

COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

Panel Reference	PPSSNH-449
DA Number	297/23
LGA	North Sydney Council
Proposed Development	Redevelopment of the site at 617-621 Christie Street, St Leonards for a 50-storey mixed-use development comprising retail and commercial uses within the podium, residential apartments above as well as basement car parking and loading and servicing areas.
Street Address	617-621 Pacific Highway, St Leonards
Applicant/Owner	Applicant – Mr. Edmand Lee Owners – Anson City Developments 1
Date of DA lodgement	20 October 2023 Amended 6 September 2024
Total number of Submissions Number of Unique Objections	One hundred and seventeen (117) submissions received.
Recommendation	Refusal
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 \$187,179,158.00 excluding GST.
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • 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) 2004 • North Sydney Local Environmental Plan 2013 • North Sydney Development Control Plan 2013 • North Sydney Local Infrastructure Contributions Plan 2020 • An executed Voluntary Planning Agreement has been entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979
List all documents submitted with this report for the	Survey Architectural Plans Design Report

Panel's consideration	Quantity Surveyor Report Landscape Plans and report Arborist Report ESD Report BCA Statement Access Statement Traffic Impact Assessment Waste Management Plan Civil Engineering Plans Structural Engineering Statement Wind Impact Assessment BASIX Certificate Stormwater Drainage Concept Plan Geotechnical Report Acoustic Report Environmental (Contamination) Site Investigation	
Clause 4.6 requests	Yes – Clause 4.4A – Non-residential floor space ratios	
Report prepared by	Damon Kenny Executive Assessment Planner	
Report date	13 August 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?		Yes – Non-residential floor space ratio less than the minimum
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>		Not applicable
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

Background

1. The North Sydney Planning Panel resolved to defer the matter on 15 May 2025. The reasons for the deferral are provided below:

'The Panel considered the matters listed at item 6, the material listed at item 7

and the material presented at the meetings listed at item 8 in Schedule 1.

At the public meeting on 14 May 2025, the Panel heard from members of the public, the Applicant and the Council. The Council's Draft reasons for refusal were discussed extensively and it became apparent to the Panel that further communication with Sydney Metro and discussion between Council and the Applicant may resolve four main points of concern (Sydney Metro concurrence, waste management, collar impact, amenity and the eastern setback.

Consequently, the Panel resolved to defer the determination of the matter to allow additional time to seek concurrence from Sydney Metro and for the provision of additional information listed below.

The decision to defer the matter was unanimous.

ACTIONS

To allow progression of the Development Application to determination, The Panel requested applicant and Council urgently meet in the next week to:

- 1. Resolve waste management arrangements;*
- 1. Clarify solar impact on surrounding properties and solar access to the proposed development, particularly on the eastern elevation. In this respect, consideration of the impact of the future development on the IMB site should be considered;*
- 2. Consider viable alternatives to increase the eastern boundary/setback;*
- 3. Determine the status and anticipated date of Sydney Metro's concurrence.*

By Friday 30 May, the applicant should provide Council with any additional information required to resolve the above points. Council is requested to provide a Supplementary Assessment Report and Draft Conditions as quickly as possible thereafter.'

Proposal

2. Council received a development application (DA297/23) seeking consent for the redevelopment of the site at 617-621 Christie Street, St Leonards for a 50-storey mixed-use development comprising retail and commercial uses within the podium, residential apartments above as well as basement car parking and loading and servicing areas.
3. A Voluntary Planning Agreement (VPA) was entered into on 2 July 2018 requiring the construction and fit out of a community arts centre and dedication to North Sydney Council.
4. The plans lodged with the development application are the plans that have been assessed as part of this report.

Site and Locality

5. The site is legally described Lot 1 DP DP1022881, Lot 1 DP577070, Lot 1 DP455937 and Lot 2 DP455937 and known as 617-621 Pacific Highway, St Leonards.
6. The subject site is bounded by Atchison Street to the north, Christie Street to the west, Pacific Highway to the south, and the adjoining property at 601 Pacific Highway to the east.
7. The site has total area of 1,062 square metres and currently accommodates two commercial office buildings: a 7-storey building at 617–619 Pacific Highway and a 12-storey building at 621 Pacific Highway.
8. The site is located within the centre of St Leonards, a short walking distance from the existing St Leonards Station and the Crows Nest Metro Station.

State Environmental Planning Policies

9. 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 (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Zoning and NSLEP 2013 Compliance - LEP

10. The site is zoned E2 Commercial Core pursuant to the provisions of the North Sydney Local Environmental Plan 2013. The proposed mixed-use development comprising commercial premises (including retail and office premises) and residential apartments (defined as shop top housing), and a community facility is permitted with development consent within the E2 Commercial Centre zone and Schedule 1, clause 47 of North Sydney LEP specifically applies to the site. This provision acts to permit Shop top housing on the site as an additional permitted use.

11. The proposed development complies with the maximum permissible building height and the maximum permissible floor space ratio of NSLEP 2013.

12. The application has been accompanied by a Clause 4.6 – exceptions to development standards request for variation to Clause 4.4A – Non-residential floor space ratios development standard. The request is considered to be well founded, having demonstrated that compliance is unreasonable or unnecessary and that there are environmental planning grounds are sufficient to justify the contravention.

North Sydney Development Control Plan 2013

13. The provisions of North Sydney Development Control Plan 2013 are applicable to the proposed development. The proposal is considered to be an unacceptable urban design and planning outcome for the site and fails to satisfy a number of the applicable provisions contained within the NSDCP.

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

14. In addition to the NSDCP, site specific controls have been developed for the St Leonards/ Crow Nest Planning Area. The proposal fails to satisfy a number of the key planning controls including the required setbacks, solar access provisions, and the form, massing and scale of the building which results in an inappropriate built form in relation to the applicable planning controls that is not consistent within the context of the area. These controls were adopted post the Planning Proposal Process.

Submissions

15. The subject application was notified on 23 November 2023 from 1 December 2023 to 19 January 2024. The application was renotified on 18 December 2024 from 3 January 2025 to 25 January 2025. A total of one hundred and seventeen (117) submissions were received. were in opposition to the proposal. Issues of concern included:

- View loss
- Traffic and carparking
- Reduced real estate value
- Construction impacts
- Privacy
- Noise
- Non-compliant side setback

- Height, bulk and scale
- Solar access
- Overcrowding
- Light pollution
- Pollution
- Community arts centre
- Impact on infrastructure
- Fire safety

Level of Determination

16. The proposal as provided at the time of lodgement, has a CIV of \$187,179,158.00 (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.

Conclusion

17. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. The proposal is considered to be an unreasonable intensification of the site. It represents an unacceptable planning and design outcome for this site and will adversely affect both the character of development in the street, the immediate locality and the residential amenity of the area.

18. The proposal is inconsistent with various design quality principles of State Environmental Planning Policy (Housing) including context and neighbourhood character, built form and scale, and amenity.

19. The Council's notification of the proposal attracted a total of one hundred and seventeen (117) submissions. The concerns raised have been considered and addressed and do warrant refusal of the proposal.

20. Following assessment of the development application, the development is recommended for **refusal**.

Report in full

Site and Locality

21. The site is Lot 1 DP 1022881, Lot 1 DP 577070 and Lots 1 & 2 DP 455937100. Its street address is 617-621 Pacific Highway St Leonards. With an area of 1,062m², the site is formed on three sides by the Pacific Highway, Christie Street and Atchison Street. It is within about 180 m of the St Leonards train and bus interchange.

22. The site is located within the centre of St Leonards, a short walking distance from the existing St Leonards Station and the Crows Nest Metro Station. The St Leonards area is well advanced in its transition from an underutilised commercial precinct into a thriving mixed-use area incorporating a combination of tower developments including commercial, retail and residential land uses. The area immediately surrounding the site comprises predominantly medium to high-rise mixed-use buildings with commercial uses at the lower levels and residential above.



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

23. The surrounding area is as follows:

- North – The site is bound to the north by Atchison Street, a one way street within a road reserve. There are a range of mixed-use buildings varying from 6 storeys to 34 storeys (a recently constructed mixed-use building known as 'Quest/Air' Apartments).
- South – The site is bound to the south by Pacific Highway. The Friedlander Place Precinct is located directly opposite the site, which is a large 44 storey mixed-use development (Landmark development) with a ground floor public place. Further south-west at 472-494 Pacific Highway is the St Leonards Square which contains a mixed-use development comprising a new public plaza, a retail, recreation and leisure precinct, and two residential towers of 28 and 36 storeys. The site at 524 to 542 Pacific Highway has the benefit of a recently issued consent by the Department of Planning for a mixed use building with a height of 154 meters and containing 41 storeys.
- East – 601 Pacific Highway is located immediately to the east of the site. It comprises a 17-storey commercial office building. 601 Pacific Highway is currently subject to a Planning Proposal that seeks to increase the building height to 189m whilst maintaining the E2 Commercial Centre zoning. Recent correspondence from the Department of Planning, Housing and Infrastructure advised that the planning proposal should not proceed.

There is a current application at 601 Pacific Highway, St Leonards, State Significant Development (Ref: SSD-85848713) and concurrent rezoning proposal to enable the construction of a 52-storey shop top housing development. It is important to note that the proposed scheme provides a 12m setback to the western side boundary for the residential component.

At the time of the consideration of the planning proposal for this site it was envisioned that the use of 601 Pacific Highway would remain commercial in nature, even in the event of the existing development being demolished and rebuilt. While it is not absolutely certain it would appear that the future use of this site will be predominately residential.



Figure 2: Typical tower floor plate (indicative only) source:

<https://www.planningportal.nsw.gov.au/major-projects/projects/shop-top-housing-601-pacific-highway-st-leonards>

- West – The site is bound by Christie Street to the west. Further west at 100 Christie Street is a newly proposed mixed use development of 39 storey (currently under assessment). St Leonards Railway Station is also located to the west.

Description of Proposal

24. Development consent is sought for the redevelopment of the site at 617-621 Pacific Highway, St Leonards for a 50-storey mixed-use development comprising retail and commercial uses within the podium, residential apartments above as well as basement car parking and loading and servicing areas

The application seeks consent for the following:

- Demolition of all existing buildings and structures on the site.
- Construction of a 50-storey mixed-use building with a maximum height of 180m (RL266.745) including retail, Community Arts Centre and commercial uses within the 6-storey podium, and residential apartments within the tower above.
- A maximum GFA of 26,962.39m² which equates to a maximum FSR of 25.4:1.
- Six (6) basement levels for parking, loading and servicing, storage and associated plant, services and utilities. The basement will comprise 72 residential car parking, 1 loading dock turntable and 253 bicycle spaces, as well as associated end of trip facilities.
- Consolidated vehicular access to the basement from Atchison Street.
- A Community Arts Centre has been provided within mezzanine to Level 2 and will be delivered as part of the Voluntary Planning Agreement (VPA).
- Landscaping on upper podium and roof terrace levels.
- Embellishment of the public domain area, including new paving and accent and groundcover along Pacific Highway, Christie Street and Atchison Street.

- The tower comprises a mix of residential apartments between Level 7 and Level 50. The proposed development includes 190 residential apartments as follows:
 - One-bedroom – 36 apartments (19%)
 - Two-bedroom – 104 apartments (55%)
 - Three-bedroom – 50 apartments (26%)



Figure 3: Site Plan (Source: BVN Architects)



Figure 4: Perspective of proposal as viewed from Pacific Highway Street (Source: BVN Architects)

27. 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 22m (below the existing ground level).

Tree removal

One (1) tree is proposed to be removed.

Built form

A 50-storey tower with a maximum height of RL266.74 and residential uses between Level 7 and Level 50 comprising a sculpted tower form with a strong horizontal façade expression.

A 6-storey lower level podium comprising predominantly retail uses at the ground floor and commercial uses from Level 3 to Level 6. At the mezzanine to Level 2, there will be a Community Arts Centre.

Landscaping

The streetscape will be upgraded to integrate with the existing public domain treatment and local council standards.

At level 5, two outdoor terraces will be provided on the eastern and western elevations of the proposed development. It will include awnings, outdoor seating areas and planters.

Retail and lobby

The podium component comprises of a lower ground floor retail and commercial offering with a retail tenancy and a commercial tenancy. The retail tenancy is envisaged to comprise a cafe / restaurant with a 'pop out' space being provided on Atchison Street to further activate this part of the site. The main entrance to the commercial and retail tenancy is via Atchison Street.

The upper ground floor offers a retail premises. The secondary entrance to the commercial and tenancy provided via Pacific Highway.

Community Arts Centre

Community Arts Centre is located within the mezzanine to Level 2. This will be dedicated to Council as part of the VPA

Commercial office

The remaining four floors within the podium will be delivered as commercial office tenancies. They will be flexible shells, with outdoor terraces provided on Level 5.

Vehicle Access, Parking and Servicing

Car parking for the proposed development is to be accommodated within six basement levels, with consolidated vehicular access from Atchison Street to the north. Cars will be transported between the basement levels via a two car lifts.

The proposed basement will comprise:

- Car parking – 72 car parking spaces, including:
 - 72 residential car parking spaces (including 16 accessible spaces and 4 small spaces)
 - No residential visitor car parking spaces
 - No commercial / retail / community facility car parking spaces
- Motorcycle parking – 8 motorcycle parking spaces
- Bicycle parking – 253 bicycle parking spaces including:
 - 209 residential bicycle spaces
 - 31 commercial / retail bicycle spaces
 - 13 community and art bicycle spaces
- 1 loading bay turntable for servicing

Background

Current Application

28. DA297/23 lodged with Council on 20 October 2023 seeking development consent for the redevelopment of the site at 617-621 Christie Street, St Leonards for a 50-storey mixed-use development comprising retail and commercial uses within the podium, residential apartments above as well as basement car parking and loading and servicing areas.

29. The subject application was notified on 23 November 2023 from 1 December 2023 to 19 January 2024. The application was renotified on 18 December 2024 from 3 January 2025 to 25 January 2025.

A total of one hundred and seventeen (117) submissions were received. These submissions are discussed later in this report.

30. On 12 December 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.

31. Sydney North Planning Panel (SNPP) Preliminary 'Kick Off' briefing undertaken on 13 March 2024, during which the following was discussed:

- Design Quality Principles
- ADG and NSDCP 2013 setbacks
- Over shadowing
- Landscaping
- Design Excellence Panel
- Waste management
- CPTED

32. On 3 May 2024 a request for additional information provided to the Applicant. The key issues of the RFI Letter are listed below:

- Eastern setback
- Landscaping
- VPA (community arts centre)
- Awnings
- Waste
- CPTED
- DEP
- Submissions

33. On 6 September 2024 the applicant provided a response to the request for additional information.

34. On 4 December 2024 the applicant provided further amended plans and additional information, including a Clause 4.6 request to the non-residential floor space ratio.

35. On 15 May 2025 the North Sydney Planning Panel resolved to defer the matter for reasons below:

'The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings listed at item 8 in Schedule 1.

At the public meeting on 14 May 2025, the Panel heard from members of the public, the Applicant and the Council. The Council's Draft reasons for refusal were discussed extensively and it became apparent to the Panel that further communication with Sydney Metro and discussion between Council and the Applicant may resolve four main points of concern (Sydney Metro concurrence, waste management, collar impact, amenity and the eastern setback).

Consequently, the Panel resolved to defer the determination of the matter to allow additional time to seek concurrence from Sydney Metro and for the provision of additional information listed below.

The decision to defer the matter was unanimous.

ACTIONS

To allow progression of the Development Application to determination, The Panel requested applicant and Council urgently meet in the next week to:

2. Resolve waste management arrangements;
4. Clarify solar impact on surrounding properties and solar access to the proposed development, particularly on the eastern elevation. In this respect, consideration of the impact of the future development on the IMB site should be considered;
5. Consider viable alternatives to increase the eastern boundary/setback;
6. Determine the status and anticipated date of Sydney Metro's concurrence.

By Friday 30 May, the applicant should provide Council with any additional information required to resolve the above points. Council is requested to provide a Supplementary Assessment Report and Draft Conditions as quickly as possible thereafter.'

36. On 18 June 2025 the applicant provided a response to the reasons for deferral (see below and attached).

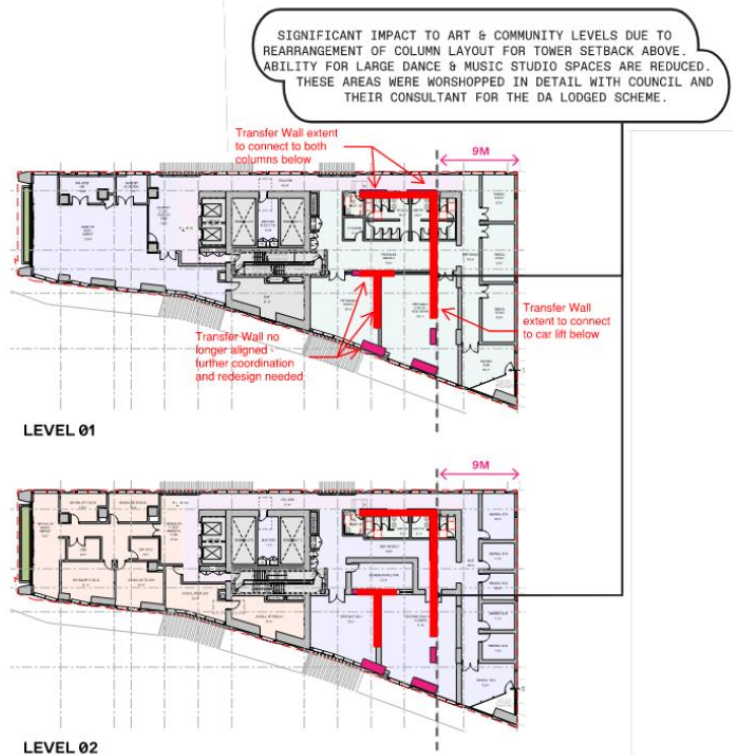
Actions	Response
1. Resolve waste management	As agreed with Council waste officer, Council is supportive of the proposed collection method. We also agreed that Council to condition that the bulky waste items need to be presented on the kerb for collection.
2. Clarify solar impact on surrounding properties and solar access to the proposed development, with consideration of the future development at 601 Pacific Highway	A consolidated architectural response package is linked below, which demonstrate: • New analysis to show that units on the western façade of 601 Pacific Highway is able achieve two hours of solar access between 12.15pm to 2.15pm. Accordingly, the proposal will not impact on the ability of 601 Pacific Highway to achieve solar compliance. • New analysis to confirm the units on the eastern façade of the subject site is able to achieve 2 hours of sunlight between 9am and 3pm. Therefore, solar amenity of the subject site is not impacted. • Solar impact on surrounding properties, including the public domain areas and to 500 - 520 and 524 – 542 Pacific Highway (south of the site) was submitted as part of the DA package, and is included in this package for completeness This package also includes some of the previously submitted view and visual analysis.
3. Consider viable alternative to increase the eastern boundary setback	The project team have considered and assessed a total of five options, which all increases the eastern setback. All the options were evaluated on planning, design and structural grounds. These are documented in the design Package attached. After careful consideration and weighing of the different options, the project team would like to nominate Option 4 as the preferred option, which increase the eastern setback by 0.8 – 1.1m for the entire eastern elevation. The greatest setback is 8.8m and the average eastern setback is increased to 7.56m. The separation distance between the subject site and 601 Pacific Highway will be increased to 18.8m and 20.8m. We believe this the best alternative, because: • Will address the separation concerns associated with the eastern

setback

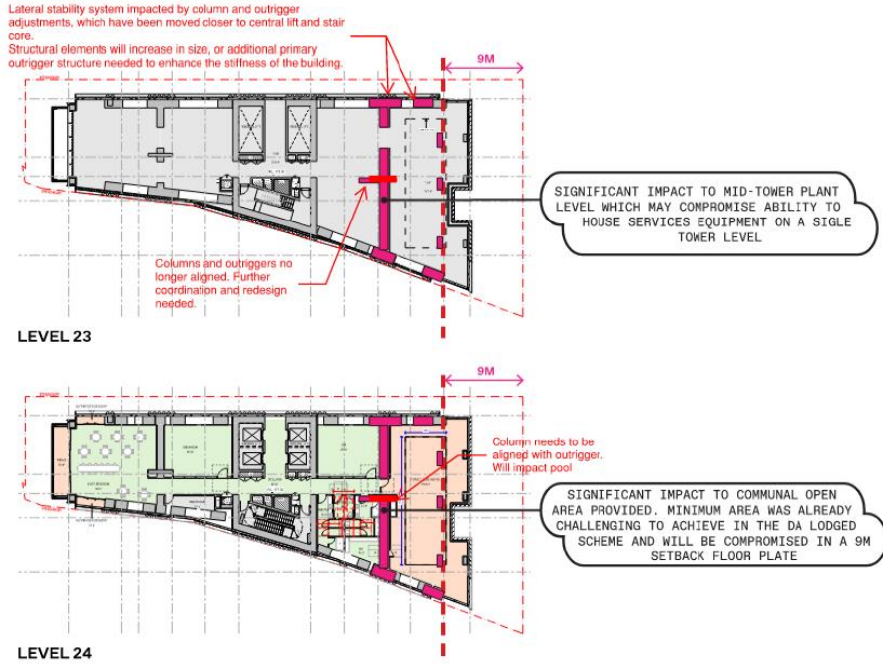
- Has the least implication on architectural language
- Will not impact on unit mix for housing diversity
- Will not impact on the quality of the amenity of the residential units.
- requires the least amount of engineering coordination
- ensure the development can continue to be financially viable.

All the other discarded options have been included in the design package, with justification as to why these were not nominated. The justification also includes preliminary structural advice, which is a crucial consideration for a development of this scale. A summary of the justifications are provided below:

- majority of these options (e.g. Options 1 and 1B) cannot be structurally supported without significant redesign of the entire building and wind modelling. The structural redesign will result in loss of communal area GFA and significant impact on the functionality of the Community Art Centre – see extract below.
- majority of these options (e.g. Options 1 and 1B) will result in the loss of three bedroom apartments on every level. The development then will only comprise 1 and 2 bedroom units, which do not respond to housing diversity.
- the efficiency of the floorplate will be reduced even further, making the development financially unviable.
- Options 2 and 5 have less of an average setback compared to the preferred option.
- The increased setback does not create noticeable/meaningful improvement to view sharing and street view.



: Extract from BVN setback options: Option 1/1B showing transfer wall impacts to communal spaces

	 LEVEL 23 LEVEL 24 Extract from BVN setback options: Option 1/1B impacts on Outrigger levels
4. Determine the status and anticipated date of Sydney Metro concurrence	Sydney Metro confirmed in an email last Friday that they are in the position to finalise concurrence subject to us providing the updated revision number and confirm that the cross-section drawing has been prepared by a surveyor. The project team has prepared this and issued to Metro last Friday.

Summary of response on the eastern setback matter:

We believe the DA as submitted have provided sufficient justification to demonstrate that the proposed eastern setback can adequately satisfy the relevant DCP objectives. It should be noted that the original DA scheme was already below the typical efficiency (per level) for a commercially viable project of this scale (which is typically at 75%). Anson, being the developer, is cautious about considering any further reduction of the floorplate that may significantly impact the buildability and viability of the project.

However, we value Council and Panel's feedback and we want to deliver a high quality outcome for the future occupants and a development that can positively responds to the anticipated future context. Therefore, we have explored alternative options to further increase the eastern setback.

At our last meeting (29 May), we presented option 4 to Council, which was not satisfactory. We have now presented additional options and conducted further design, planning and structural analysis to confirm their viability. The reason why we wanted to seek structural advice is because due to site constraint, the narrowness and height of tower, the development extremely structurally sensitive. Therefore, we wanted to make sure that any changes we are making to the floorplate can be structurally supported.

After careful assessment, we have concluded that option 4 is still the best alternative for the reasons outlined in the design package.

In conclusion, while maintaining the original DA proposed design is our preferred, Anson is willing to refine and further improve the proposal to reflect the setback proposed under Option 4. This option can be adopted without significant structural impact and with manageable architectural impacts. We would like to propose for this design amendment to be included as a condition of consent, so updates to the architectural plans can be co-

ordinated post approval.

Reasons for deferral

1. Resolve waste management arrangements;

37. The proposed waste management arrangements are generally satisfactory. Conditions of consent are recommended should the application be supported.

1. Clarify solar impact on surrounding properties and solar access to the proposed development, particularly on the eastern elevation. In this respect, consideration of the impact of the future development on the IMB site should be considered;

38. The applicant has provided a new analysis to show that units on the western façade of 601 Pacific Highway is able achieve two hours of solar access between 12.15pm to 2.15pm. The proposal will not impact on the ability of 601 Pacific Highway to achieve solar compliance.

39. The analysis also confirms the units on the eastern façade of the subject site is able to achieve 2 hours of sunlight between 9am and 3pm. Therefore, solar amenity of the subject site is not impacted.

SOLAR COMPLIANCE - EASTERN UNITS

YELLOW REPRESENTS AREA ACHIEVING 2 HOURS OF DIRECT SUNLIGHT ON JUNE 21, BETWEEN 9AM AND 3PM



Figure 5: Solar Compliance – Eastern Units (Source: BVN Architects)

40. The solar impact on surrounding properties to 500 - 520 and 524 – 542 Pacific Highway (south of the site) shows that as a result of the variation 38 units will be adversely impacted receiving less than 2 hours of sunlight.

41. The solar impact on other surrounding properties and open space is considered reasonable.

2. Consider viable alternatives to increase the eastern boundary/setback;

42. The applicant has provided five options including the original DA design and a structural review of setback options. The applicant has advised that the original DA design is their preferred option, noting option 4 is the preferred option of the additional information submitted.

28. The following design study by the applicant shows the indicative development potential for 601 Pacific Highway, illustrating how with the current DA lodged proposal for 617-621 Pacific Highway, that a 50 storey tower with a 24m ADG compliant building separation can be achieved, yielding approximately 600 residential dwellings. This study is based on the owner of 601 Pacific Highway's recent EOI submission to the Housing Delivery Authority, which proposes to deliver a total of approximately 600 dwellings. A potential building form is proposed, showing indicatively that 600 dwellings could be achieved on the 601 Pacific Highway site with the reduced Eastern setback on the 617-621 Pacific Highway site as per the lodged DA.

INDICATIVE FLOOR PLAN - 601 PACIFIC HIGHWAY

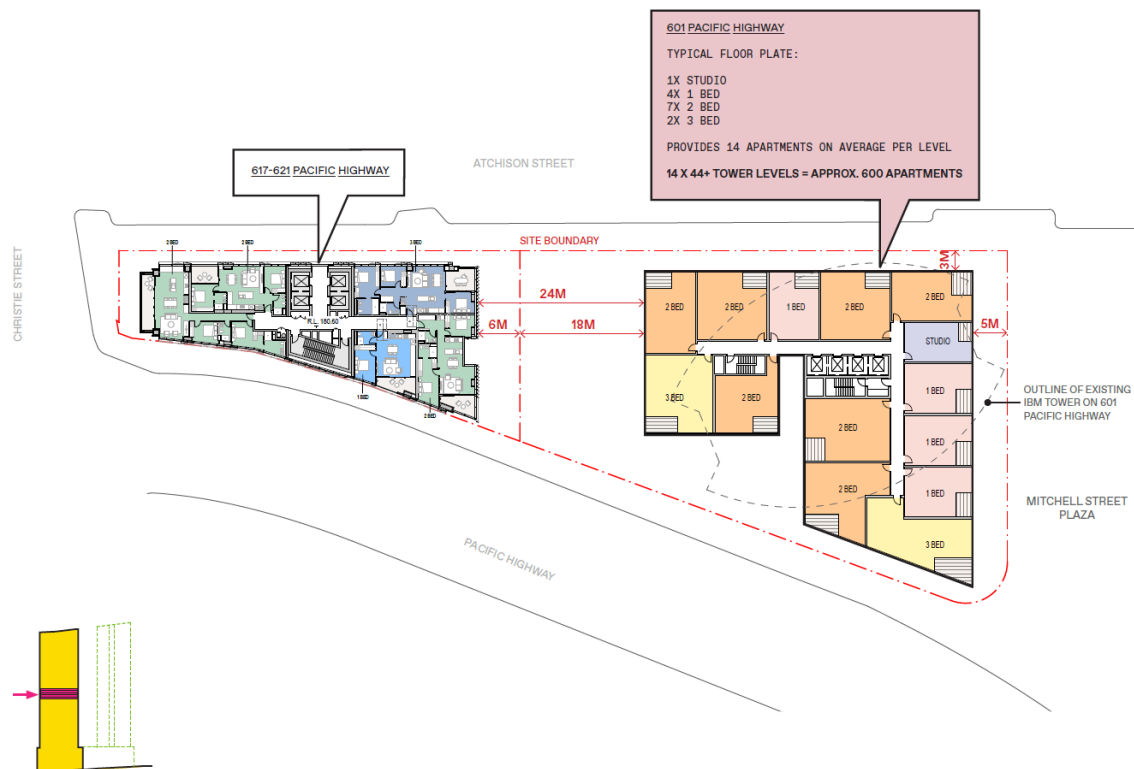


Figure 6: Indicative Floor Plan – 601 Pacific Highway (Source: BVN Architects)

29. The design study is based on the adjoining site no.601 Pacific Highway having a 18m side boundary setback. There is a current application at 601 Pacific Highway, St Leonards, State Significant Development (Ref: SSD-85848713) and concurrent rezoning proposal to enable the construction of a 52-storey shop top housing development. It is important to note that the proposed scheme provides compliant 12m setback to the western side boundary for the residential component with private open spaces facing towards the development site.

Further details are provided in the Scoping Report prepared by Urbis and available on the NSW Government Major Project portal.



Figure 7: Typical tower floor plate (indicative only) source:

<https://www.planningportal.nsw.gov.au/major-projects/projects/shop-top-housing-601-pacific-highway-st-leonards>

30. Option 1: Increase Eastern Tower Setback to 9m. The applicant provides the following response:

'Reason why this option is not pursued:

- *Loses the ability to provide 3 bedroom units, the development will only comprise 1 and 2 bedroom units, which will not contribute to housing diversity*
- *If we were to reconfigure the floor plate, and covert 1x2 bedroom unit with a 1 x1 bedroom unit for a 3 bedroom apartment, this will result a total of 4 units per level, which is extremely inefficient and costly to construct for a tower of this scale, and that the development will not be financially viable.*
- *Based on preliminary structural advice, this significant reduction to the floorplate affects the overall stability of the tower, and will impact on critical building structures, which require significant redesign of the entire building. This has flow on impacts to the following:*
 - *Will significantly impact the internal planning of the Community Art Centre, which will adversely impact on the functionality of these purposely designed space*
 - *Will reduce the provision of residential communal area.*
 - *Wind modelling will need to be undertaken which may result in further increases of structural columns'*

31. Option 1B: Increase North-Eastern Tower Setback to 9m, South-Eastern Tower Setback to Remain 6m. The applicant provides the following response:

'Reason why this option is not pursued:

- *Compared to Option 04, there is a significant impact to apartment mix. By being unable to provide 3 bedroom apartments, it is unable to meet the objectives of housing diversity.*

- *Similar to the preliminary structural advice that we received for option 1, this option will also impact on critical building structures and require significant redesign of the entire building. This in turn will reduce the provision of communal area and impact on the spatial planning of the Community art Centre*
- *Compared to Option 02 and 04, there's a large impact to the architectural form*
- *The South-Eastern corner setback is not reduced, meaning the tower width is the same as the lodged DA scheme when viewed from Pacific Highway'*

32. Option 2: Increase eastern setback to balconies only. The applicant provides the following response:

'Reason why this option is not pursued:

- *Provides less average setback to the shared boundary compared to the preferred option 04*
- *Will not be able to comply with ADG solar requirement'*

33. Option 3: Increase eastern setback by 0.8m, slab 'notched' around columns to further increase setback. The applicant provides the following response:

'Reason why this option is not pursued:

- *Compared to the preferred option 04, this option will have more significant impacts to the lateral structural system, which requires redesign and remodelling of the scheme against wind and structural requirement. This will also affect the architectural language of the Eastern facade. Refer to structural assessment on the following page.*

34. Option 4: Increase eastern setback by 800mm. The applicant provides the following response:

'Architectural Justification:

- *Setback has been increased by 0.8 – 1.1m along the entire eastern elevation. The greatest setback is 8.8m and the average eastern setback is increased to 7.56m. The separation distance between the subject site and 601 Pacific Highway is increased to 18.8m and 20.8m.*
- *Setback is increased at the south-eastern corner of the building, which will provide a slightly greater visual break when viewed from Pacific Highway*
- *The increased setback to the entire eastern elevation will reduce potential view impact for apartments to the north.*
- *The DA Lodged facade design intent to the Eastern elevation will not be compromised*
- *No impact on unit mix*
- *No impact to the amenity of the apartments, minimum ADG unit & room size, solar and cross ventilation is still achieved.*
- *Minor to moderate structural impact, which can be resolved post approval via condition of consent'*

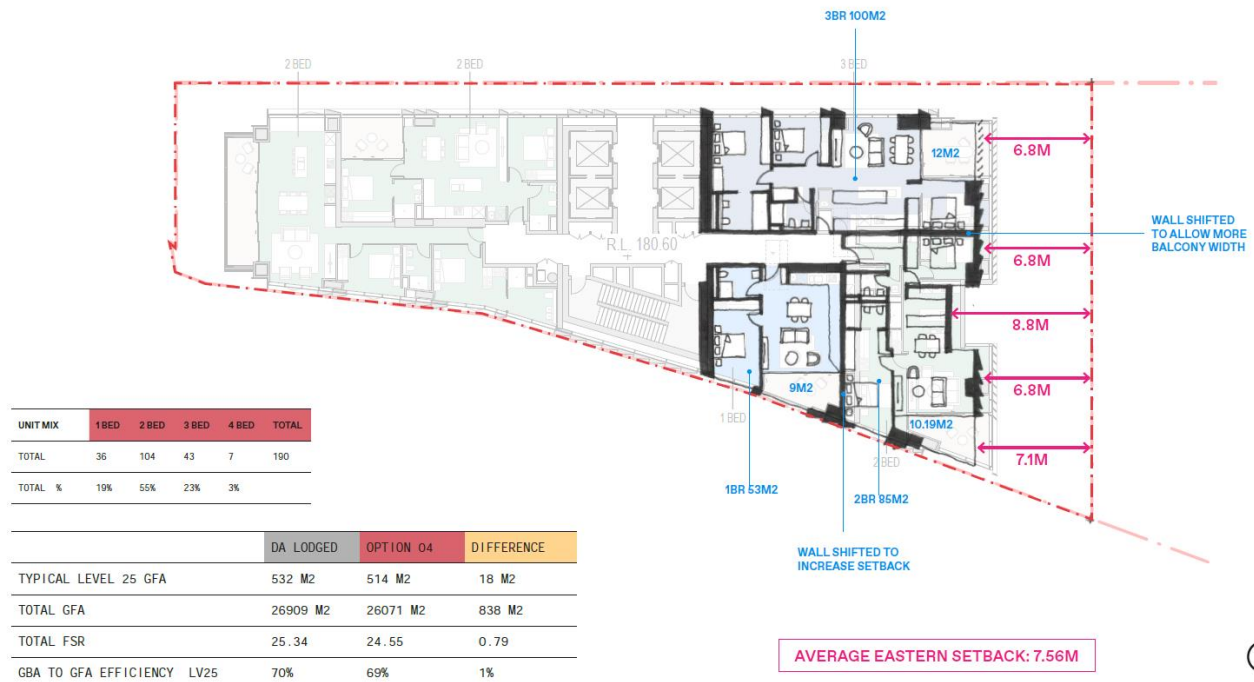


Figure 8: Preferred option 4 Level 25

28. Option 4 while improved, in effect still relies on borrowed set back from 601 Pacific Highway and will incorporate devices that are aimed at addressing the issues caused by the reduced set back arguably at the cost of the amenity of the effected apartment. This generally impacts substantially on one south east apartment, and moderately on another northeast apartment on a typical floor plan of 5 apartments.

29. Should the Panel support option 4, a deferred commencement condition is recommended to provide a complete set of architectural plans.

30. Option 5: Slab 'notched' around columns only to further increase setback. The applicant provides the following response:

'Reason why this option is not pursued:

- Provides less average setback compared to the preferred option 04 and creates structural challenges due to the engagement of columns to the slab. Refer to structural assessment on the following page'*

3. Determine the status and anticipated date of Sydney Metro's concurrence.

31. On 2 July 2025 Sydney Metro granted concurrence subject to conditions.

Statutory Framework

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

32. 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

33. This assessment is generally limited to the items as mentioned in the record of deferral and is to be read in conjunction with the previous assessment report.

State Environmental Planning Policy (Transport and Infrastructure) 2021

34. The following chapters are relevant to the proposal:

Chapter 2 Infrastructure

35. 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.

Clause 2.99 - Excavation in, above, below or adjacent to rail corridors

36. This clause requires development that involves the penetration of ground to a depth of at least 2m below ground level (existing) and above a rail corridor, the consent authority must give written notice of the application to the rail authority for the rail corridor to assess its impact. On 2 July 2025 Sydney Metro granted concurrence subject to conditions.

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

37. A compliant BASIX certificate has been submitted with the application.

38. The savings provision under clause 4.2 of the Sustainable Buildings SEPP states that:

4.2 Savings and transitional provisions

(1) This policy does not apply to the following—

(a) a development application submitted on the NSW planning portal but not finally determined before 1 October 2023,

39. The development application was submitted on the portal on the 27 September 2023; therefore, the Sustainable Buildings SEPP does not apply to this application.

40. Should the Panel support option 4, a condition is recommended to provide an amended BASIX Certificate.

State Environmental Planning Policy (Planning Systems) 2021

41. 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.

42. In this case the Sydney North Planning Panel is the consent authority for the subject development application.

North Sydney Development Control Plan 2013 (NSDCP 2013)

43. 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>
2.5.9 Garbage Storage area within 2m of street or laneway boundary	Yes – conditions	Conditions are recommended should the application be supported to ensure waste management arrangement are satisfactory.

Local Infrastructure Contributions Plan

44. 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. This is based on what is required for the new mixed use development less an allowance for existing development.

s7.11 contribution

Open space and recreation facilities:	\$1,959,624.07
Public domain:	\$944,654.46
Active transport:	\$53,919.18
Community facilities:	\$393,599.10
Plan administration and management:	\$50,073.91
Total:	\$3,401,870.73

All Likely Impacts of the development

45. All likely impacts of the proposed development have been appropriately considered by this report and the previous assessment 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

Application Referrals

External Referrals

Sydney Metro

46. The application was referred to Sydney Metro in accordance with Clause 2.99(3) of State Environmental Planning Policy (Transport and Infrastructure) 2021. Concurrence was granted on 2 July 2025 subject to conditions.

Conclusion and Reasons

47. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. The proposal is considered to be an unreasonable intensification of the site. It is considered that the proposal represents an unacceptable planning and design outcome for this site primarily due to the reduced tower setback from its eastern boundary. The proposal will adversely affect both the character of development in the street, the immediate locality and the residential amenity of the area which has significantly evolved since the commencement of the Planning Proposal process 7 years ago.

48. The proposal is inconsistent with various design quality principles of State Environmental Planning Policy (Housing) including context and neighbourhood character, built form and scale, and amenity.

49. The current proposal results in a 44 storey facade located 6 meters from its common boundary with 601 Pacific Highway. While that site is significantly larger than this site and

is less constrained, this setback has the potential to impact on any future redevelopment of that site.

50. The amended scheme outlined in the applicants preferred option 4, does improve this setback to an average of 7.1 meters with a minimum of 6.9 meters. If the panel is of a view this revised scheme merits support, it will be necessary to impose a deferred commencement condition to that effect or alternatively, formally call for amended plans.
51. If the panel is of the view the original plans should be favored, then a deferred commencement consent is appropriate providing for activation upon the receipt of Metros formal concurrence.
52. The Council's notification of the proposal attracted a total of one hundred and seventeen (117) submissions. The concerns raised have been considered and addressed and do warrant refusal of the proposal.
53. In terms of setbacks the formally lodged plans remain those as lodged.
54. Following assessment of the development application, the development remains recommended for **refusal**.

DETERMINATION

55. THAT the Sydney North Planning Panel, as the consent authority, approve the written request for a variation under Clause 4.6 of North Sydney Local Environmental Plan 2013, in relation to the Non-residential floor space ratios (Clause 4.4A) as the variation sought is considered to be well founded.
56. THAT pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) the Sydney North Planning Panel refuse the development consent to DA297/23 for the redevelopment of the site at 617-621 Christie Street, St Leonards for a 50-storey mixed-use development comprising retail and commercial uses within the podium, residential apartments above as well as basement car parking and loading and servicing areas on Lot 1 DP DP1022881, Lot 1 DP577070, Lot 1 DP455937 and Lot 2 DP455937 and known as 617-621 Pacific Highway, St Leonards for the reasons set out in Attachment 1.