisfactory.
<b>Car parking</b>	Yes	<p>The proposal provides a total of 43 parking spaces, 42 for residential use (mechanical stacker) and 1 disabled space. The parking provision satisfies the maximum parking requirements of Section 9 of the DCP.</p> <p>It is also proposed to have 5 motorbike spaces.</p>
<b>Bicycle parking</b>	Yes	26 wall mounted bicycle storage racks are proposed, in addition to multiple general storage areas for all units.
<b>Vehicular access</b>	Yes	<p>An 8m wide driveway crossover will provide access from Atchison Street to the ramp down to the car parking stacker and the street level loading dock. The proposal has been modified to allow queuing for approximately 5 cars on site, including 2 waiting bays at basement level.</p> <p>The loading dock has width, height and length dimensions to accommodate a Medium Rigid Vehicle.</p>
<b>Garbage Storage</b>	Yes	A Waste Management Plan has been submitted, outlining the management of waste and recycling materials generated on site. The residential levels are provided with a garbage chute on each floor and the central garbage room is accessed via the loading dock.
<b>Commercial garbage storage</b>	Yes	The proposal includes one central garbage room for the development at ground level.
<b>Site facilities</b>	Yes	Satisfactory.
<b>6.5 Efficient use and management of resources</b>		
<b>Energy efficiency</b>	Yes	A BASIX certificate for the residential component of the development has been submitted and an appropriate condition can be imposed to ensure compliance with these commitments.

## **NORTH SYDNEY LEP 2001**

### **1. Permissibility within the zone:**

The subject site is zoned Mixed Use pursuant to NSLEP 2001. Development for the purposes of the construction of a mixed use building is permissible with the consent of Council. The proposed uses are also permissible under the zoning with Council consent.

### **2. Objectives of the zone**

The particular objectives of the Mixed Use zone, as stated in clause 14 of NSLEP 2001, are:

- “(a) encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of residential areas, and*
- (b) create interesting and vibrant neighbourhood centres with safe, high quality urban environments with residential amenity, and*
- (c) maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above, and*
- (d) promote affordable housing.”*

The proposed development is consistent with the objectives of the zone as the development would provide a benefit in terms of increasing the range of living, employment, recreational and social opportunities, providing good amenity for future residents of the development, and improving the vibrancy of the St Leonards Town Centre.

Non-residential uses are at ground level (retail) and levels 1-3 (serviced apartments) with residential units above (levels 4-15).

### **3. Building Height**

Clause 29(2) of NSLEP 2001 states that:

*“A building must not be erected in the mixed use zone in excess of the height shown on the map.”*

Pursuant to Map 2 – ‘Floor Space Ratios, Heights and Reservations’ of NSLEP2001, a maximum height of 49 metres is applicable to the subject site.

The maximum height of the proposed development is 53.15m at the top of the lift overrun. Consequently, the overall height of the proposal would exceed the maximum 49m building height specified in NSLEP 2001 by a maximum of 4.15m.

The applicant has submitted a SEPP No 1 objection in respect of the variation from the building height control. This objection seeks support for the non-compliance based on compatibility with surrounding development, appropriate scale and density and the absence of adverse amenity or view impacts associated with that part of the building exceeding the height limit. The submitted SEPP No.1 objection to clause 29(2) is considered to be well founded and approval of the development application would be

consistent with the aims of SEPP No.1. Additionally, in relation to granting concurrence under clause 8 of SEPP No.1, the proposed non-compliance with the development standard does not raise any matter of significance for State or regional environmental planning, and the public benefit of maintaining the planning controls has been taken into consideration.

#### **4. Floor Space**

Clause 31(2) of NSLEP 2001 states:

*“A building must not be erected in the mixed use zone if the floor space ratio of the part of the building to be used for non-residential purposes is not within the range specified on the map.”*

Pursuant to Map 2 – ‘Floor Space Ratios, Heights and Reservations’ of NSLEP 2001, the non-residential component for a development on this site must have a floor space ratio (FSR) of between 3:1 and 4:1. The proposed development has a non-residential FSR of 3.1:1, and is therefore compliant with Clause 31 of NSLEP 2001. A café use is proposed on the ground level in order to cater for the serviced apartments, as required by the definition of “hotel” in NSLEP 2001.

#### **5. Design of Development**

Clause 32 of NSLEP 2001 provides a number of objectives and controls with regard to the design of development in the mixed-use zone. The objectives in clause 32(1) seek the following

- (a) promote development containing a mix of residential and non-residential uses, and*
- (b) protect the amenity and safety of residents, and*
- (c) concentrate the non-residential component of development in the mixed use zone at the lower levels of a building.*

It is considered that the proposed development is generally consistent with these objectives.

In relation to the controls for the design of development in Clause 32 (2), the proposal is assessed as follows:

*A new building in the mixed use zone must not be erected unless:*

- (a) the building contains both residential and non-residential uses,*

Comment: The building complies in this regard with both apartments and non-residential uses within the development.

- (b) the non-residential component of the building is provided at the lower levels of the building and the ground level is not used for residential purposes, except access,*

Comment: The proposed development contains the non-residential component (retail and serviced apartments) at the ground level and levels 1-3.

- (c) *the residential component of the building is provided with an entrance separate from the entrances to the remainder of the building,*

Comment: The residential apartments have separate entrances to the retail uses.

- (d) *the building is set back above a podium.*

Comment: The proposal includes a tower element above a podium.

In summary the proposed development is considered satisfactory in relation to the design controls and objectives of Clause 32 of NSLEP 2001.

## **6. Excavation**

Clause 39 of NSLEP 2001 provides a number of objectives and controls with regard to minimising excavation and ensuring land stability and the structural integrity of neighbouring properties.

In this instance, the extent of excavation comprises a total of four levels of basement car parking which is required to satisfy Council parking requirements. The extent of excavation is considered acceptable in the circumstances and the proposal satisfies the objectives of the control. Council's standard conditions concerning geotechnical and structural engineering certification to protect adjoining properties will be conditioned.

## **7. Heritage**

The site is not a heritage or contributory item and is not located in the vicinity of any heritage item nor within a Conservation Area. Accordingly the heritage provisions of the NSLEP 2001 are not a relevant consideration.

## **SEPP No.55 (Remediation of Land) and Contaminated Land Management Issues**

The subject site has been considered in light of the Contaminated Lands Management Act and it is considered that based on the previous uses of the site, contamination is unlikely to be an issue.

## **SEPP No.65 (Design Quality of Residential Flat Development)**

The application has been assessed by Council's Design Excellence Panel in terms of the Design Quality Principles set out in SEPP 65.

Assessment is summarised as follows:

Principles 1, 2 and 3: Context, Scale and Built Form: The context is set by the development surrounding the site and the development controls for the site. The proposal is in context with existing surrounding development and consistent with building height controls for the precinct containing the subject site. The proposal would be in context with the desired future character of the area and would be

consistent with the scale and built form of surrounding development.

Principle 4: Density: The density is within the dwelling yield envisaged for mixed use development in the Residential Development Strategy for North Sydney, as expressed in Section 6.1 of the NSDCP 2002.

Principle 5: Resource, energy and water efficiency: A BASIX Certificate has been provided with the application. The design provides for satisfactory natural ventilation and solar access to most apartments.

Principle 6: Landscape: The proposed building covers almost the entire site and no ground level landscaping is proposed. The existing street trees on Pacific Highway will be protected by conditions.

Principle 7: Amenity: The units would generally have a high level of amenity, given the proportion of north facing units. Natural ventilation, balconies and storage areas are all satisfactory.

Principle 8: Safety and Security: The proposed development is considered to provide adequately for the safety and security of future residents.

Principle 9: Social Dimensions: The development responds satisfactorily to the social context, with a satisfactory mix of dwelling types given the demography of the area. A well designed communal area for residents at the roof level is proposed to promote social interaction and provide greater amenity for residents.

Principle 10: Aesthetics: The proposed development is an appropriate architectural design with regard to the site constraints. The aesthetics of the building are considered satisfactory and no objections were raised by the DEP, subject to a condition regarding the eastern and western elevations.

### **SEPP (Building Sustainability Index: BASIX) 2004**

A suitable BASIX Certificate has been submitted with the application. In the event of approval, a condition would be imposed requiring compliance with the commitments contained in the certificate.

### **SEPP (Infrastructure) 2007**

SEPP (Infrastructure) 2007 establishes a framework for certain types of development to be referred to the RTA for consideration.

Given the nature, location and size of the proposed development and number of parking spaces proposed, the proposal is not within the categories that require referral under Clause 104(3) of this SEPP.

Issues regarding traffic and queuing raised by Council's Traffic Engineer have been addressed and appropriate conditions as recommended by the Traffic Engineer are proposed if approval is granted.

### **SREP (Sydney Harbour Catchments) 2005**

The site is not located within or close to the Foreshore and Waterway Area designated in this SREP.

### **Draft North Sydney Local Environmental Plan 2009**

The Draft North Sydney Local Environmental Plan 2009 was on public exhibition until 31 March 2011, following certification of the plan by the Director-General of the Department of Planning. It is therefore a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979. However at this stage little weight can be given to the plan since the final adoption of the plan is neither imminent nor certain.

The provisions of the draft plan have been considered in relation to the subject application. Draft LEP 2009 is the comprehensive planning instrument for the whole of Council's area which has been prepared in response to the planning reforms initiated by the NSW state government.

The provisions of the Draft Plan largely reflect and carry over the existing planning objectives, strategies and controls in the current North Sydney LEP 2001, however, in relation to this site the zoning is proposed to be changed to B3 Commercial Core. The proposed development would not be permissible in the draft B3 Commercial Core zone.

The proposed development is generally consistent with the draft development standards and local provisions except for the key issue of use/permissibility in the B3 Commercial Core zone. Given that the draft plan is neither imminent nor certain, it is not reasonable to refuse the application on the basis of the zoning change in the draft plan.

### **Suspensions of Covenants, agreements and similar instruments**

Council is unaware of any covenants, agreements or the like which may be affected by this application.

### **DEVELOPMENT CONTROL PLAN 2002**

The application has been assessed against the relevant controls in DCP 2002 as indicated in the DCP 2002 compliance table provided earlier in this report.

### ***Relevant Planning Area (St Leonards/Crows Nest Planning Area)***

The proposal is generally consistent with the St Leonards/Crows Nest Planning Area Character Statement.

The specific Character Statement for the St Leonards Town Centre identifies a number of design controls. Of particular relevance are the following:

- Setbacks: *1.5m above podium to Atchison Street / 3.0m above podium to Pacific Highway:* The proposed setbacks are acceptable, as previously discussed.
- Building design: *Balconies not accommodated in setback area:* As previously discussed, the proposal does not comply with this requirement to Pacific

Highway, however, the building design is considered satisfactory and the podium and tower will read as distinct elements. Additionally, Council's DEP are satisfied with the above podium setbacks.

- Characteristic building height: *Buildings are scaled down significantly from the Forum development towards surrounding areas and lower scale development on Chandos Street, Willoughby Road, Crows Nest Village, the Upper Slopes and Crows Nest Neighbourhood.* As discussed above, the proposal is satisfactory with regard to characteristic building height and scaling down from the Forum development, particularly with regard to the height of the adjacent 17 storey IBM building at 601-609 Pacific Highway.

In conclusion the development satisfies the provisions of the St Leonards/Crows Nest Area Character Statement.

## **SECTION 94 CONTRIBUTIONS**

Section 94 Contributions in accordance with Council's S94 plan are applicable. A suitable condition would be applied if consent is granted.

## **DESIGN**

The design is considered to be suitable for the proposed site and of high quality.

## **MATERIALS**

The application is acceptable with regard to materials.

## **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

All likely impacts of the proposed development have been considered within the context of this report.

## **ENVIRONMENTAL APPRAISAL**

## **CONSIDERED**

1.	Statutory Controls	YES
2.	Policy Controls	YES
3.	Design in relation to existing building and natural environment	YES
4.	Landscaping/Open Space Provision	YES
5.	Traffic generation and Car parking provision	YES
6.	Loading and Servicing facilities	YES
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES



- |    |   |     |
|----|---|-----|
| 8. | Site Management Issues  | YES |
| 9. | All relevant S79C considerations of<br>Environmental Planning and Assessment (Amendment) Act 1979 | YES |

#### **CLAUSE 14 NSLEP 2001**

##### ***Consistency With The Aims Of Plan, Zone Objectives And Desired Character***

The provisions of Clause 14 of NSLEP 2001 have been examined.

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

#### **SUBMITTORS' CONCERNS**

The concerns raised with regard to the impacts of the proposed height have been largely been addressed within this report. Additional matters are discussed as follows:

- Reliance on serviced apartments for non-residential FSR

##### **Planning comment:**

Serviced apartments fall within the definition of "hotel" in NSLEP 2001 and therefore satisfy the requirement for non-residential floor space.

- Stacker noise

##### **Planning comment:**

The amended ground level and basement design includes a ramp down to a basement level where a car lift services the mechanically stacked parking system. It is unlikely that the basement level car lift and stacker will have an adverse noise impact on surrounding development.

- Inadequate infrastructure to service the additional demand

##### **Planning comment:**

The existing infrastructure (roads, water, sewerage, electricity, etc) is satisfactory in relation to the additional demand generated as a result of the proposed development.

- Traffic and parking impacts

##### **Planning comment:**

As discussed by Council's Traffic Engineer, the issues of loading and vehicle queuing onto Atchison Street required modifications to the proposal. The amended ground level and basement design provides a semi-circular ramp from Atchison Street down to a basement level, providing queuing for approximately 5 vehicles plus 2 waiting bays. A separate loading dock for a medium rigid vehicle has also been provided off Atchison Street. With regard to the impact on the local roads, both the applicant's and Council's traffic engineers consider that the likely

16 peak hour vehicle movements will have a minor impact on the surrounding road network.

- Impact on property value

**Planning comment:**

This is not a valid matter for consideration under s.79C of the Environmental Planning and Assessment Act, 1979.

- Architecture too angular / streetscape impact

**Planning comment:**

The proposal has been reviewed by Council's DEP and is considered to be a well designed building which would contribute positively to the streetscapes of the Pacific Highway and Atchison Street. Conditions are proposed in relation to the materials used on the eastern and western elevation walls, as previously raised by the DEP.

**CONCLUSION**

This application has been refined to address concerns raised by Council and the Design Excellence Panel and is now considered a satisfactory form of development, subject to conditions of consent. The application has been assessed against the relevant statutory controls and with regard to surrounding development. The SEPP 1 objection to the building height standard is considered to be well founded and is supported.

The application is recommended for approval by the Joint Regional Planning Panel.

**RECOMMENDATION**

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the Joint Regional Planning Panel, as the consent authority, grant development consent to 2011SYE060 - Development Application No.163/11 to demolish the existing building and erect a 16 storey mixed use building containing ground floor retail, 21 serviced apartments, 48 residential apartments and four levels of basement carparking for 43 vehicles, subject to the attached conditions:

**George Youhanna**  
**EXECUTIVE PLANNER**

**Geoff Mossemeneer**  
**ACTING MANAGER DEVELOPMENT SERVICES**

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