Mr Tony Polvere

**Original signed by: on:**

PPD Planning Consultants

Suite 407 5 Warayama Place

ROZELLE NSW 2039

YH (CIS)

5 April 2017

Dear Mr Polvere

**Re: Concept for 23-35 Atchison Street, St Leonards**

Thank you for submitting a preliminary concept proposal for the above site via email on 14 March 2017.

Council understands the site falls within a larger landholding owned by your client. As you are aware, the combined landholdings have been identified in the St Leonards/ Crows Nest Planning Study as an area that may be subject to a precinct-wide masterplan. Council is of the view that a masterplan may identify a broader range of opportunities for the precinct and provide some design flexibility and that may benefit your client. Accordingly, you are encouraged to work with Council to prepare a masterplan for the area.

Notwithstanding, if you wish to pursue a planning proposal for the above site, we provide you with the following comments on the concept proposal that require further consideration. This advice has regard to:

* North Sydney Local Environmental Plan (LEP) and Development Control Plan (DCP)
* St Leonards / Crows Nest Planning Study - Precincts 2 and 3 (Planning Study)
* Crows Nest Placemaking and Principles Study (CNPP Study)
* Draft Public Domain Upgrade Report – St Leonards (2015)
* Apartment Design Guide (ADG)

1. **Isolation of 21 Atchison Street**

The Planning Study states that planning proposals that isolate a site, will not be supported on the grounds that the proposal does not represent the orderly development of land. Where there is concern that a site may be isolated, the proponent will be required to submit a scheme that demonstrates the development capacity of that land has not been adversely affected to Council’s satisfaction.

Further, Council’s planning controls for the area support a four-storey podium and slender residential towers with appropriate side setbacks that achieve the Apartment Design Guide privacy, ventilation, sunlight, daylight access and outlook objectives. This is particularly critical for east/west running streets to enable sunlight to reach properties to the south.

The proposal notes that 21 Atchison Street is an isolated site. It suggests an 8-9 storey development could be developed on the site with nil setback to the eastern and western lot boundaries.

In conjunction with 23-35 Atchison Street, 21 Atchison Street and Nexus Apartments, this would create, in effect, an 8-9 storey street wall that extends almost 85m in length along Atchison Street with tower elements above this. This represents a significant departure from Council’s planning controls. Further, it would create apartments of exceptionally poor residential amenity and result in poor solar access to apartments to the south.

Accordingly, Council is of the view that the concept proposal does not represent an orderly development of land.

*Actions:*

* *The proponent is encouraged to continue negotiations with 21 Atchison Street and incorporate the site into the scheme.*
* *Alternatively, if negotiations are unsuccessful, the concept proposal for 23-35 Atchison Street is revised to have full regard to the principles and separation requirements of the ADG assuming the future development 21 Atchison Street with nil side setbacks.*

1. **Nil podium setback along Atchison Street fails to achieve public domain objectives**

The Planning Study and the DCP identify a 3m whole of building setback along Atchison Street. The objective of the setback is to create a sense of space and openness at the transition point from the high density residential to the dedicated mixed use development leading up into the core of St Leonards. The planned public domain upgrades for the area propose to use the setback to create terraced areas that deal with the significant slope of the land and enable al-fresco dining at ground level.

The proposal incorporates an upper podium (above ground floor) to be built to the lot boundary with a 3 metre colonnade proposed to the Atchison Street frontage of the site.

Council is of the view that the proposal’s ground level setback will create a low amenity ground level pedestrian environment along Atchison street due to poor solar access to a partially enclosed ‘undercroft’ environment. The lack of solar access derived from a one-storey ground level setback and colonnade may also be perceived by pedestrians as a safety concern. This detracts from the Planning Study’s objective to provide safe and engaging streets.

*Actions:*

* *The proposal is to be amended to incorporate a 3m whole of building setback.*
* *The revised proposal should have regard to the streetscape upgrade plans for Atchison Street in the Draft Public Domain Upgrade Report – St Leonards.*

1. **Proposal requires a distinct tower element**

The tower apartments (podium) typology as described in the ADG is the preferred built form for a building of this scale. This form will allow greater solar penetration through to Albany Lane and buildings (including any future redevelopment) to the south.

The proposal consists of a 3-4 storey podium and above podium development of 8-16 storeys, of which the 8 storey element has a nil setback from 21 Atchison Street site to the west.

As discussed above, this is not supported as it will create a “wall” of high-rise buildings above the podium, that would be exacerbated should the redevelopment of 21 Atchison Street occur as per the concept plan the future. The 0 metre setback to the west detracts from a distinct tower element and will cause an unacceptable level of overshadowing to the south.

*Actions:*

* *The proposal is revised to reflect a tower apartment (podium) typology without the 8 storey “bridge connector” to the west.*
* *The proposal demonstrates how ADG separation distances for the resultant above podium tower form have been applied to the west.*

1. **Separation or articulation along Albany Lane to be further considered and FSR adjusted**

For buildings over 8 storeys, the ADG recommends separation distances of between 12-24 metres. It also recommends maximum apartment depths of 12-18 metres. This ensures a fair and reasonable residential amenity of existing and proposed dwellings through enhanced privacy, better solar access and ventilation.

Fifty percent of the required tower separation should be met on the subject site. This ensures any future development of the southern site will not be burdened by additional separation requirements.

Given the east/west orientation of the tower, it is assumed the southern face will support habitable rooms. Accordingly, at a minimum, the tower must be located 12 metres from the centre line of Albany Lane, although this separation distance alone will not resolve SEPP 65 design considerations in relation to the Encore and Aria apartments to the south.

The proposal suggests an 18 metres separation distance can be achieved between the tower and the upper floors of Encore and Aria. It is unclear from the plans submitted to Council whether the tower is located a minimum of 12m from the centre line of the lane.

The tower element of the proposal appears to be in the order of 24 metres in depth, significantly exceeding the ADG recommendations. If the 3 metre whole of building setback to Atchison Street is applied (discussed in item 2), a 21 metre depth is achieved. This allows another 3-9 metres to setback and/or articulate the tower to resolve SEPP 65 design considerations to the southern properties.

Accordingly, there appears to be scope to improve the internal amenity of the tower and the relationship to the southern properties. This will result in a more accurate estimate of an achievable FSR on the site.

*Actions:*

* *The proposal is revised to reduce the tower depth to a maximum of 18 metres and/or show how articulation of the tower form will achieve an appropriate level of internal amenity and address SEPP 65 design considerations to the southern properties and amend the FSR estimate accordingly.*
* *Please submit plans at 1:200 at A3 that demonstrate the tower is located at least 12 metres from the centre line of the lane.*
* *Please submit an indicative floor plan layout for the tower.*
* *Please submit a statement addressing how the built form design will achieve SEPP 65 design considerations.*

1. **Potential to increase non-residential floor space near the planned metro station**

Following the announcement of a new metro station in Crows Nest, in December 2016 Council endorsed the Crows Nest Placemaking and Principles Study. The CNPP Study will inform Council’s review of the Department of Planning & Environment’s draft Land Use and Infrastructure Strategy, when exhibited later this year.

Principle 2 of the CNPP Study is to “Enhance employment and activity”. The principle is to be achieved in part by encouraging new commercial buildings within 400 metres of the metro station and filling podiums of new, mixed use buildings with employment-related floor space.

The concept proposal includes three non-residential levels and one residential level in the podium, resulting in a non-residential FSR of 1.5:1. This is consistent with the Planning Study but inconsistent with the more recent CNPP Study.

Council is strongly of the view that the Auswin landholding should support a significant level of employment given its proximity to St Leonards station and the new metro station.

In addition, it is considered that podium level apartments are generally of low amenity and will be subject to a high level of scrutiny by Council’s Assessments Team and the Design Excellence Panel at any future development application stage.

There is also concern that podium apartments are likely to detract from the commercial identity of the podium. The site is located within the area earmarked to become the ‘creative quarter’ of St Leonards. To this end, full podiums of non-residential uses are encouraged to transform the area into a cosmopolitan, mixed use precinct offering greater activity and services.

*Actions:*

* *The proposal is revised to incorporate a 4-storey non-residential podium.*
* *Please submit a comparison of the residential and non-residential yield that can be achieved under the current planning controls with the revised scheme that incorporates the above amendments.*

1. **Potential to provide a through site link**

The Planning Study recommends creating new north south pedestrian links to improve the permeability of the area, create more publicly accessible spaces and enhance the character of the precinct with more active and diverse retail offerings.

The proposal has an uninterrupted podium from 21 Atchison Street to Oxley Street (approximately 60m) on a block that measures approximately 175 metres long.

Whilst not identified in the Planning Study, an open air laneway on this site would join up to the new link being provided by 22-28 Albany Street. It would enable diverse ground floor tenancies on multiple frontages that would potentially add value to your client’s site.

The laneway would contribute to the non-residential FSR requirements for the site and be considered a public benefit by Council.

*Action:*

* *The proponent is encouraged to consider the inclusion of an open air laneway, approximately 6m wide, along the western end of the site.*

1. **More information needed on the concept scheme’s interaction with the ground plane**

The proposal provides schematic elevations and sections that indicate the sloping terrain will be an issue for this site. There is very little information provided in regards to how tenancies, and entrances to the building will meet the ground plane. This is important to establish an accurate height control.

*Action:*

* *Please submit a ground plane design that shows:*
  + *entry points to the retail tenancies, commercial floors and residential apartments*
  + *car access*
  + *any open air laneway.*

*The revised proposal should have regard to the streetscape upgrade plans for Atchison Street in the Draft Public Domain Upgrade Report – St Leonards.*

1. **Over provision of parking spaces**

Please note maximum parking rates in the DCP 2013 have been amended and that Council is actively promoting walking, cycling and public transport use.

*Action:*

* *Please update the estimated parking spaces for vehicles in accordance with the revised DCP 2013 rates and ensure allowance is made for substantial bicycle storage facilities in the development.*

1. **Additional information required for consideration by the Design Excellence Panel**

Once the concept proposal has been amended in line with the above advice, please provide the following, in-line with the design principles for building height under the Planning Study:

* *Accurate, year round shadow diagrams showing how the built form maximises sunlight access to the streets, Oxley Street linear park and nearby residences;*
* *Context plan demonstrating how the proposed built form envelope reinforces the desired character of the area; and*
* *Landscape plan that demonstrates how the proposal will create a safe, comfortable, accessible, vibrant and attractive public realm and pedestrian environment.*

Thank you again for submitting your preliminary designs. Please be aware that that a Voluntary Planning Agreement offer should be made in conjunction with any future Planning Proposal lodged with North Sydney Council. We look forward to working with you.

If you have any further questions, please contact Yi Ho, Strategic Planner – Urban Design or myself on 9936 8100.

Yours sincerely

**MARCELO OCCHIUZZI**

MANAGER STRATEGIC PLANNING