

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-359
DA Number	392/22
LGA	North Sydney Council
Proposed Development	Demolition of existing buildings and works, construction of a 39 storey mixed-use building comprising retail and office premises, 184 dwellings and basement parking, landscaping and refurbishment of the Christie Street Reserve and associated works.
Street Address	100 Christie Street, St Leonards Lots 2 & 3 DP 733528
Applicant/Owner	Applicant – Zirong Zhao Owners – Elegant Church Street Pty Ltd
Date of DA lodgement	16 December 2022
Total number of Submissions Number of Unique Objections	Eight (8) submissions received.
Recommendation	Approval
Regional Development Criteria Schedule 6 of the SEPP (Planning Systems) 2021	Regional Development is defined in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 Development with a capital investment value (CIV) over \$30 million is classified as “Regional”. The CIV of this development as outlined in the application is \$112,150,000.00 excluding GST.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020 • State Environmental Planning Policy (Planning Systems) 2021 • State environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • North Sydney Local Environmental Plan 2013 • North Sydney Development Control Plan 2013 • North Sydney Local Infrastructure Contributions Plan 2020
List all documents submitted with this report for the	<ul style="list-style-type: none"> • Architectural plans and landscape plans • Draft Voluntary Planning Agreement • Visual Impact Assessment

Panel's consideration	<ul style="list-style-type: none"> • Traffic Report • Conditions of consent • Public submissions 	
Clause 4.6 requests	N/A	
Report prepared by	Damon Kenny Executive Assessment Planner	
Report date	21 January 2025	
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report?		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>		Yes
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>		Yes

Executive Summary

Proposal

1. Council received a development application (DA292/22) seeking consent for the demolition of existing buildings and works, construction of a 39 storey mixed-use building comprising retail and office premises, 184 dwellings and basement parking, landscaping and refurbishment of the Christie Street Reserve and associated works.
2. The plans lodged with the development application are the plans that have been assessed as part of this report.
3. A maximum building height of 132m applies to the site. The application proposes a building height of 131.85m which complies with NSLEP 2013.
4. The proposed development will provide a compliant residential floorspace, meeting the maximum 18:1 as set out in Clause 4.4 NSLEP 2013.
5. The proposed development will also provide a compliant non-residential floorspace, meeting the minimum 4.25:1 as set out in Clause 4.4A NSLEP 2013.
6. Building setbacks are considered to provide an acceptable level of compliance with the provisions of SEPP65 and the Apartment Design Guide, with impacts from a number of balcony encroachments able to be ameliorated with privacy screening.

7. The proposed development is considered to provide a reasonable level of compliance with relevant planning controls applying to the site. The bulk, height and scale together with the resultant impacts are considered to be generally an expected outcome of the site.
8. The site underwent a site-specific Planning Proposal (PP 6/16) and draft VPA has been initiated. This Planning Proposal amended the controls within the North Sydney LEP 2013 (Amendment No. 28) to facilitate the redevelopment of the site at 100 Christie Street, aligning with the strategic growth objectives of the NSW Government and Council for the area. The key amendments to the LEP included:
 - a. Increasing the maximum building height from 49m to 132m (36 storeys).
 - b. Imposing a maximum Floor Space Ratio (FSR) of 18:1 (with a minimum non-residential FSR of 4.25:1).
 - c. Adding a clause to Schedule 1 – Additional Permitted Uses to allow “shop top housing” on the site as a permissible land use (with consent).
 - d. Adding a clause to Part 6 – Local Provisions to permit basement parking under 50% of the northern lot containing Christie Street Reserve.
 - e. Amending Clause 4.6 to exclude its use in varying the development standard proposed in Part 6.
9. Council received 8 submissions in relation to advertised scheme and a. Issues raised have been considered within the report and addressed where appropriate with conditions of consent.
10. Whilst it is acknowledged that the proposed development will result in impacts on the surrounding locality, the proposed development is considered to be generally consistent with the expected outcome of development on the site, as expressed within the planning controls and more broadly within the St Leonards and Crows Nest 2036.
11. On balance, the proposed development is considered to be satisfactory having regard to the relevant Environmental Planning Instruments, Development Control Plans and Council policies and is therefore recommended for approval subject to conditions.

Site and Locality

12. The site is legally described as Lots 2 and 3 in DP 733528 and is known as 100 Christie Street, St Leonards and Christie Street reserve.
13. The Site is located on the western side of Christie Street between the intersection of Chandos Street to the north and Pacific Highway to the south.
14. The site has a total area of 2,414 square metres and is generally rectangular in shape with a frontage of 66.519 metres to Christie Street to the east, 29.59 metres to Chandos Street to the north, 71.065 metres to Sergeants Lane to the west and 31.09 metres to Sergeants Lane to the south.
15. The Site is located within the St Leonards Commercial Centre and adjacent to the Saint Leonards train station.

State Environmental Planning Policies

16. The proposal has been considered to be satisfactory in respect to the following policies which have been considered in respect to the application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Building and Sustainability Index: 2004).
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

Zoning and NSLEP 2013 Compliance - LEP

17. The site is zoned E2 Commercial Centre and RE1 Public Recreation pursuant to the provisions of the North Sydney Local Environmental Plan 2013. The proposed mixed-use development, which includes commercial and residential apartments, is permissible with development consent within the E2 Commercial Centre zone. Additionally, the development includes a publicly accessible park (Christie Street Reserve, classified as a recreation area) within the northern lot, which is also permissible with consent in the RE1 Public Recreation zone. To proposed development is consistent with both the E2 and RE1 objectives.
18. The proposed development complies with the maximum permissible building height, the maximum permissible floor space ratio and minimum non-residential floor space ratio of NSLEP 2013.

North Sydney Development Control Plan 2013

19. The provisions of North Sydney Development Control Plan 2013 are applicable to the proposed development. The proposal is considered to be an acceptable urban design and planning outcome for the site and satisfies the applicable provisions contained within the NSDCP.

Part C Section 3 – St Leonards/Crows Nest Planning Area.

20. In addition to the NSDCP, site specific controls have been developed for the St Leonards/Crow Nest Planning Area. The proposal satisfies the key planning controls including the required setbacks, solar access provisions, and the form, massing and scale of the building.
21. A detailed assessment of the proposal against the controls in NSDCP 2013 is provided later in this report.

Submissions

22. The application was advertised between 16 January 2023 to 6 February 2023 in accordance with the North Sydney Community Engagement Protocol criterion. Eight (8) submissions were received. Issues of concern are addressed later in this report.

Level of Determination

23. The proposal has a CIV of \$112,150,000.00 (excluding GST). The development application is to be determined by the Sydney North Planning Panel due to the capital investment value (CIV) exceeding \$30 million for a mixed-use development pursuant to the definition of regional development contained within Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021. The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies the Development Application.
24. A preliminary 'kick off' briefing was held with the Sydney North Planning Panel (SNPP) on 5 April 2023. The Panel identified a number of key issues that needed to be addressed.
25. The SNPP briefing was held on 14 June 2023 where various issues were discussed.

Conclusion

26. The proposed development has been assessed with respect to the objectives and relevant Sections of the EP&A Act, as well as the objectives, merit based considerations, development standards and prescriptive controls of various SEPPs, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. The proposed development is considered satisfactory with regard to the above considerations, subject to conditions of consent.
27. The Council's notification of the proposal attracted eight (8) submissions. The concerns raised have been considered and addressed and do not warrant refusal or modification of the proposal.
28. The proposed development is entirely consistent with the form of development anticipated by the Planning Proposal process and provided for in the site specific LEP and DCP provisions.
29. Following assessment of the development application, the development is recommended for **approval**, subject to conditions.

Report in Full

Site and Locality

30. The site is legally described as Lots 2 and 3 in DP 733528 and is known as 100 Christie Street, St Leonards and Christie Street reserve.



Figure 1: Aerial view of subject **development** site shown hatched in red

31. The site has a total area of 2,414 square metres and is generally rectangular in shape with a frontage of 66.519 metres to Christie Street to the east, 29.59 metres to Chandon Street

to the north, 71.065 metres to Sergeants Lane to the west and 31.09 metres to Sergeants Lane to the south.

32. The site has splayed corners of 4.245 metres in the north eastern corner, 2.12 metres in the north western corner, 2.12 metres in the south eastern corner and 2.12 metres in the south western corner. at ground level. The highest point of the site is at the south-western corner and the site has a fall of approximately 3.62 metres to the north-eastern corner, a fall of approximately 4.23 metres to the north-western corner, and a fall of approximately 1.96 metres to the south-eastern corner.
33. The southern portion of the site is currently occupied by an eleven-storey commercial building above a basement car park. There is currently one driveway crossing which services the building directly from Sergeants Lane on the western side of the site and another from Sergeants Lane on the southern side of the site.

Christie Street Reserve

34. Christie Street Reserve is located on the northern portion of the site (Lot 3) and is subject to a long-term lease with North Sydney Council for the purposes of public open space. The Reserve includes areas of paving, turf, retaining walls, formal seating and is surrounded on its perimeter by a number of mature street trees. Mature street trees are also located along the frontage of the site in Christie Street.
35. A substation is located in the south-western corner of the site. Sergeants Lane is currently a pedestrian shared zone with a 10 kmh speed limit, however, vehicles have primary right of way due to the design of the carriageway despite the fact that a significant volume of pedestrian traffic used the Lane.



Figure 2: Subject site as viewed from the intersection of Christie Street and Chandos Street.

36. The site is centrally located in St Leonards, within a short walking distance from both the existing St Leonards Station and the future Crows Nest Metro Station. The St Leonards area is rapidly transforming from an underutilized commercial precinct into a mixed-use area that combines commercial, retail, and residential land uses. The immediate vicinity of the site predominantly consists of medium to high-rise mixed-use buildings, featuring commercial uses on the lower levels and residential units above.

Surrounding Development

37. The surrounding area includes the following developments:

- North – On the northern side of Chandos Street is a 5-storey building currently occupied by an existing educational establishment, The College of Law. This building is located within the Willoughby LGA.
- South – The site at 655 and 657 Pacific Highway is located further south beyond Sergeants Lane, comprising existing commercial buildings up to 7-8 storeys in height. The ground floor of 655 Pacific Highway is currently occupied by the St Leonards Tavern. Several loading docks providing access to the Tavern are located along its northern boundary, with access from the southern portion of Sergeants Lane.
- East – To the east of the site is Christie Street, as well as several existing commercial buildings including 1 Chandos Street, which is a local heritage listed building (heritage item no. I1033) on the corner of Christie Street and Chandos Street, as well as an Australia Post Office and the Gilroys Hotel.
- West – The site is bordered by Sergeants Lane to the west as well as The Forum (an existing residential building comprising two towers up to 81 metres and 113 metres in height) that is situated above St Leonards Train Station.

Strategic Context

38. The Site is located within the area identified by the St Leonards and Crows Nest 2036 Plan (2036 Plan).

39. The 2036 Plan was prepared by the Department of Planning and Environment, and was finalised in August 2020. The plan sets a vision to 2036 for the urban renewal of the St Leonards and Crows Nest area, and seeks to expand the area's role as an employment centre and improve its public spaces and connections.

Description of Proposal

40. Development consent is sought for the demolition of the existing building, and construction of a 39-storey mixed use development comprising retail and commercial uses within the podium, and residential apartments above, as well as basement car parking, loading and servicing, detailed landscaping works, streetscape and footpath upgrades and public domain works.

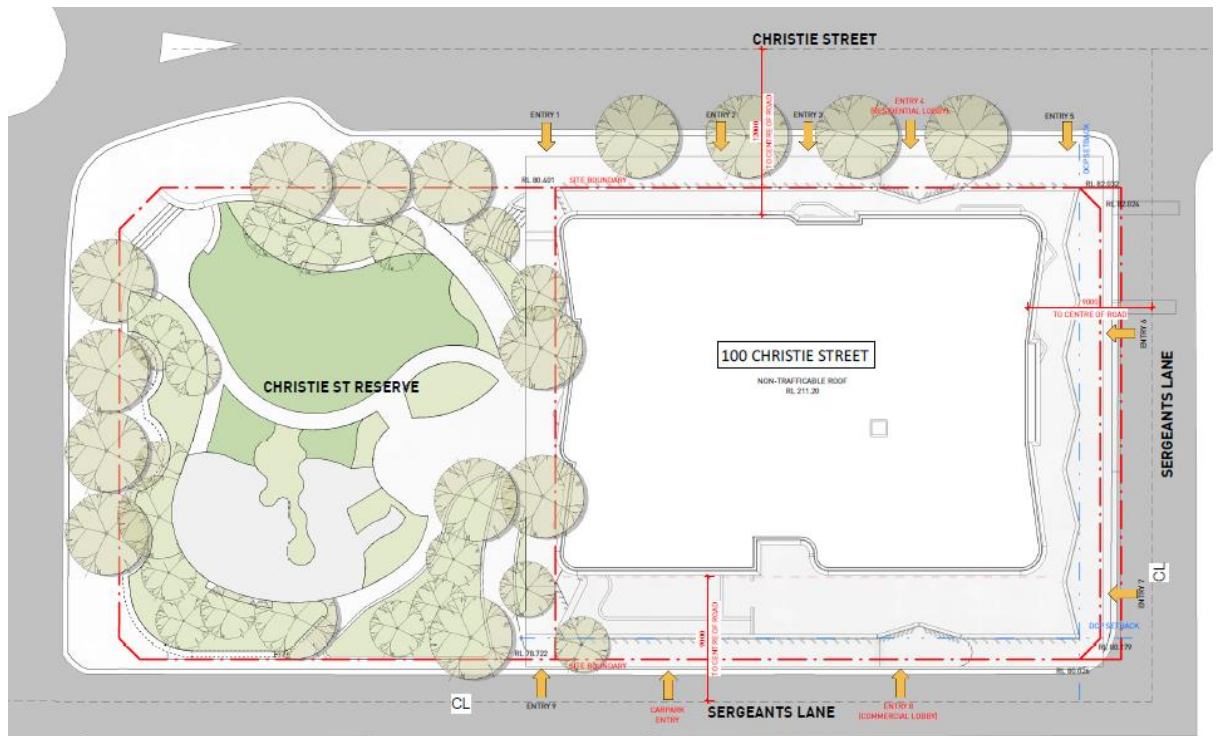




Figure 4: Perspective of proposal as viewed from Christie Street (Source: PTW Architects)



Figure 5: Perspective of proposal as viewed from Christie Street Reserve (Source: PTW Architects)

41. The main components of the proposal include:

- Demolition of all existing buildings and structures, and excavation for six (6) basement levels for parking, loading and servicing, storage, and associated plant, services and utilities.
- Construction of a 39-storey mixed-use building with a maximum height of 131.85 m (RL 211.20) including use for office and retail premises within the 6-storey podium, and residential apartments within the tower above, and a landscaped area of communal open space on the rooftop podium.
- A maximum GFA of 24,174 sqm which equates to a maximum FSR of 18:1.
- Consolidated vehicular access to the basement from Sergeants Lane (to the west).
- A total 127 car parking spaces within the basement, two (2) service vehicle spaces, 16 motorcycle spaces, 259 bicycle spaces, as well as associated end of trip (EOT) facilities.

- Decommissioning of the existing substation, and the provision of two new substations on the ground floor accessible from Sergeants Lane (to the west).
- A total of five (5) easements (including easements for rights of carriageway, awning encroachment, pedestrian thoroughfare, and access to the building façade).
- Landscaping and public domain upgrades to Christie Street Reserve for a public park that is 1,071 sqm in area, including the removal of 5 trees and provision of 17 trees.
- Public domain upgrades to Sergeants Lane, and footpath upgrades to Christie Street and Chandos Street.

A detailed breakdown of the proposed development is as follows:

Demolition and Excavation

Demolition of the existing buildings and structures on site. Excavation for 6 basement levels to a depth of approximately 10m to 11.5m (below the existing ground level). The proposed extent of excavation will result in cuts to maximum depths of about 22 metres.

Commercial and Retail Podium

The podium component includes a ground-floor retail area with four tenancies. These retail spaces are expected to house cafes and restaurants, with locations along the northern façade facing Christie Street Reserve, the eastern façade facing Christie Street, and along Sergeants Lane to the south. Access to the commercial lobby is from Sergeants Lane to the west.

The 6-story commercial podium features a rooftop communal open space on Level 6. Levels 1 and 2 are planned as warm shell commercial floors and will be dedicated to the Council as part of the VPA. The remaining three floors will be developed as premium A-grade office tenancies.

Residential Tower

The tower comprises a mix of residential apartments between Level 7 and Level 38. The proposed development includes 184 residential apartments as follows:

- One-bedroom – 12 apartments (6.5%)
- Two-bedroom – 132 apartments (71.7%)
- Three-bedroom – 36 apartments (19.6%)
- Penthouse – 4 apartments (2.2%)

Landscaping and Public Domain

- Re-development of the Christie Street Reserve to provide a significantly improved, permeable green link that connects to the wider St Leonards Precinct, integrated with a rejuvenated and publicly accessible reserve that caters for informal gathering, interaction and recreation.
- Delivery of landscaping strategy which will deliver a landscaped communal terrace for exclusive residential use on the rooftop of the podium at Level 6. This terrace features outdoor dining and lounge spaces, an outdoor cinema.

Vehicle Access, Parking and Servicing

Car parking for the proposed development is proposed to be accommodated within six (6) basement levels, with consolidated vehicular access from Sergeants Lane to the west. The basement is located within both the southern lot (100 Christie Street) and the northern lot (Christie Street Reserve), with the footprint of the basement extending under a maximum of 50% of the Christie Street Reserve.

The proposed basement will comprise:

- Car parking – 127 car parking spaces, including:
 - 112 residential car parking spaces (including 37 accessible spaces)
 - 2 car wash bays for residential use
 - No residential visitor car parking spaces
 - 15 commercial / retail car parking spaces (including 1 accessible space)
- Motorcycle parking – 16 motorcycle spaces
- Loading / servicing – Two (2) service vehicle spaces
- Bicycle parking – 259 bicycle parking spaces, including:
 - 184 residential bicycle spaces
 - 19 residential visitor bicycle spaces
 - 56 retail visitor bicycle spaces

Vehicular access to the basement car park is via a left in and right-out driveway off Sergeants Lane (from the west).

Proposed Easements

This application seeks development consent for the following easements as part of the development:

- A right of carriageway easement benefiting the land at 655 and 657 Pacific Highway, St Leonards through the basement level of the proposed development to the break-through panel.
- An easement in gross burdening the part of the land identified within the VPA as 'easement for public three point turn from Sergeants Lane' being a right of carriage way.
- An easement in gross burdening the part of the land at 100 Christie Street (the southern lot) and identified within the VPA as 'pedestrian thoroughfare' or 'pedestrian walkway' between the development at 100 Christie Street (the southern lot) and Christie Street Reserve (the northern lot) in favour of the Council permitting public access to the relevant land.
- An easement for an encroachment benefiting the northern lot (Christie Street Reserve) and burdening the southern lot (100 Christie Street) comprising an awning above the ground floor which encroaches 2.15m beyond the boundary for weather protection above the proposed publicly accessible through-site link.
- An easement for access benefiting the southern lot (100 Christie Street) and burdening the northern lot (Christie Street Reserve) between the ground floor and roof level to allow access to the northern façade of the building for cleaning and maintenance.

These proposed easements would comprise a "Permitted Encumbrance" in accordance with the draft VPA.

Development Summary

42. A numerical summary of the proposed development is provided as follows:

Element	Proposal
Building Height E2 Commercial Centre (maximum 132m)	131.85m
Floor Space Ratio (Maximum 18:1)	24173m ² (18:1)
Non-Residential Floor Space Ratio	5,707m ² (4.25:1)

(minimum 4.25:1)	
Levels	Thirty nine (39) storeys
Apartments	<p>184 Residential apartments comprised as follows:</p> <ul style="list-style-type: none"> • 1BR – 12 apartments (6.5%) • 2BR – 132 apartments (71.7%) • 3BR – 36 apartments (19.6%) • Penthouse – 4 apartments (2.2%) <p>The proposal includes 37 adaptable units.</p>
<p>Car parking spaces</p> <ul style="list-style-type: none"> • Residential maximum 1 space per dwelling – 61 maximum • Commercial maximum 1 space per 400m². – maximum 6 spaces 	<p>127 car parking spaces comprising the following:</p> <ul style="list-style-type: none"> (i) 112 Residential spaces (including 13 accessible spaces). (ii) 15 Commercial spaces. (iii) Two (2) car wash bays.
Bicycle parking spaces	<p>259 bicycle spaces as follows:</p> <ul style="list-style-type: none"> - 184 Residential bicycle spaces. - 56 commercial bicycle spaces. - 19 visitor bicycle spaces
<p>Motorcycle spaces</p> <ul style="list-style-type: none"> • 1 space per 10 car spaces (minimum) 	17 motorcycle spaces provided.
Communal open space	31% of the site area, located on the 6 th storey.
<p>Solar access for apartments</p> <ul style="list-style-type: none"> • 70% minimum 	89% of the apartments receive a minimum of 2 hours of solar access during mid-winter
<p>Cross ventilation for apartments</p> <ul style="list-style-type: none"> • 60% minimum. 	67% of apartments will receive cross ventilation.

Background

Planning Proposal and Voluntary Planning Agreement

43. The site underwent a site-specific Planning Proposal (PP 6/16) and draft VPA initiated by the previous landowner. This Planning Proposal amended the controls within the North Sydney LEP 2013 (Amendment No. 28) to facilitate the redevelopment of the site at 100 Christie Street, aligning with the strategic growth objectives of the NSW Government and Council for the area.

44. Key amendments to the LEP included:

- Increasing the maximum building height from 49m to 132m (36 storeys).
- Imposing a maximum Floor Space Ratio (FSR) of 18:1 (with a minimum non-residential FSR of 4.25:1).
- Adding a clause to Schedule 1 – Additional Permitted Uses to allow “shop top housing” on the site as a permissible land use (with consent).
- Adding a clause to Part 6 – Local Provisions to permit basement parking under 50% of the northern lot containing Christie Street Reserve.
- Amending Clause 4.6 to exclude its use in varying the development standard proposed in Part 6.

45. Due to this development uplift, the Planning Proposal was accompanied by a draft Voluntary Planning Agreement (VPA) to secure significant public benefits through the site's redevelopment. This draft VPA included:
- Landscape upgrades of Christie Street Reserve and transferring ownership of the public park to Council.
 - Dedicating two commercial floors (within the podium) to Council.
 - Streetscape upgrades of Sergeants Lane, Chandos Street, and Christie Street.
 - Contributions towards local infrastructure.
46. The Planning Proposal aligned with the St Leonards/Crows Nest Planning Study (Precincts 2 and 3) adopted by Council in May 2015 and the Christie Street Master Plan Guidelines (endorsed by Council in May 2016), which included detailed design requirements for the site at 100 Christie Street.
47. In July 2016, the former Minister for Planning announced a strategic planning investigation of the St Leonards and Crows Nest Station Precinct. The draft St Leonards and Crows Nest 2036 Plan (the 2036 Plan) was released in October 2018 for public comment, and the Planning Proposal was demonstrated to be consistent with the objectives, actions, and recommendations within the draft 2036 Plan. The final St Leonards and Crows Nest 2036 Plan was published in August 2020.
48. The draft VPA was exhibited concurrently with the Planning Proposal between 8 November 2018 and 6 December 2018, following the release of the draft 2036 Plan. On 25 February 2019, North Sydney Council resolved to forward the Planning Proposal to the DPE to amend the North Sydney LEP 2013 and granted delegated authority to the General Manager to finalize the VPA's detailed terms before the LEP amendment's gazettal.
49. The LEP amendment was gazetted on 15 May 2020.

Pre-DA

50. A Pre DA meeting was held with Council Officers on 15 October 2021 to provide an overview of the proposal and discuss key elements of the proposal.
51. The key issues and concerns identified in the meeting were as follows:
- Parking rates and traffic impacts to Sergeants Lane
 - Solar access performance to Level 6 communal terrace
 - Landscape design detail – building podium, sky gardens and façades
 - Landscape design detail – Christie Street Reserve
 - Communal sky gardens
 - Substation location and incorporation within building footprint
 - Level 6 plant room

Current Application

52. DA392/22 lodged with Council on 16 December 2022 seeking development consent for Demolition of existing buildings and works, construction of a 39 storey mixed-use building comprising retail and office premises, 184 dwellings and basement parking, landscaping and refurbishment of the Christie Street Reserve and associated works.

53. The subject application was notified on 22 December 2022, from 16/01/2023 - 06/02/2023. A total of 8 submissions were received. These submissions are discussed latter in this report.

54. On 14 February 2023, the Development application was reviewed by the Design Excellence Panel (DEP). The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed.

55. Sydney North Planning Panel (SNPP) Preliminary 'Kick Off' briefing undertaken on 5 April 2023, during which the following was discussed:

- Applicant proposal noted
- Design Excellence Panel comments
- Christie St Reserve
- Some internal referrals outstanding
- External concurrences

56. Sydney North Planning Panel (SNPP) briefing undertaken on 14 June 2023, during which the following was discussed:

- Landscaping/tree loss
- Relocation of pedestrian access
- Traffic
- Podium heights
- Setback to Christie Street boundary
- Details on ADG variation
- Public domain
- Interface on northern elevation
- Clarification on which trees are evergreen
- BASIX to be reflected on the architectural plans
- VPA

57. On 28 June 2023 a request for additional information provided to the Applicant. The key issues of the RFI Letter are listed below:

- Podium height
- Street setbacks
- Above podium setback
- Pedestrian access and entries
- Public domain upgrade
- Christie Street Reserve
- Communal open space
- Landscaping
- Traffic and car parking
- Waste Management
- Plans
- Design Excellence Panel
- Submissions

58. On 19 October 2023 the applicant provided a response to the request for additional information. Subsequent requests and information was provided.

59. On 1 May 2024 the applicant provided further information to address Sydney Metro's request for further information. Subsequent requests and information was provided.

Statutory Framework

Environmental Planning and Assessment Act 1979 (EP & A) Act 1979

60. The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), as follows:

Compliance and Assessment

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

61. The following State Environmental Planning Policies (SEPP) are relevant to this application:

State Environmental Planning Policy
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State environmental Planning Policy (Housing) 2021
State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Planning Systems) 2021

A summary of the key matters for consideration in relation to these State Environmental Planning Policies are considered in more detail below:

Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020 & Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Direction 2020

62. The subject site is included within the map 'Environmental Planning and Assessment Amendment (St Leonards and Crows Nest Special Contributions Area) Order 2020' as shown below:

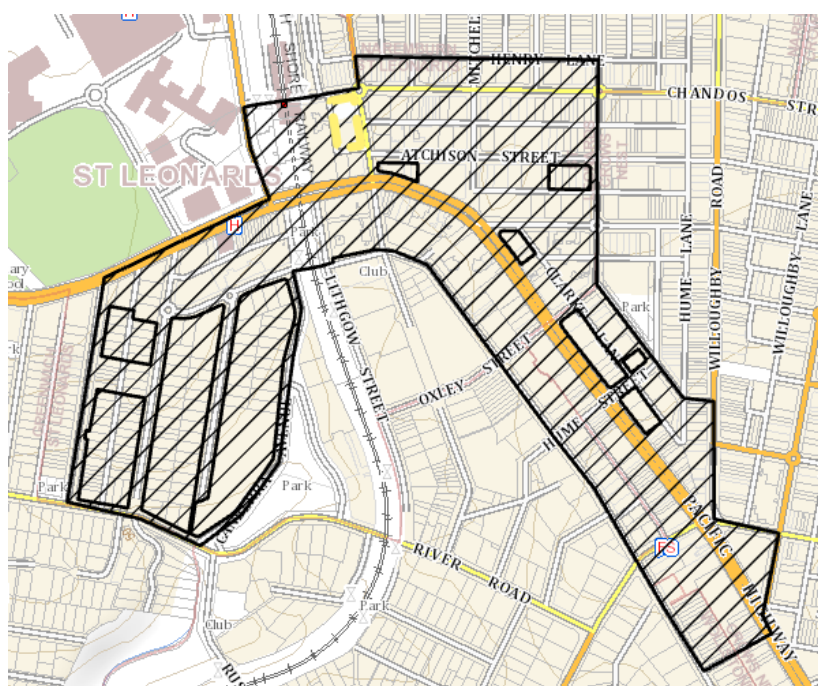


Figure 6: Special Infrastructure Contributions map (Source: NSW Planning Portal)

Ministerial Determination – Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020

63. The Ministerial Determination was made on 27 August 2020, with the main object of this Determination being to:

4. Object of Determination

The main object of this Determination is to require special infrastructure contributions to be made for the provisions of infrastructure in connection with the intensification of residential development in St Leonards and Crows Nest, as generally outlined in the 2036 St Leonards and Crows Nest Plan published by the Department of Planning, Industry and Environment.

Ministerial Direction – Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Direction 2020

64. The Ministerial Direction was made on 27 August 2020 and sets out:

3 Councils and other planning bodies to whom Direction is given

(1) This Direction is given to:

(a) consent authorities in relation to development within the St Leonards and Crows Nest Special Contributions Area, and

(b) councils and registered certifiers when determining applications for complying development certificates in relation to development within the St Leonards and Crows Nest Special Contributions Area.

(2) To avoid doubt, this Direction also applies to:

(a) any local planning panel when exercising, on behalf of a council constituted for a local government area that includes land within the St Leonards and Crows Nest Special Contributions Area, the functions of the council as a consent authority, and

(b) any officer or employee of such a council to whom the council delegates its functions as a consent authority. Note. The consent authorities to whom the direction is given include the councils for the local government areas of Lane Cove, North Sydney and Willoughby City and Sydney North Planning Panel. The Independent Planning Commission is also subject to the direction when determining development applications for development in the special contributions area.

4.5 Condition for special infrastructure contribution must be imposed on grant of development application

A consent authority must impose the following condition on the grant of consent to a development application to carry out development that consists of, or involves, development for the purpose of residential accommodation on intensive residential use land within the St Leonards and Crows Nest Special Contributions Area if a special infrastructure contribution is required to be made for that development under the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020: A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020 (as in force when this development consent takes effect).

A person may not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution

for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution. More information A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service/>). Please refer enquiries to SICContributions@planning.nsw.gov.au.

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020 (as in force when this development consent takes effect).

A person may not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service/>). Please refer enquiries to SICContributions@planning.nsw.gov.au.

65. To address the requirements of the Ministerial Direction, the correspondence also sets out *'Please note that Council must include a SIC condition on the development consent as required under the adopted St Leonards and Crows Nest SIC determination and direction. However, the developer will not be required to make a contribution under this SIC for this application as the Department intends to issue a SIC Clearance Certificate based on the above.'*

66. The above-mentioned condition will be imposed on the development consent.

State Environmental Planning Policy (Resilience and Hazards) 2021

67. The following chapters are relevant to the proposal:

Chapter 4 Remediation of Land

68. Chapter 4 of the SEPP relating to remediation applies to the site.

69. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

70. A Preliminary and Detailed Site Investigation (PSI) report has been prepared by Eiaustralia and based on the submitted report, the site is considered suitable for the proposed redevelopment and the anticipated mixed residential / commercial land use.

71. Based on the previous businesses operating on the site, there was medium potential for contamination and low potential for contamination from businesses operating in proximity. The field work found that soil contamination was not observed. However, groundwater sampling found that groundwater has not been adequately characterised, and a number of data gaps exist that require to be resolved before the site can be considered suitable for the proposed use. Recommendations for further testing are as follows:

- Further groundwater investigations are deemed necessary to better understand the extent of groundwater impacts and the direction of contaminant migration.
- Further soil characterisation should be undertaken to achieve site characterisation in previously inaccessible areas. If contamination of potential risk is identified, further remedial works may be required and will be addressed via a revised RAP or an addendum to the RAP.
- Further desktop and intrusive investigation due to the data gaps, before the site remediation and validation proves can be finalised.

72. Councils Environmental Health Officer has reviewed this report and concurs with the recommendations and conclusion of the report.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

73. The following chapters are of relevance to the proposal:

Chapter 2 Vegetation in non-rural areas

74. Chapter 2 of the SEPP relating to vegetation in non-rural areas applies to the site.

75. Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

76. The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both North Sydney Council and the RE1 Public Recreation zone and the E2 Commercial Centre zone.

77. It is proposed to remove 8 trees, the removal of these trees is unavoidable due to building envelope and basement excavation.

78. The tree removal has been assessed by Council's Landscape Officer who raises no objection to the proposal subject to conditions of consent.

Chapter 6 Water Catchments

79. Chapter 6 of the SEPP relating to Water Catchments applies to the site.

80. All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Policy and would satisfy the relevant provisions of Chapter 6.

State Environmental Planning Policy (Transport and Infrastructure) 2021

81. The following chapters are relevant to the proposal:

Chapter 2 Infrastructure

82. Chapter 2 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.
83. The application was referred to Ausgrid pursuant to clause 2.48 of the SEPP. No objection was received from Ausgrid.
84. Clause 2.119 relates to Development with frontage to a classified road and Clause 2.122 relates to traffic generating development.
85. The subject site is located on a classified road and the development is traffic generating so the provisions of Clause 2.119 and Clause 2.122 are applicable and a referral to Transport for NSW is required and was effected.

Section 2.119 - Development with frontage to classified road

86. Section 2.119 stipulates that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that vehicular access to the land is provided by a road other than the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected. The development fronts Christie Street which is a classified road, and vehicular access will be via Sergeants Lane.

Section 2.122 - Traffic-generating development

87. Section 2.122 of the SEPP requires that DAs for certain traffic generating development, as set out in Column 1 Schedule 3 of the policy be referred to TfNSW and that any submission from the TfNSW be considered prior to the determination of the application.
88. The application was referred to Transport for NSW who have provided their concurrence subject to requirements and conditions as detailed within their letter.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

89. The BASIX SEPP applies to the proposed development. In accordance with the requirements, a compliant BASIX certificate has been submitted with the application. It is noted that State Environmental Planning Policy (Sustainable Buildings) 2022 does not apply to the proposed development as per Clause 4.2, the proposal benefits from the savings and transitional provisions.

State Environmental Planning Policy (Planning Systems) 2021

90. The proposal is a regionally significant development pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as it has a CIV of more than \$30 million in accordance with the SEPP.
91. In this case the Sydney North Planning Panel is the consent authority for the subject development application.

State Environmental Planning Policy (Housing) 2021

92. State Environmental Planning Policy (Housing) commenced on 26 November 2021 under the affordable housing reforms. The SEPP has been amended since lodgement of this application and general savings provisions apply to Chapter 2 under Schedule 7A. New Chapter 4 also applies which is not subject to savings provisions, as discussed below.

93. Chapter 4 of the Housing SEPP (previously State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)) now applies to all **pending** development applications, even those lodged before 14 December 2023 (i.e. the subject application). On 14 December 2023 the SEPP 65 was repealed, and a new Chapter 4 was inserted into the Housing SEPP, titled ‘Design of residential apartment development’. This new chapter contains the substance of the former SEPP 65, with some changes (previously applicable under Chapter 2, Division 5, Clause 41).

94. However, under the initial arrangements put in place:

- The new Chapter 4 (‘Design of residential apartment development’) of the Housing SEPP did not apply to development applications that had been formally ‘lodged’ on the NSW Planning Portal before 14 December 2023 – i.e.. the subject application.
- There were no express savings or transitional provisions preserving the operation of SEPP 65 (for existing development applications) beyond its repeal on 14 December 2023.

95. On 15 March 2024 the NSW Government published the State Environmental Planning Policy Amendment (Housing) 2024. This document revised the transitional provision set out in section 8(1) of Schedule 7A of the Housing SEPP. A new provision applies the new Chapter 4 (‘Design of residential apartment development’) of the Housing SEPP to any development application (or modification application), including those lodged before 14 December 2023 (i.e. the subject application – lodged 20 June 2023). This provision is section 8(2A) of Schedule 7A of the Housing SEPP.

96. Of note:

- The relevant design quality principles are now in Schedule 9 of the Housing SEPP.
- The provision (formerly Clause 6A of SEPP 65) overriding some aspects of development control plans is now section 149 of the Housing SEPP.

97. New Clause 147 is provided below, pending development applications now benefit from a new provision in the Housing SEPP that expressly says that a consent authority is not obliged to require compliance with design criteria specified in the ADG (Section 147(3)).

147 Determination of development applications and modification applications for residential apartment development

- (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*
 - (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
 - (b) the Apartment Design Guide,*
 - (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*
- (2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.*
- (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in*

the Apartment Design Guide.
(4) *Subsection (1)(c) does not apply to State significant development.*

98. Under this new Clause, it is apparent that the design criteria, including many numerical provisions, are not 'requirements. They are merely one way of achieving the relevant objectives of the ADG. This is affirmed by NSW LEC matter of Construction Development Management Services Pty Ltd v City of Sydney [2023] NSWLEC 1620, whereby Commissioner Horton finds in relation to the design criteria of the ADG at [52] that "the criteria is not, of itself, a development standard but one means of achieving the objective at 4A-1 of the ADG."
99. The application has been reviewed having regard to the criterion and design principles as set out in the ADG.

Design Excellence Panel

100. The application was referred to the Design Excellence Panel (DEP) for comment on 14 February 2023. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed. Those comments are reproduced later in the report within the external referral section.

Design Principles for Residential Apartment Development (SEPP Housing)

101. The proposal has been considered against the principals of SEPP housing as follows:
102. Principle 1 - Context and neighbourhood character: The proposed development is generally consistent with the height and scale permitted under current planning controls and is also consistent with the scale envisaged by the *St Leonards and Crows Nest 2036 Plan*. Accordingly, the proposal is in keeping with the desired future character of the locality.
103. Principle 2 - Built form and scale: The bulk and scale of the proposed development is generally considered to be in keeping with the desired future character of the locality. Setbacks provided are considered to be appropriate.
104. Principle 3 - Density: The overall density of the building is considered to be acceptable and is as envisaged by the relevant planning controls.
105. Principal 4 - Sustainability: A BASIX Certificate has been submitted.
106. Principle 5 - Landscape: The submitted landscape plan is considered to provide a reasonable response with regards to landscaping across the site. The Christie Street reserve will provide a new landscaped park for residents and the public.
107. Principle 6 - Amenity: The development provides a reasonable level of amenity for new apartments and results in a reasonable level of amenity for surrounding apartments, in the context of the planning controls.
108. Principle 7 - Safety: The proposed development raises no known issue regarding safety and security.
109. Principle 8 - Housing diversity and social interaction: The proposed development provides an appropriate mix of dwelling types and provides communal spaces to encourage social interaction.

110. Principle 9: - Aesthetics: The Design Excellence Panel generally supported the proposal in term of the aesthetics.

111. Apartment Design Guide (ADG)

The applicable design guidelines for the proposed development are contained within the ADG, which is based on the 9 design quality principles set out in Chapter 4 of the Housing SEPP. The ADG illustrates good practice, and these guidelines are largely replicated in Council's DCP. A table with a compliance checklist of the proposal against the ADG design criteria is provided below:

Clause	Standard	Proposal	Complies
2F Building separation	<p>Up to 12m (4 storeys) Habitable/habitable - 12m Habitable/ Non-habitable – 9m Non-habitable/Non-habitable -6m</p> <p>Up to 25m (5-8 storeys) Habitable/habitable - 18m Habitable/ Non-habitable – 12m Non-habitable/Non-habitable -9m</p> <p>Over 25m (9+ storeys) Habitable/habitable - 24m Habitable/ Non-habitable – 18m Non-habitable/Non-habitable -12m</p>	<p>The proposed tower form (9 storeys and above) has a 9m setback measured from the centre of Sergeants Lane to the south (which is consistent with the reference design submitted as part of the previous Planning Proposal). This separation distance is generally consistent with the ADG and will facilitate adequate sunlight to the building and surrounding open space whilst ensuring that reasonable levels of external and internal visual privacy are achieved between the proposed tower and the existing commercial buildings to the south at 655 and 657 Pacific Highway.</p> <p>A consistent separation distance of 18-24m is generally provided between the Forum building to the west and the proposed tower. The tower has been designed to minimise any potential impacts on visual privacy through the use of façade treatments and landscaped communal terraces along the western façade of the tower. This minor</p>	Yes – Merit

		variation is therefore considered appropriate and is consistent with the reference design submitted as part of the previous Planning Proposal that was subject to considerable investigation and assessment. Refer below.	
<p>The ADG building separation distances are met on the eastern and northern facades, and adequate separation is also maintained from the nearby building on Chandos Street, located to the northeast of the site. The proposed tower includes a 9m setback from the centre line of Sergeants Lane to the south, which aligns with the ADG's objectives of optimising visual privacy between the new development and the existing commercial buildings to the south (655 and 657 Pacific Highway).</p> <p>The southern façade of the proposed development is further enhanced with privacy screens and landscaped climbers to minimise any direct overlooking. If the adjoining site at 655 and 657 Pacific Highway is redeveloped in the future, it is expected that the increased separation distance will further reduce any potential visual privacy concerns.</p> <p>A consistent separation distance of 18-24m is maintained between the proposed tower and the adjacent Forum apartment building to the west. The minor variation above Level 9 is considered acceptable for several reasons:</p> <ul style="list-style-type: none"> • The variations are isolated due to the curved design of the Forum building, making it impractical to achieve a uniform separation distance of exactly 18-24 metres. • The landscaped communal terraces along the western façade are well-appointed with generous seating and greenery, ensuring the privacy of the Forum apartments remains uncompromised while enhancing the urban aesthetic when viewed from a distance. • The proposed tower has been designed with a non-habitable façade to mitigate privacy impacts between buildings. • This minor variation was thoroughly assessed and ultimately accepted by Council and the Design Excellence Panel as part of the Planning Proposal, with both parties satisfied with the level of tower separation provided under the circumstances. This application is consistent with the setbacks established in the previous reference scheme supporting the Planning Proposal. 			
3D Communal open space	-	1. Communal open space has a minimum area equal to 25% of the site.	Yes
		2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am	Yes
		The main communal open space provided on the 6th storey is approximately 31% of site area.	
		Direct sunlight is provided to 56% of the main communal open space on the principle communal open space on Level 6 podium for a total of 5 hours between	

	and 3 pm on 21 June (mid-winter)	9am and 3pm on 21 June (mid-winter).	
3E – Deep Soil zones	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>Where the site has an area of between >1500sqm – 6m min dimension</p> <p>Minimum deep soil area of 7% (207.9sqm)</p>	<p>A deep soil zone is not required in the E2 Commercial Centre zone.</p> <p>The proposal includes the dedication to Council of 1,071 sqm of land being the Christie Street Reserve.</p> <p>Roof garden and podium terraces with sufficient soil depth for appropriate planting.</p>	N/A
3F- Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>Up to 12m (4 storeys) Habitable - 6m Non-habitable – 3m</p> <p>Up to 25m (5-8 storeys) Habitable – 9m Non-habitable – 4.5m</p> <p>Over 25m (9+ storeys) Habitable – 12m Non-habitable – 6m</p>	<p>The building separation distances are generally aligned with those recommended in the ADG, with the east and north facades achieving the suggested separations. The proposed development meets the ADG's objectives of optimising visual privacy between the existing commercial buildings to the south (655 and 657 Pacific Highway) and the existing residential development to the west (Forum Apartments). The 9m separation distance from the centre line of Sergeants Lane is deemed acceptable, as the site to the south has a maximum height of 49m. Consequently, the residential apartments along the southern façade are treated as an 'equivalent non-habitable' façade with minimal openings, ensuring that future development on the southern site is not compromised. These building separation</p>	Yes - Merit

		<p>distances are generally consistent with the ADG.</p> <p>A consistent separation distance of 18-24m is maintained between the proposed tower and the adjacent Forum apartments. The minor reduction above Level 9 is considered acceptable because the tower design minimises any potential visual privacy impacts through the use of façade treatments and landscaped communal terraces along the western façade</p>	
<p><u>Comment on Separation distances (3F Visual Privacy):</u></p> <p>A consistent separation distance of 18-24m is provided between the Forum apartments to the west and the proposal. The minor building separation variation above Level 9 to the Forum apartment building was rigorously assessed and ultimately accepted by Council and the DEP as part of PP/16, where both parties were satisfied with the level of tower separation provided in the circumstances.</p> <p>Notwithstanding, the following design changes have been made to the southern and western façade to improve visual privacy.</p> <ul style="list-style-type: none"> • Western façade: Vertical aluminium louvres and additional colour back glass has been added to the western building façade to maintain privacy between the development and the Forum. • Southern façade: Vertical aluminium louvres have been incorporated into the facade and extend well above the maximum 45m height control on the southern lot to mitigate privacy impacts with any future buildings to the south of the site. 			
3G – Pedestrian Access and entries	<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p>	<p>Separate lobby entries have been provided to the residential and commercial components of the development.</p>	Yes
3H-Vehicle Access	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles</p>	<p>The vehicular access point is located to the rear of the site in Sergeants Lane.</p>	Yes

	and create high quality streetscapes.		
3J-Bicycle and carparking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> • On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or • On land zoned and sites within 400m of land zoned B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>The minimum car parking requirement for residents and visitors is set out in the Roads and Maritime Services Guide to Traffic Generating Developments (RMS), or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The subject site is in a High Accessibility Area and as such Councils DCP prescribes a maximum of 1 car space per dwelling for 3+ bedrooms.</p> <p>Maximum Residential spaces permitted = 61 spaces.</p>	Car parking and bicycle parking generally complies with Council's requirements. (Refer to DCP table).	Yes
4A- Solar and daylight access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in midwinter</p>	89% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter which exceeds the minimum 70% as required by the ADG. There are no apartments receiving no direct sunlight at mid-winter. Single aspect apartments do not occur on the southern elevation.	Yes

4B-3 Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	67% of apartments are naturally cross ventilated in the first 9 storeys of the building (Levels 7-8).	Yes
4C-Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	Floor to floor levels for residential levels are a minimum of 3.1m, which will allow compliance with finished ceiling heights.	Yes
	3.3m for ground floor and first floor in mixed use areas to promote flexibility of use	Ground floor and first floor exceed 3.3m.	Yes
4D-1 Apartment size and layout	<p>Apartments are required to have the following minimum internal areas: Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.</p>	All apartments exceed the minimum internal areas.	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Every habitable room has window openings larger than 10% of the room area.	Yes
4D-2 Apartment size and layout	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	All apartments are generally provided with appropriate room depths and are provided with appropriate access to natural light.	Yes
4D-3 Apartment size and layout	<p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p>	<p>All master bedrooms have a minimum internal size of 10sqm.</p> <p>All bedrooms have minimum 3m dimensions.</p>	Yes

	<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments 	All living rooms meet the minimum requirements.	Yes
4E- Private Open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	All apartments have designed to exceed the minimum private open space requirements size for each dwelling type.	Yes
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than six (6) units are provided to any one core on a single level.	Yes
	For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The total number of units is 184, which results in an average of 62 apartments sharing a single lift. The increase from the recommended maximum number is considered acceptable.	Yes - Merit
4G- Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ <p>At least 50% of storage is to be located within the apartment.</p>	Each unit is provided with sufficient storage space with at least 50% located in individual units. The remaining is located in a dedicated secure location within the residential areas of the basement.	Yes
4H- Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.	Building separation, orientation and arrangements are designed to mitigate noise pollution with openings shielded	Yes

	<p>Window and door openings are generally orientated away from noise sources</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</p>	<p>through setbacks and other arrangements from noise sources.</p> <p>In addition, the building must comply with the specific requirements of the NCC – BCA.</p> <p>The application is accompanied by an acoustic report addressing potential noises issues on the site from the roadways, relating to traffic generation and vehicle movements, noise from commercial usage and from mechanical plant.</p>	
4J – Noise and Pollution	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 	<p>Site layout and floor plan design seeks to minimise acoustic disruption on the enjoyment of the future residents/users of the development.</p> <p>The vehicle entry is located and designed to minimise further noise impacts, and the placement of non-residential uses aids in separating residents from noise sources.</p>	Yes
4K – Apartment Mix	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>A variety of apartment types is provided.</p> <p>The proposed apartment mix is appropriate, taking into consideration the distance to public transport, employment</p>	Yes

	The apartment mix is distributed to suitable locations within the building	and education centres, as well as the current market demands and projected future demographic trends within the area.	
4L – Ground Floor Apartments	<p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	The ground level is designed to provide activity and vibrancy through the retail units and the commercial and residential lobbies.	Yes
4M - Facades	Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The façade treatments is consistent with the desired streetscape character and the context of the area.	Yes
4N – roof design	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	<p>Roof treatments have been integrated with the building design and materials to complement the architectural aesthetic.</p> <p>Service elements have been integrated within the building design.</p>	Yes
4O – Landscape Design	Landscape design is viable and sustainable, contributes to the streetscape and amenity	<p>A detailed landscape design has been prepared.</p> <p>Planting is provided throughout the design. The range and type of species and planting is consistent with the requirements of the ADG and DCP requirements.</p>	Yes
4P- Planting on Structures	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	The proposed development includes planting on the podium level and provides appropriate soil volume to facilitate plant growth.	Yes
4Q – Universal Design	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs	Satisfactory.	Complies

4S Mixed Use	Mixed use development are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	A range of public transport options, including bus and train, are located within close proximity. Within the development ground level uses will create active frontages, encourage movement and curiosity, and contribute to the public domain.	Yes
4U – Energy Efficiency.	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	A compliant BASIX Certificate accompanies the application.	Yes
4V – Water management and conservation	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design	The development incorporates appropriate stormwater measures and Council's Development Engineers are satisfied with the design subject to conditions.	Yes
4W – Waste Management	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	The proposal provides suitable waste management facilities to meet Council's DCP.	Yes
4X – Building Maintenance	Building design provides protection from weathering Enables ease of maintenance, material selection reduces ongoing maintenance cost	The design incorporates a mix of external finishes that require minimal maintenance.	Yes

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

112. The site at 100 Christie Street includes Lot 2 and Lot 3 in DP 733528. The southern portion of the site (Lot 2) is zoned E2 Commercial Centre, and the northern portion of the site (Lot 3) is zoned RE1 Public Recreation under the NSLEP 2013 as shown in **figure 7** below:

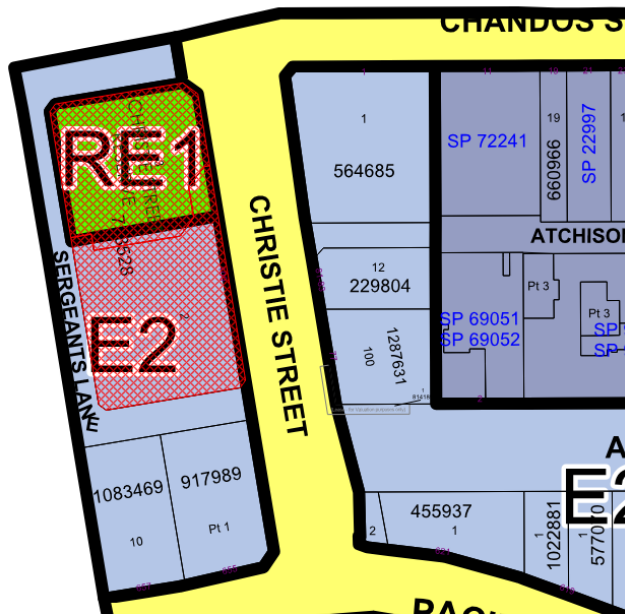


Figure 7: Land Zoning map with subject site hatched in red showing E2 and R2 zones.

113. The proposed mixed-use development comprising commercial premises (including retail premises) and residential apartments (defined as shop top housing) is permitted with development consent within the E2 Commercial Centre zone. The proposed development also comprises a publicly accessible park (Christie Street Reserve, defined as a recreation area) within the northern lot which is permitted with consent in the RE1 Public Recreation zone.

The objectives of the E2 zone are:

- *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 minimise the adverse effects of development on residents and occupiers of existing and new development.*

The objectives of the RE1 zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.*

The proposed shop top housing development provides non-residential uses at the ground level, lower ground level and upper levels.

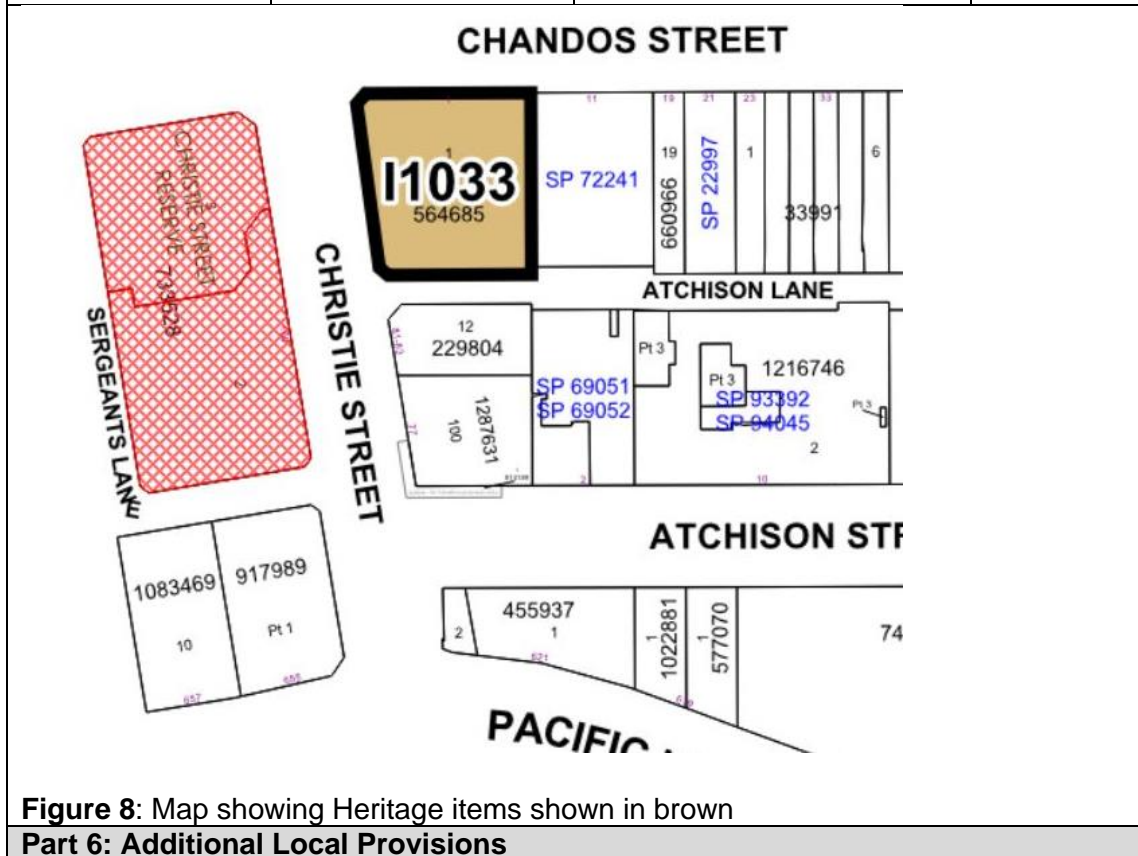
The proposed mixed-use development, which includes commercial and residential apartments, is permissible with development consent within the E2 Commercial Centre zone. Additionally, the development includes a publicly accessible park (Christie Street Reserve, classified as a recreation area) within the northern lot, which is also permissible with consent in the RE1 Public Recreation zone.

The proposal is consistent with the relevant objectives of the zone.

114. An assessment of the proposal against the relevant LEP clauses and development standards is as follows:

Clause	Standard	Proposal	Complies
2.2 Zoning of Land to which Plan applies	RE1 Public Recreation E2 Commercial Centre	The proposed application is for a shop top housing and publicly accessible car park	Yes
2.3 Zone objectives and Land use table	Objectives of zone to be satisfied	The proposal satisfies the objectives of the RE1 Public Recreation and E2 Commercial Centre zone	Yes
2.7 Demolition	Demolition requires development consent.	Consent for demolition of existing structures is sought.	Yes
4.3 Height of Buildings	Maximum permitted height as per height of building map: 132m	The proposed building has a maximum height of 131.85m (RL 211.20).	Yes
4.4 Floor Space Ration	Maximum 18:1	The proposal provides a maximum GFA of 24,173m ² . This equates to a maximum FSR of 18:1	Yes
4.4A Non – Residential Floor Space Ratio	Minimum required 4.25:1	The proposal provides a minimum non-residential GFA of 5,707 m ² within the southern lot. This equates to a maximum FSR of 4.25:1	Yes
4.5 Calculations of Floor space and Site area	Floor space to be calculated in accordance with Clause.	Floor space has been calculated in accordance with this clause.	Yes
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	(5) Heritage assessment	The site is not designated as a heritage item and is not	Yes

	<p>The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>within a conservation area. However, it is located near an existing commercial building at 1 Chandos Street, which is identified as a heritage item (I1033) of local significance. The proposed development has been designed to complement the existing streetscape, including the heritage item opposite, while introducing a new, contemporary architectural aesthetic. The proposal does not result in any unreasonable impacts on the significance of the nearby heritage item, and adequate building separation will be maintained</p>	
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6.10 Earthworks	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	<p>Consideration has been given to the provisions of Clause 6.10 NSLEP 2013 as follows:</p> <ul style="list-style-type: none"> • Council's Development Engineer raises no concerns with the method of stormwater water disposal subject to imposition of conditions • Dilapidation reports will be required by conditions • Conditions can be imposed to protect adjoining properties. 	Yes
6.19A Development at Christie Street, St Leonards	<p>(a) the car park is associated with the use of land to which this clause applies in Zone E2 Commercial Centre as mixed use development comprising of residential accommodation and commercial premises, and</p> <p>(b) on that part of the land in Zone RE1 Public Recreation, the car park is located at least 1.5 metres below ground level (finished), and</p> <p>(c) the car park does not take up more than 50% of that part of the land that is in Zone RE1 Public Recreation.</p>	<p>The provision of a car park beneath both the southern and northern portions of the site (Lots 2 and 3) is associated with the mixed-use development on the southern lot.</p> <p>The basement footprint beneath the northern lot (which has a total area of 1,071 m²) will not take up more than 50% of the northern lot (i.e. will not exceed a maximum area of 535.5 m²) and will be located a minimum of 1.5m below finished ground level.</p>	Yes

North Sydney Development Control Plan 2013 (NSDCP 2013)

115. The proposed development is subject to the provisions of North Sydney Development Control Plan 2013 (NSDCP 2013).

The proposal needs to address and satisfy the relevant provisions of Part B of NSDCP 2013. The most relevant parts of Part B have been addressed and reproduced below:

Part B Section 2 Commercial and Mixed Use Development

Part B Section 2 of NSDCP 2013 is discussed in the table below:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial and Mixed Use Development		
	<i>complies</i>	<i>Comments</i>
2.2 Function		
2.2.1 Diversity of Activities	Yes	The ground floor will feature retail spaces designed to enhance street-level activity and contribute positively to the site's social and economic vitality. These active uses will prevent blank walls along Sergeants Lane and Christie Lane.
2.2.2 Maximise Use of Public Transport	Yes	Non-residential parking will be exclusively available in the basement. Additionally, showers and end-of-trip facilities will be provided for cyclists and pedestrians
2.2.3 Mixed Residential Population Size of units	Yes	<p>The proposal provides a total of 184 apartments. These include a mix of residential accommodation sizes which respond to the market demand, as follows:</p> <p>1BR – 12 apartments (6.5%) 2BR – 132 apartments (71.7%) 3BR – 36 apartments (19.6%) Penthouse – 4 apartments (2.2%)</p> <p>The proposal includes 37 adaptable units, which meets the requirement for a minimum of 20% of apartments to comprise adaptable housing.</p>
2.3 Environmental Criteria		
2.3.2 Noise	Yes	Noise emissions associated with the commercial and retail land uses will not exceed the maximum 1-hour noise levels (LAeq 1 Hour) specified in Table B-2.3 within the DCP
2.3.3 Wind Speed (no greater than 13m/s at footpaths and outdoor spaces)	Yes	A Wind Impact Report has been prepared by Windtech. The wind tunnel study results indicate that wind conditions for most accessible outdoor areas within and around the development will be appropriate for their intended uses, or better than or equivalent to the existing wind conditions. Most of the footpaths and public outdoor spaces will maintain a wind speed of 13m/s or less.
2.3.4 Reflectivity	Yes	The proposed development features glass positioned behind recessed balconies to minimize potential reflectivity impacts. The predicted maximum intensities of reflected solar energy at ground level are moderate, meeting the objectives of the DCP.
2.3.6 Awnings	Yes	A continuous horizontal awning has been installed at ground level along all street frontages to offer weather protection and promote outdoor dining.

		The minimum height and width of the awning generally align with DCP provisions, despite the site's sloping topography and the level change from the south-east to the north-west.
2.3.7 Solar Access	Yes	<p>The proposed building is located to the south of the Christie Street reserve and therefore maximises solar access to Christie Street Reserve year-round. As demonstrated in the shadow diagrams in the Architectural Plans, there will be no net increase in overshadowing to Christie Street Reserve between 10am and 3pm from the March Equinox to the September Equinox as a result of the proposed development.</p> <p>The slender tower design minimizes any significant increase in overshadowing of neighbouring buildings and the surrounding public domain. Given the existing high-rise nature of the area and the future context outlined in the 2036 Plan and strategic planning framework, the proposed development will be located within the shadow cast by existing high-rise structures, including The Forum development. There are no significant open spaces to the southeast or southwest that would be affected by the building's shadow. Consequently, the proposal will not create any unacceptable overshadowing impacts on adjacent buildings, significant open spaces, or Christie Street Reserve to the north.</p>



Picture 19 - 9am at Mid-Winter



Picture 20 12pm at Mid-Winter



Picture 21 3pm at Mid-Winter

Figure 9: Shadow diagrams

2.3.8 Views

Yes

Refer below.

The document titled "View and Visual Impact Assessment - 100 Christie Street, St Leonards" provides a comprehensive report prepared by Cardno for the proposed development at 100 Christie Street, St Leonards. The assessment evaluates the visual impact of the proposed mixed-use development on its surroundings, focusing on how it affects regional and local views, as well as the visual character of the area.

A detailed Summary is provided below:

2. Site and Immediate Area

- The site is located at 100 Christie Street, St Leonards, and consists of two lots: one zoned B3 Commercial Core and another zoned RE1 Public Recreation.
- The site currently hosts an 11-storey commercial building with basement parking.
- Surrounding areas are undergoing significant transformation with mixed-use developments, including commercial and residential buildings.

3. Proposed Development

- The development proposes a 39-storey building with 33 residential floors, 5 floors of commercial space, and ground-level retail.
- The building height is set to 132m, with vehicular access via Sergeants Lane.
- The RE1 zoned land (Christie Street Reserve) will be retained as a public park.

4. Strategic Planning Context

- The site falls within the "St Leonards Health and Education Precinct" under the North District Plan.
- The St Leonards and Crows Nest 2036 Plan aims to leverage new infrastructure, such as the Sydney Metro station at Crows Nest, to guide future growth.
- The Christie Street Master Plan Guidelines provide detailed design requirements, with two development options, both involving tall buildings on 100 Christie Street.

5. Surrounding Locality and Built Form Context

- The surrounding area includes several recent and planned developments that contribute to the changing character and skyline of St Leonards.
- Significant developments include mixed-use towers and commercial buildings, reflecting a shift towards higher density and urbanization.

6. Planning Context

- The site is governed by the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.
- The planning proposal for 100 Christie Street sought to amend height and floor space controls, allowing a taller building consistent with strategic planning frameworks.

7. Visual Impact Assessment

- The VIA evaluates the visual impact from critical viewpoints within a 4km radius, including regional and local views.
- Regional Views: The proposed development will be visible from iconic locations like Barangaroo and Penshurst Street, Chatswood. However, it fits within the broader skyline and is not expected to dominate or disrupt key views.
- Local Views: Critical local viewpoints include Gore Hill Cemetery, Royal North Shore Hospital, and various streets within the vicinity. The impact on these views is considered low, with the development blending into the evolving urban fabric.

8. Conclusion

- The VIA concludes that the proposed development is consistent with the future character of St Leonards as envisioned in strategic planning documents.
- The visual impacts are deemed acceptable, with the development integrating well into the existing and planned built environment.

9. Appendices

- The report includes a list of recent developments and planning proposals in the area, photomontages, and other supporting documentation to provide a comprehensive assessment of the visual impact.

The report systematically addresses the potential visual impacts of the proposed development, considering both regional and local perspectives, and concludes that the development will contribute positively to the skyline while maintaining acceptable visual impacts.

The View and Visual Impact Assessment (VIA) for the proposed mixed-use development at 100 Christie Street, St Leonards, concludes that the development will have a limited and acceptable visual impact on both regional and local views. This conclusion is based on a thorough analysis of the existing visual environment, the anticipated changes in the skyline, and the specific design features of the proposed development.

Key Findings:

1. Integration with the Existing and Planned Urban Fabric:
 - The proposed development is designed to fit within the existing and emerging skyline of St Leonards, which is characterized by tall, slender mixed-use towers.
 - The building's design, including its height, massing, and articulation, aligns with the strategic vision for St Leonards as outlined in various planning documents such as the North District Plan and the St Leonards and Crows Nest 2036 Plan.
2. Impact on Regional Views:
 - The assessment considers critical regional views from locations such as Barangaroo and Penshurst Street in Chatswood. The proposed building is expected to blend with other high-rise structures in the St Leonards area, maintaining the visual continuity of the skyline.
 - The impact on regional views is considered minimal, with the building contributing to the overall "bell curve" skyline envisioned for St Leonards.
3. Impact on Local Views:
 - The VIA evaluates local views from various critical viewpoints, including Gore Hill Cemetery, Royal North Shore Hospital, and residential streets like Canberra Avenue and Northcote Street.
 - While the building will be visible from several local vantage points, its design minimizes the perceived bulk and scale, ensuring it does not dominate the skyline or disrupt important sightlines.
 - The visual impact on local views is mitigated by the building's alignment, setbacks, and the use of design features that reduce visual intrusion.
4. Consistency with Strategic Planning Objectives:
 - The development is consistent with the objectives of the Christie Street Master Plan Guidelines and the St Leonards/Crows Nest Planning Study, which call for higher density developments that contribute to the area's role as a key urban center.
 - The design respects the transition in building heights from the core of St Leonards towards surrounding lower-density areas, ensuring a harmonious integration with the existing urban fabric.
5. Impact on Heritage and Conservation Areas:
 - The VIA finds that the proposed development will not have a significant adverse impact on nearby heritage conservation areas, such as the Naremburn Heritage Conservation Area. The building is sufficiently separated from these areas and designed to minimize visual intrusion.
6. Future Skyline and Urban Character:
 - The development is expected to contribute positively to the future character of St Leonards, which is evolving into a high-density, mixed-use precinct. The building will be part of a cluster of tall towers that define the area's skyline, supporting the precinct's role as a major employment and residential hub.

Conclusion:

A key focus of the VIA is the impact on views from the Forum East apartment building, located to the west of the site. The Forum East currently benefits from predominantly horizon and

district views, with some apartments enjoying 'iconic' views of Sydney Harbour, North Sydney, or the CBD skyline to the south and southeast.

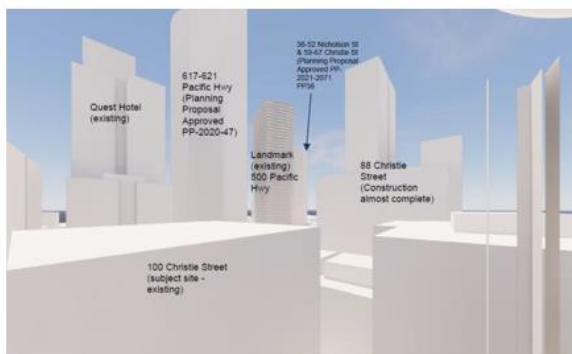
The VIA assesses the likely view loss from four viewpoints, including balconies on Levels 16 (RL 128.125), 17 (RL 131.055), and 20 (RL 139.675), which are mid-range levels typical of most affected apartments in the 36-level Forum East building.

Only apartments in the Forum East building with east and southeast-facing outlooks (i.e., balconies and windows) will be affected. Views to the north and west will remain unaffected, as shown in Figure 16 below.

The most 'iconic' views, from the south and southwest-facing apartments, include the Sydney CBD, Harbour Bridge, and the broader Sydney Harbour landscape. These views are already impacted by the approved '88 Christie Street' development, located on the southern side of the Pacific Highway (within the Lane Cove LGA) and currently under construction. The proposed development at 100 Christie Street will not affect these southern and southwestern views.

The visual impact on the affected viewpoints is as follows:

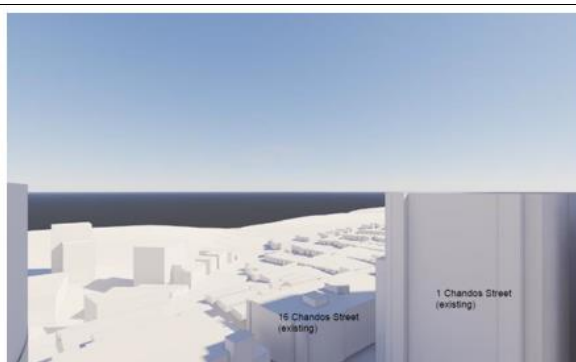
- **Southeast:** While the proposal will have a noticeable visual impact from this viewpoint, the building incorporates setbacks and separation distances as required by the design guidelines and aligns with the endorsed St Leonards and Crows Nest Planning Study, which has already considered the impacts of increased building heights. Design elements such as increased glazing in the southwest corner of the building have been incorporated to enhance transparency as viewed from the Forum apartments.
- **Northeast:** Although the building will have a clear visual impact, the proposed built form aligns with the future character of the area and the 2036 Plan. The proposal also maintains view sharing by preserving the view corridor to the north and northeast.
- **East:** The proposed development will have a direct visual impact from the eastern viewpoint. However, the nature and scale of the development are consistent with the strategic planning framework and comply with key built form controls relating to maximum height and FSR. Additionally, the eastern view corridor will change significantly in the future, with several sites planned for 35-50 storey buildings. No significant or iconic views will be affected."



Picture 13 – South-East Viewpoint (Existing)



Picture 14 – South-East Viewpoint (Proposed)



Picture 15 – North-East Viewpoint (Existing)



Picture 16 – North-East Viewpoint (Proposed)



Picture 17 – East Viewpoint (Existing)



Picture 18 – East Viewpoint (Proposed)

Figure 10: Extract from Visual Impact Assessment

The VIA concludes that the proposed development at 100 Christie Street will have an acceptable visual impact, aligning with the strategic vision for St Leonards. The building's design ensures it integrates well with both the existing and planned urban environment, contributing positively to the area's skyline while minimizing potential negative impacts on regional and local views. The assessment supports the proposal as consistent with the planned future character of the area, which is evolving into a high-density, urban precinct.

2.3.9 Acoustic Privacy	Yes	The Acoustic Report outlines recommended acoustic treatments to ensure that the proposed residential development meets the required acoustic insulation standards. The development will comply with the DCP's acoustic requirements, provided that the recommendations of the Acoustic Report are implemented. Conditions are imposed to ensure compliance.
2.3.10 Vibration	Yes	An Acoustic Report submitted with the application provides recommendations to ensure satisfactory outcomes are achieved with regards to impacts to internal amenity. Standard conditions can be imposed.
2.3.11 Visual Privacy	Yes	The proposal has been assessed against the provision of the ADG (Refer to SEPP Housing considerations) as being acceptable.
2.4 Quality built form		
2.4.1 Context	Yes	The proposed development is considered to be contextually appropriate as it is consistent with the desired future character of St Leonards.

2.4.5 Building Design	Yes	Minimum floor to ceiling height requirements				
		Zone	Ground floor	First floor	Upper floors	Compliance
		E2	3.3m	3.3m	3.3m	Greater than 3.3m
2.4.6 Skyline	Yes	The proposed development will result in a reasonable skyline appearance.				
2.4.7 Junction and Termination of Streets	Yes	Overall, the building proposes the use of curves and setbacks to provide an appropriate response to its corner location.				
2.4.8 Balconies Apartments -	Yes	The proposed balconies for the residential apartments are located within the building envelope and do not project over the public domain.				
2.4.10 Streetscape	Yes	The ground level of the proposed development is designed to respond to the existing site context and align with the adjacent footpath’s elevation, taking into account the level change from the south-east to the north-west. Continuous active uses, including retail spaces, are planned for the ground floor along Sergeants Lane (to the south and west), facing Christie Street Reserve (to the north), and along Christie Street (to the east).				
2.4.11 Entrances and Exits	Yes	The main entrance to the residential lobby is located on Christie Street (to the east), making it directly visible from the street and positioned along the site’s primary frontage. The commercial building entrance, distinct from the residential lobby, is situated on Sergeants Lane (to the south), providing direct access for visitors coming from St Leonards Train Station.				
2.4.12 Nighttime appearance	Yes	No External lighting is proposed.				
2.4.13 Public Spaces and facilities	Yes	The proposal aims to upgrade the existing public park to the north in line with the Draft VPA. This upgrade will create a high-quality public open space that is both highly accessible and permeable, offering opportunities for a variety of activities.				
2.5 Quality Urban Environment						
2.5.1 Accessibility	Yes	An Access Report has been submitted and concludes the proposal is acceptable. On this basis, standard conditions of consent can be imposed to require compliance with accessibility.				
2.5.2 Safety and Security	Yes	No known issues of safety and security are considered to arise from the proposed development.				
2.5.3 Illumination	Yes	No illumination of the building is proposed.				

		With regards to illumination of the communal areas, a condition is recommended to be imposed to require no lighting or use of these areas between 11pm and 7am.
2.5.4 High Quality Residential Accommodation	Yes	<p>The residential apartments are designed to exceed the minimum internal floor space requirements for the various apartment sizes proposed.</p> <p>Each residential floor will include a communal sky garden on the west-facing façade, offering open space for residents and ensuring visual privacy. All apartments will have private open spaces in line with the ADG, with both the sky gardens and private balconies receiving at least 2 hours of solar access each day.</p> <p>The maximum number of dwellings per floor, serviced by a single common lobby space, is capped at 6, which is well below the recommended maximum.</p> <p>Additionally, 67% of the apartments will benefit from cross-ventilation for the first 9 storeys (Levels 1-9).</p>
2.5.6 Private Open Space	Yes	All apartments have designed to exceed the minimum private open space requirements size and are at least 2m in depth or 2.4 metres for 3+ bedroom apartments.
2.5.7 Vehicular Access	Yes	Vehicular access to the site is consolidated from Sergeants Lane on the west side. A break-through panel is proposed within the basement to enable a future connection to the basement at 655 and 657 Pacific Highway, which will support shared vehicle access and facilitate the future pedestrianization of Sergeants Lane to the south. The basement entry is designed to allow all vehicles to enter and exit the site in a forward direction, using a left-in and right-out arrangement.
2.5.8 Car Parking	Yes	<p>127 car parking spaces comprising the following:</p> <ul style="list-style-type: none"> (i) 112 Residential spaces (including 13 accessible spaces). (ii) 15 Commercial spaces. (iii) Two (2) car wash bays.
2.5.9 Garbage Storage area within 2m of street or laneway boundary	Yes	<p>Separate waste storage rooms for residential and commercial/ retail uses is provided within the basement, with access restricted to respective users.</p> <p>A garbage storage area is provided with 2m of the laneway.</p>
2.5.10 Site Facilities	Yes	The applicant details that at least 50% of the required storage will be provided within each residential apartments, in accordance with ADG

		requirements. The remainder is proposed to be provided within the basement level.
2.6 Efficient Use of Resources		
2.6.1 Energy Efficiency	Yes	A valid BASIX Certificate has been submitted with the application.
2.6.2 Passive Solar Design	Yes	The building has been designed to maximise passive solar access to apartments.
2.6.4 Natural Ventilation	Yes	A total of 67% of units will be naturally cross ventilated. All residential dwellings will have direct access to fresh air.
2.6.7 Stormwater Management	Yes	The building proposes the provision of on-site detention to ensure that the stormwater runoff is reduced compared to the existing development.

Part C – Area Character Statements

Part C Section 3 St Leonards/ Crows Nest Planning Area

Part C Section 3 provides specific planning objectives and controls for the St Leonards/Crows Nest Planning Area. If there is a discrepancy between Part B and Part C, the provisions within this Part take precedence over the provisions within Part B of the DCP.

Section 3.1 St Leonards Town Centre



Figure C-3.1-1: Locality Area Map

Figure 11: Locality Area Map for map for St Leonards Town Centre

DEVELOPMENT CONTROL PLAN 2013 – Part C Section 3 St Leonards / Crows Nest Planning Area		
Provision	Complies	Comments
3.1.2 Desired Future Character		
Diversity of activities, facilities, opportunities and services	Yes	Mixed use development will have commercial uses at ground level to activate Christie Street.
Public spaces and facilities	Yes	The proposal will enhance Christie Street Reserve
3.1.3 Desired Build Form		
3.1.3.2 Form, massing and scale	Yes	The density and scale is concentrated close to the rail station. The development is to be designed to maximise year round solar access to existing public space. The minimum floor to floor heights are achieved.
3.1.3.3 Setbacks	Yes	The proposed development complies with the DCP setbacks as outlined below: Ground Floor East – 3.5 metres to Christie Street South – 3 metres to Sergeants Lane to the south West – 1.5 metres to Sergeants Lane to the west North – 0 metres to the north Podium (Level 1 – 6) East – 0 metres to Christie Street South – 1.5 metres to Sergeants Lane to the south West – 1.5 metres to Sergeants Lane to the west North – 0 metres to the north Tower North – 0 metres East – 12 metres to the centre of Road (Christie Street) South – 9 metres to the centre of Road (Sergeants Lane) West – 9 metres to the centre of Road (Sergeants Lane) 18 metres to Forum apartments Levels 7-20 24 metres to Forum apartments Levels 21-37
3.1.3.4 Podium Heights	Yes	the podium is 6 storeys in height. The commercial level floor to floor height has been reduced to 3.7m which results in an overall podium height reduction of 500mm. The reduction in the commercial floor to floor level creates a less bulky podium and responds to the site's topography.

3.1.3.5 Above Podium Setbacks	Yes	The proposed development has been designed to respond to the ground floor and podium setbacks included within the endorsed reference design included as part of the Planning Proposal, which are generally consistent with the setbacks required by the draft DCP.
3.1.3.6 Active Frontages	Yes	The proposal includes active frontages facing Christie Street Reserve to the north, Christie Street to the east, and Sergeants Lane to the south, incorporating retail spaces for cafes and restaurants. Vehicular access to the basement is provided from the site's secondary street frontage via Sergeants Lane to the west
3.1.3.7 Awnings	Yes	Awnings are provided to all street frontages.
3.1.3.8 Solar Access	Yes	The proposed building is located to the south of the Christie Street reserve and therefore maximises solar access to Christie Street Reserve year-round.
3.1.3.11 Car Accommodation	Yes	Vehicle access is from Sergeants Lane with off-street parking provided underground.

Local Infrastructure Contributions Plan

116. The proposed development would increase the number of residents within the locality and therefore a contribution levied under Section 7.11 the Act is required in accordance with Council's Infrastructure Contributions Plan 2020.

s7.11 contribution

Open space and recreation facilities:	\$1,868,720.97
Public domain:	\$742,687.69
Active transport:	\$42,393.77
Community facilities:	\$375,340.16
Plan administration and management:	\$45,201.11
Total:	\$3,074,343.70

All Likely Impacts of the development

117. All likely impacts of the proposed development have been appropriately considered by 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 Carparking 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.	Relevant S4.15 considerations of the Environmental Planning and Assessment Act 1979	Yes

Natural and Built Environment

118. The proposal achieves the high-density mixed-use development envisioned for the site, aligning with the St Leonards and Crows Nest 2036 Plan and the North Sydney Local Environmental Plan 2013.
119. The proposal is not situated near any environmentally sensitive land and is not expected to negatively impact nearby heritage buildings.
120. The proposed building's form and design ensure there will be no unacceptable effects on the surrounding buildings' amenity, including aspects such as building separation, visual privacy, views, and solar access.
121. The building's design provides a high level of amenity, offering adequate solar access to apartments and both private and communal open spaces, surpassing the requirements of relevant planning controls.
122. Positioned to the south of Christie Street Reserve, the proposed building will not cause any additional overshadowing of the public park.
123. The siting, scale, bulk, and massing of the development are generally consistent with that anticipated for the site and represents a design that contributes positively to the character of the area.

Social and Economic Environment

124. The proposal aims to offer numerous public benefits as part of the draft VPA, including extensive landscaping enhancements to Christie Street Reserve, public domain improvements along Sergeants Lane and Chandos Street, and the provision of two levels of commercial floor space ('warm shell') on podium Levels 1 and 2, to be dedicated to the Council in perpetuity.
125. The proposed development includes employment-generating floor space, serviced by high-frequency public transport.
126. The podium and ground floor will increase job opportunities and enhance commercial and retail offerings within St Leonards.
127. Contemporary residential accommodations will be provided in a highly accessible location, near St Leonards train station and the future Crows Nest Metro Station.
128. The proposed development will deliver a variety of residential apartment sizes, contributing to the housing supply in St Leonards.
129. Future residents of the development will enjoy excellent amenities, including access to public transport, public open space in the northern lot, and employment opportunities within St Leonards.

Suitability of the Site

130. The site is centrally located within St Leonards Centre, which is transforming into a predominantly tall residential tower area with a few remaining older commercial buildings. The proposed mixed-use development of retail, commercial, and residential spaces is compatible with the current and future character of the centre.
131. Strategically positioned at the heart of the centre, the site has direct connections to St Leonards Train Station and the future Crows Nest Metro Station. Future residents and employees will benefit from the site's excellent transport accessibility, connecting them to major employment hubs and centers across Sydney.
132. The proposal will provide public domain benefits as outlined in the draft VPA, including extensive landscaping and public domain upgrades to Christie Street Reserve, facilitating the future pedestrianization of Sergeants Lane, improving footpaths along Chandos Street, and dedicating commercial floor space and Christie Street Reserve to the Council.
133. The site is well-suited to accommodate the proposed residential density due to its proximity to high-frequency public transport networks, as envisioned by the strategic planning framework.
134. The proposed development will enhance the activation of the surrounding public domain at the ground floor level, improve the street presence, and contribute to the area's character.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

135. On 22 December 2022, Council notified adjoining properties and the Holtermann Precinct of the proposed development seeking comment between 16 January to 6 February 2023. Council received eight (8) submissions. Many of the issues raised have been considered in other parts of this report and where relevant are summaries and addressed further below.

- *Notification*

The application was notified in accordance with the North Sydney Community Engagement Protocol

- *Energy efficiency*

A revised BASIX Report has been prepared which identifies recommendations required to be delivered in order to meet the minimum 7 star NatHERS rating.

- *Height, bulk and scale*

The building complies with the building height control on the site. As set out within this report, the subject site was provided with an increased building height through a Planning Proposal, wherein issues of building height and scale were carefully considered. The resultant building height and scale is consistent with that envisaged by Council's controls.

- *Structural adequacy of proposed development*
- *Dilapidation*

Structural adequacy will be addressed as part to the construction certificate application. Conditions are recommended to address dilapidation concerns.

- *Setbacks and privacy*

As ADG setbacks are generally compliant, the proposed development is considered to satisfy privacy considerations with privacy measures proposed.

Design changes have been made to the western façade to improve visual privacy to the Forum apartments including the provision of vertical aluminium louvres and additional colour back glass to maintain privacy between the proposed development and the Forum.

On balance, the proposed development is considered to be a reasonable and expected impact of a generally compliant development on the site.

- *Noise from new apartments including communal open space*

Given that ADG setbacks are generally compliant on the subject site, any impacts regarding noise from new residential apartments are considered to be a reasonable and expected impact of development on the site. With regards to the use of communal open space, conditions are recommended to ensure these spaces are not used between 11pm – 7am daily, to reduce impacts on surrounding properties.

- *Wind tunnel effect*

A Wind Impact Report by Windtech was submitted as part of the DA. The assessment of existing site conditions indicates that the majority of locations within and around the development are suitable for their intended uses, with wind conditions that are comparable to or better than the existing conditions. A condition is recommended to ensure these recommendations are implemented.

- *Landscape treatment*
- *Tree retention and protection*

The application, subject to conditions of consent, provides adequate landscape treatment and replacement plantings.

- *Overcrowding*

The proposed commercial and residential uses are not uses associated with overcrowding.

- *Light pollution*

The proposed development is not anticipated to have adverse impacts on light pollution and light spill. The commercial premises will generally be unoccupied upon sunset and the design and orientation of the residential apartments has been carefully considered with living areas and outdoor areas facing away from the Forum building.

- *Pollution*

A waste management plan was provided and reviewed by Council's Waste officer and subject to condition of consent, is deemed acceptable.

- *Loss of employment from demolition of existing building*

The proposal complies with the minimum non-residential floor space ratio for the site.

- *VPA should be executed*

The Voluntary Planning Agreement is “voluntary”, and it cannot be enforced to be executed prior to the determination of the development application.

- *Solar access*

Overshadowing impacts have been addressed in detail within this report. The impacts of the overshadowing result from building elements that will generally comply with the planning controls relating to the site. The overshadowing impacts are generally consistent with the expected outcomes as envisaged by the concept plans and on this basis, are supported.

- *Construction hours*
- *Impacts from construction including traffic, dust and noise*

Standard construction hours and conditions relating to construction noise are recommended to be imposed. A Construction Management Plan is required to be submitted wherein Council’s Traffic Engineer will assess the impacts of the construction impacts on the locality prior to the issue of a Construction Certificate.

- *Traffic and carparking*

The proposed development will generally comply with NSDCP 2013 car parking controls. The proposed density was envisaged and considered as part of the Planning Proposal as being acceptable, including traffic and parking impacts. Any impacts with regards to traffic noise is considered to be a reasonable and expected impact of development on the site.

- *Preservation of the main entrance to Forum Towers*

The existing entry arrangements to the Forum apartments will be maintained.

- *Plans lacking in detail and documentation not sufficient*

Sufficient detail was provided to enable a proper and comprehensive assessment of the application.

Application Referrals

136. The application was referred to a number of external agencies and internal officers for comment as follows:

Council Referrals

Development Engineer

137. The application was referred to Council’s Development Engineer who raised no objection to the proposal subject to conditions of consent.

Traffic Engineer

138. The application was referred to Council’s Traffic Engineer who provided an assessment of the proposal and has provided the following comments:

"It is recommended that the proposed development be refused until the applicant addresses the followings:

1. Reduces the motorcycle parking by 3 for residential component to comply with Council's DCP.

Should Council approve this development it is recommended that the following conditions be imposed:

1. 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.

2. That all aspects of the car park comply with the Australian Standard AS2890.1 Off-Street Parking and Council's DCP.

3. That all aspects of bicycle parking and storage facilities comply with the Australian Standard AS2890.3 and Council's DCP. 4. Council will not consider any future requests for provision of on street Loading Zones benefitting this development."

139. *Planners Comment:* a condition is imposed to reduce the number of motorcycle parking spaces and the above conditions imposed.

Conservation Planner

140. Council's Conservation Planner has reviewed the proposed development and raised no objection to the proposal subject to conditions of consent.

Landscape Officer

141. Council's Landscape Officer has reviewed the proposed development and raised no objection to the proposal subject to conditions of consent.

Waste Development Officer

142. The application was referred to Council's Waste Development Officer for assessment and review. The Waste Development Officer has advised that the proposed amended arrangements for ongoing waste management are generally adequate, however raised a new issue not previously mentioned that access to Sergeants Lane bin holding area must be for a HRV which is not possible.

143. As such, Council's waste service provided cannot access the site. A condition is imposed that private collection must be provided for the residential waste collection.

Environmental Health Officer

144. Council's Environmental Health Officer has reviewed the Preliminary Site investigation Report and the Noise Impact Assessment Report and raised no objection to the proposal subject to conditions of consent.

Urban Design – Strategic Planning

145. The application was referred to Council's Urban Designer who provided the following comments:

"In general, the proposed development is following the guidelines outlined in the 2036 Plan and NSDCP 2013. The amended proposal has addressed most of the previous urban design recommendations particularly concerning podium height, active frontages, public domain interface and residential pedestrian entry access. The revised design for Christie Street Reserve aligns with the envisioned character of the area outlined in the St Leonards East Public Domain Upgrade and is supported for its diverse functionality.

The proposed active frontages along the western façade, specifically at the corner of Sergeant Lane, contribute positively to the public domain outcome and is supported for its impact.

The overall design achieves a desired outcomes for both built form and public domain aspects, however, there is one remaining concern related to commercial access entry that requires further consideration. Specifically, as two levels of the commercial floor aiming to be delivered to the Council for public uses (as part of the VPA), it is crucial that these areas are easily identifiable from various points around the site. To address this issue, better design solutions that focus on implementing affective wayfinding strategies is recommended.”

146. *Planners Comment:* amended plans were provided enhancing the commercial entrance to the building.

Strategic Project Masterplanner

147. The application was referred to Council’s Strategic Project Masterplanner who provided the following comments:

“The current parkland features a substantial open grassed lawn area at the back (building side) of the Reserve, with gentle slope and sunny north-facing aspect. The physical and visual amenity afforded by this grassed area is highly-valued, particularly by office workers from surrounding buildings who use the grass to sit and eat their lunch. A large, grassed area with excellent solar access is rare in the highly built-up St Leonards urban area. The size of the current lawn and its good access to sunlight means it is able to withstand the pressures of high patronage, thus it can be maintained in good condition.



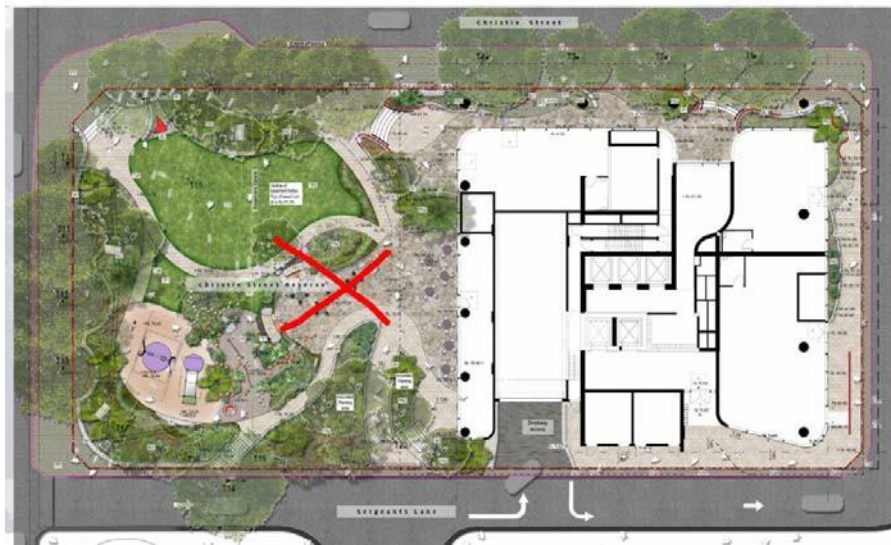
The proposed plans significantly reduce the size of the grassed area and relegate it to the North- Eastern part of the reserve. This will mean the reduced grass area will be subject to more intense use and less solar access due to overshadowing by the adjacent trees. Under these pressures it is unlikely that the grass will prosper and is likely to become a maintenance liability. It will be a less attractive place to sit.

The existing size and relative location of the grassed area should be maintained, with only minor adjustments around the edges where necessary (so as to improve the interface with adjacent areas for example). The North – East corner of the Reserve

(where the plaza space is currently located) is the more suitable location for the plaza area, as it takes advantage of the shade afforded by the existing trees and works as an extension of the existing paved perimeter footpath areas.

In an attempt to 'cater for all' the proposed plans risk the loss of the key qualities of the existing space – the Reserve's openness and simple layout. The Reserve should remain an open, simple space as uncluttered as possible.

Extension of the building terrace out into the park (red cross in image below) is not supported. This proposed intervention in the Reserve contributes to the loss of grass and openness noted above. It will introduce demarcation issues in terms of the interface between public and private domain, with associated management complexities (for example having to manage demarcation of outdoor dining licence for the building terrace).



The value of the playground proposed is questionable. There is what appears to be a set of swings and a slide, and a small 'adventure play area'. The description suggests that there is a nexus between the 'extended outdoor terrace' and the playground such that parents can sit on the terrace and 'supervise' their children. The documentation also suggests that the playground is located within the park as "with limited room and a full program of activity on the upper levels of the building, there is limited scope to introduce play at the upper levels of the building." If there is a requirement to incorporate play space in the tower development, then the Reserve should not be seen as the opportunity to address this requirement, at the expense of the Reserve's key qualities.

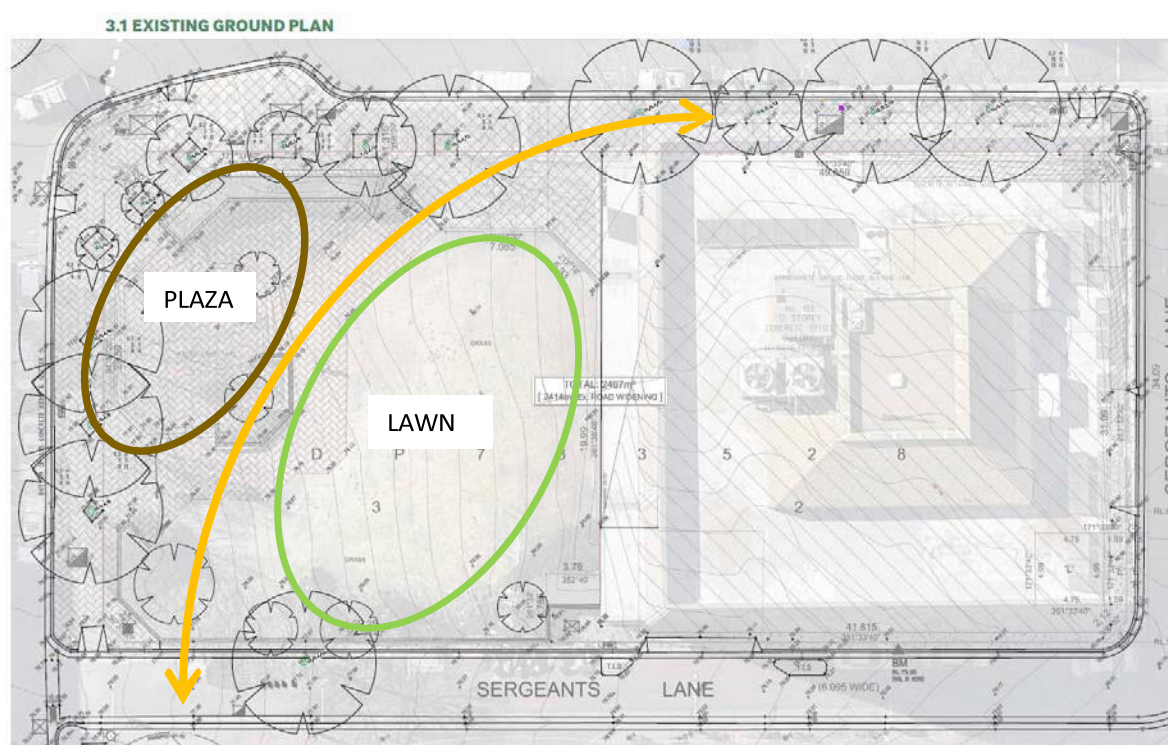
The playground adds to the clutter and loss of openness of the Reserve and should be deleted from the plans. I have spoken with Megan White, Council's Landscape Planner who has extensive experience with Council's playgrounds (strategy and design) and Megan concurs that the Reserve is not a good location for a playground as proposed. It is also noted that Wadanggarri Park, St Leonards - a 210m walk away from Christie Street Reserve features a substantial public playground facility.

The desire line between the station exit on Sargeant's Lane needs to be properly addressed. The current design creates an unnecessarily circuitous path, partly due to

the need to negotiation the proposed playground and the proposed dining terrace. The North – West corner of the existing park would benefit from reconfiguration to better address the station entrance and the connecting desire line, including provision of steps where currently there is a low wall and extension of a pathway to meet the existing path (plans for this were developed by OSI (OSES) in 2012 but were put on hold due to the pending DA for 100 Christie Street).

There should be no removal of healthy trees, particularly the mature planes along Christie Street.

Below is the preferred relationship between grassed lawn area, plaza space and desire line referred to above.



There is no doubt that Christie Street Reserve needs upgrading. However, the Reserve’s current configuration of spaces should form the basis of the new plans, with concentration on sensitive reconfiguration and adjustments only to address current shortcomings including non-compliance with current standards, refreshment with a contemporary palette of materials & site furniture, improved lighting, new garden plantings and the like.”

148. *Planners Comment:* a condition is imposed to address this response.

External Referrals

Design Excellence Panel

149. Council’s Design Excellence Panel (DEP) considered the application at its meeting on 14 February 2023. The Panel provided qualified support for the proposal, subject to issues identified in the report, being addressed.

“Principle 1: Context and neighbourhood character

- a) *The proposal is consistent with the urban context and emerging character of St Leonards centre. However there is a significant opportunity to upgrade the placemaking, landscape and retail offerings to the Christie St Reserve, to be consistent with the overall growth of the surrounding St Leonards precinct and project site.*

Principle 2: Built form and scale

- a) *Height, bulk and scale*
The height and scale of the tower were generally supported.
- b) *Street, side and rear setbacks*
Proposed setbacks were noted and that further information to show compliance with the NSDCP is required to be provided to Council.

Principle 3: Density

- a) *The development generally capitalises on and supports the advantages of its location with the exception of the north facing ground floor area and adjacent Christie St Reserve.*
- b) *A development of this size should include DCP compliant dwelling mix to meet future housing needs*

Principle 4: Sustainability

- a) *A more detailed and aspirational sustainability strategy would be expected for a development of this significance. Nathers star ratings should be provided to demonstrate the energy based sustainability of the residential apartments. The Panel notes that minimum ratings of between 7 and 8 stars are commonly achieved to high rise residential buildings in this precinct.*
- b) *The thermal efficiency of the building is questionable as a result of the amount of glazing. Additional solar shading is recommended particularly to the west elevation.*
- c) *The design team confirmed that double glazing will be incorporated to all vision glass. As glazing forms the principle façade material, additional details are requested including the extent of double glazing and spandrel conditions, tint colour, reflectivity, SHGC and VLT.*
- d) *An increased solid spandrel of say 600mm should be considered wrapping around balconies and facades to provide increased privacy and reduce solar gains*

Principle 5: Landscape

- a) *Public domain*
Further enhancement is required to Christie Street Reserve to provide a greater connection with the development and allow for multiple uses. A more detailed exploration of considerations such as intended user groups and their needs, intended uses, indoor outdoor connectivity, outdoor dining, uses at different times of the day, pedestrian movement etc. Soil depth should be confirmed appropriate for the trees proposed.

Principle 6: Building configuration, planning, and amenity

- a) *Privacy*
Further analysis is required to demonstrate that a reasonable level of privacy will be maintained. Additional privacy screening may be necessary to the west and south elevations. It is suggested that the privacy screening extend vertically upwards with the extent and frequency of screening reducing as the distance between future neighbours to improve privacy and remove the current hard line on the façade caused by the termination of the privacy screening
- b) *Weather protection*
Details are required verifying the performance of the communal open space.
- c) *Communal open space*
The proposed communal space on Level 6 is potentially a very attractive facility for residents. It will need screening to ensure that it is welcoming at all times, particularly in wet/windy weather, A small fully enclosed space would also be desirable.

The majority of this communal space is undercroft area. While the additional slab to slab height will assist with daylighting and solar access, the programme layout and plant species should be suited to shaded conditions.
- d) *Pedestrian access and entries*
The separate entrance to the residential apartments is narrow and convoluted. This space should be enlarged to provide a more welcoming space, potentially by moving the mail room and other services into the adjoining retail space.
- e) *The viability of the very narrow retail space facing the Christie St Reserve is questioned. The depth of these tenancies should be increased substantially: these tenancies form an important interface with the open space, and desirably should be activated during daytime and evenings. Consideration should be given to adjusting the basement driveway levels and location in plan to enable deeper retail tenancies.*
- f) *Balconies*
The Level 37 balconies appear small in area relative to the size of the penthouses and could be enlarged to provide a greater opportunity for outdoor living.

Principle 7: Safety
Not discussed.

Principle 8: Housing diversity and social interaction

- a) *Interaction at the public/private interface*
The retail space facing the park is too narrow. It is recommended that the design of the ground floor plan be flipped so the retail area fronting the park be enlarged.

Principle 9: Aesthetics

- a) *The northern podium façade needs further improvement to better relate to the public open space. It should not be visually over-assertive, as it appears in the “Artistic Impression” (DA-97-0101) however this could*

be managed subject to careful resolution of construction detailing including cantilevered slab edges and exposed soffits.

- b) *The design team noted that curved glass was proposed to the corners in plan. The panel noted that this was an important element of the façade and should not be substituted with faceted glass. The proposed radius of the glass should be confirmed as achievable.*

Ausgrid

150. The application was referred to Ausgrid in accordance with Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Comments were received from Ausgrid on 11 January 2023 and they have raised no objection to the proposed development subject to conditions.

Sydney Water

151. The proposal was referred to Sydney Water who raised no objection to the proposal subject to the imposition of conditions.

TfNSW (RMS)

152. The application was referred to TfNSW (RMS) in accordance with Clause 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A formal response was provided on 17 January 2023, concurrence was obtained subject to the imposition of conditions if the application was to be supported.

Sydney Trains

153. The application was referred to Sydney Trains in accordance with Clause 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A formal response was provided on 4 December 2023, concurrence was obtained subject to the imposition of conditions if the application was to be supported.

Sydney Metro

154. The application was referred to Sydney Metro in accordance with Clause 2.99(3) of State Environmental Planning Policy (Transport and Infrastructure) 2021. A formal response was provided on 10 December 2024, concurrence was obtained subject to the imposition of conditions if the application was to be supported.

Sydney Airport Corporation

155. The application was referred to Sydney Airport Corporation as per the NSLEP 2013. A formal response was provided on 16 December 2023, concurrence was obtained subject to the imposition of conditions if the application was to be supported.

Conclusion and Reasons

156. The proposed development has been assessed with respect to the objectives and relevant Sections of the EP&A Act, as well as the objectives, merit based considerations, development standards and prescriptive controls of various SEPPs, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. The proposed development is considered satisfactory with regard to the above considerations, subject to conditions of consent.

157. The Council's notification of the proposal attracted eight (8) submissions. The concerns raised have been considered and addressed and do not warrant refusal or modification of the proposal.

158. The proposed development is entirely consistent with the form of development anticipated by the Planning Proposal process and provided for in the site specific LEP and DCP provisions.

159. Following assessment of the development application, the development is recommended for **approval**, subject to conditions.

DETERMINATION

160. THAT the Sydney North Planning Panel, as the consent authority, grant consent to Development Application No. 392/22 for the demolition of existing buildings and works, construction of a 39 storey mixed-use building comprising retail and office premises, 184 dwellings and basement parking, landscaping and refurbishment of the Christie Street Reserve and associated works on land at 100 Christie Street, St Leonards subject to conditions of consent.