

8 April 2019

Mr Jim Betts  
Secretary  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Architecture  
Urban Design  
Planning  
Interior Architecture

**Attention: Joel Herbert, Planning Officer Sydney Region East**

**RE: 55-89 Chandos Street and 58-64 Atchison Street, St Leonards  
Rezoning Review for Planning Proposal**

Dear Mr Betts,

I write on behalf of our client TWT Property Group, the landowners of 55-89 Chandos Street and 58-64 Atchison Street, St Leonards (the Site).

Our client is seeking a Rezoning Review for a Planning Proposal submitted to North Sydney Council on 3 September 2019. The Planning Proposal relates to the proposed redevelopment of the site to allow for a new mixed-use development comprising residential, commercial and community uses. The Rezoning Review is being sought as Council has resolved on 25 February 2019 to not support the Planning Proposal.

This Planning Proposal has come about in response to an identified need to redevelop the site, in an area that is undergoing rapid change. The site presents a rare opportunity to redevelop a large, consolidated and relatively unconstrained site in St Leonards, with a total site area of 5,654m<sup>2</sup>.

The consolidated site presents a remarkable amalgamation of thirteen (13) commercial properties acquired over a number of years and offers one of the best opportunities in St Leonards for a very significant development.

The site has a long history with Council and the Department of Planning and Environment (DPE), which begins with an initial Planning Proposal that was endorsed by the DPE and referred to the Joint Regional Planning Panel (JRPP) in November 2015. Since then, the area has been subject to a number of significant strategic and transformational changes such as the announcement of the Crows Nest Metro Station and the St Leonards and Crows Nest Planned Precinct, making the site suitable for renewal and development uplift.

This letter provides an overview of this Planning Proposal, including the site and its context, the strategic and site-specific merit and the consultation undertaken to date with Council. It also provides a response to Council's resolution and recommendations made by the North Sydney Local Planning Panel. Please find enclosed with this letter:

- A hard copy of the Planning Proposal and supporting documentation (Attachment 1)
- A hard copy of the submission to the St Leonards and Crows Nest Draft Planning Package (Attachment 2)
- A signed Rezoning Review Application Form;
- A bank cheque for the \$20,000 application fee for the Rezoning Review made out to NSW Department Planning and Environment; and
- A USB containing all relevant documentation.

Architectus Sydney  
Level 18 MLC Centre  
19 Martin Place  
Sydney NSW 2000 Australia  
T +61 2 8252 8400  
F +61 2 8252 8600  
sydney@architectus.com.au  
www.architectus.com.au

Adelaide  
Auckland  
Brisbane  
Christchurch  
Melbourne  
**Sydney**

Architectus Group Pty Ltd  
ABN 90 131 245 684

Nominated Architect  
Managing Director  
Ray Brown  
NSWARB 6359

## 1. The site

The subject site is known as 55-89 Chandos Street and 58-64 Atchison Street, St Leonards. Situated on two blocks, the site benefits from three frontages, bound by Chandos Street to the north, Oxley Street to the east and Atchison Street to the South. Atchison Lane lies between the two sites and is where majority of the current buildings are serviced with access to basement car parking.

The consolidated site comprises sixteen (16) separate lots, with a total area of 5,654 square metres. Refer to **Figure 1**. A list of these properties and their legal description is outlined in **Table 1** overleaf.



**Figure 1 - The Site**

The site presents a large, consolidated land holding under the one ownership in St Leonards.

Source: Nearmaps, with Architectus edits, 2018

**Table 1 - List of properties**

No.	Address	Lot	DP
1	55-61 Chandos Street	Lot C	DP 172499
2	55-61 Chandos Street	Lot 1	DP 927407
3	63-65 Chandos Street	Lot 1	DP 104816
4	67-69 Chandos Street	Lot 10	DP 877196
5	71-73 Chandos Street	Lot 1	DP 900998
6	75 Chandos Street	Lot 1	DP 115581
7	79 Chandos Street	Lot 28	DP 455939
8	79 Chandos Street	Lot 29	DP 455939
9	83-85 Chandos Street	Lot B	DP 443166
10	83-85 Chandos Street	Lot A	DP 443166
11	87 Chandos Street	Lot 31	DP 2872
12	89 Chandos Street	Lot 32	DP 2872
13	64 Atchison Street	Lot 1	DP 1029839
14	62 Atchison Street	Lot 2	DP 1029839
15	60 Atchison Street	Lot 3	DP 1029839
16	58 Atchison Street	Lot 4	DP 1029839

### 1.1. Local context and surrounds

The site is located on the corner of Chandos, Oxley and Atchison Street, located in St Leonards Centre, characterised by range of high density, mixed use buildings including commercial, residential and retail uses.

The site forms part of the St Leonards Creative Arts Precinct, comprising 4,500 square metres of creative arts floorspace which provides a range of art studios, creative retail, gallery and community facilities including subsidised rents to the local creative community.

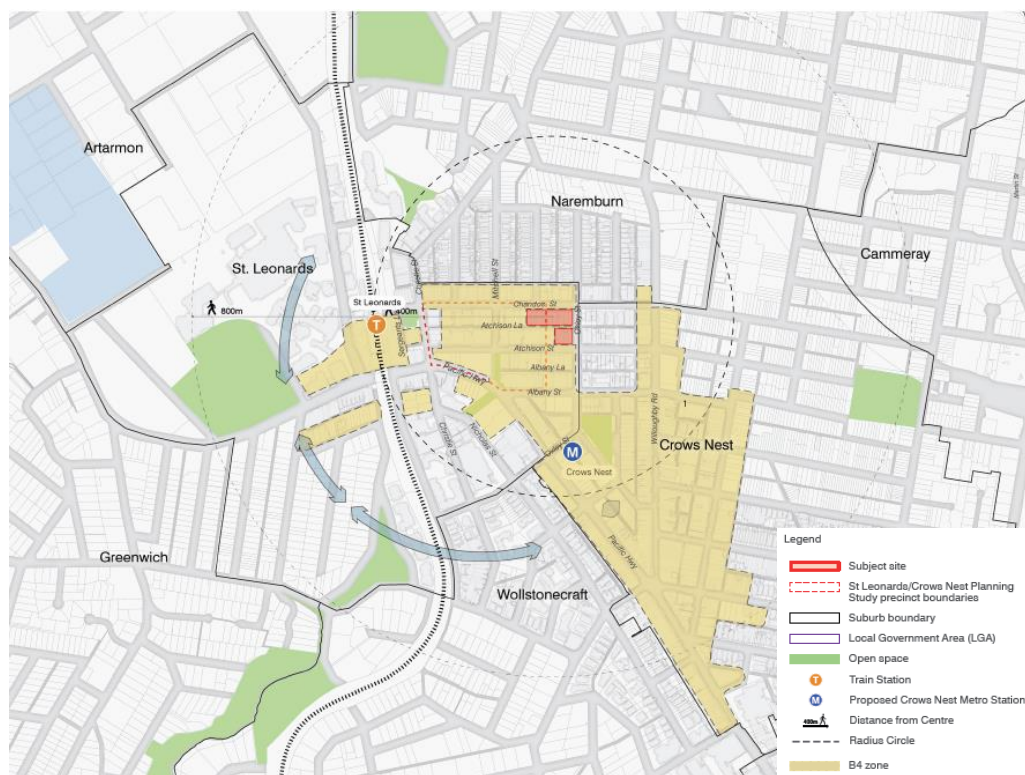
To the north of the site, on the northern side of Henry Lane is the Naremburn Heritage Conservation Area, located in Willoughby LGA which comprises mostly one and two storey residential dwellings.

The block to the east of the site, between Oxley Street and Willoughby Road contains a range of mixed-use buildings with building heights up to 6-storeys.

The entrance to the Crows Nest Metro Station is located approximately 230m south of the site, at the intersection of Oxley Street and Clarke Lane.

The site is well serviced by a number of important education and health services and infrastructure in proximity to the site including Royal North Shore Hospital, St Leonards TAFE, North Sydney Boys High School and North Sydney Girls High School.

The site is also located in proximity to a number of existing and proposed open spaces including Gore Hill Park, Naremburn Park, Newlands Park, St Thomas' Rest Park and St Leonards Park.



**Figure 2 - Local context**

## 1.2. Regional context

The site is located in St Leonards Centre, approximately 5km from Sydney CBD. Over the last 5 years, the St Leonards Crows Nest area has been earmarked for significant change and revitalisation.

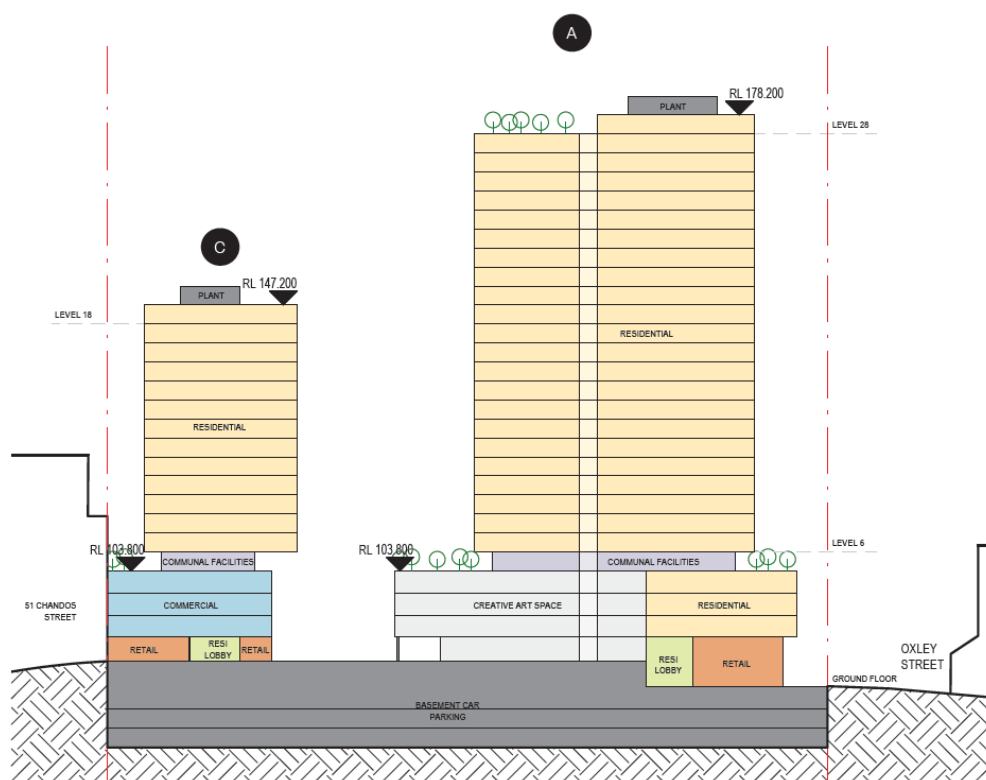
St Leonards Centre is a major employment and mixed-use centre bound by Oxley Street to the south and east, the Royal North Shore Hospital to the west and Henry Lane to the north. St Leonards is identified as a metropolitan centre, commercial office and health and education precinct in the *Greater Sydney Region Plan and North District Plan*. The *Greater Sydney Region Plan* also recognises St Leonards Crows Nest as a Planned Precinct with capacity for up to 7,525 new dwellings, as outlined in the *St Leonards and Crows Nest Draft 2036 Plan (the Draft 2036 Plan)*. The Draft 2036 Plan also sets a job target, in line with the North District Plan of 16,500 jobs for the Precinct, which includes a target of 4,570 jobs for St Leonards by 2036.

St Leonards is well connected to its surrounding cluster of strategic centres, such as Chatswood to the north, and North Sydney and Sydney CBD to the south. This accessibility will be further improved with the arrival of its second train station, providing improved travel time and accessibility to nearby centres including Chatswood (4mins), Barangaroo (5mins) and Martin Place (7mins).

## 2. The Planning Proposal

The intended outcome of the Planning Proposal is to amend the North Sydney Local Environmental Plan (LEP) 2013 to enable additional height and density on the site to support a successful, high quality mixed-use and creative arts precinct.

As a basis of a Planning Proposal, an architectural concept design has been prepared by Architectus which is indicative of how the site might develop. An artistic impression of the architectural concept is provided overleaf at **Figure 3**.



**Figure 3 – A Section through the Site parallel to Atchison Lane**

Source: Architectus, 2018

The key elements of the architectural concept design that underpins the Planning Proposal are:

- Around 438 new residential apartments
- Around 1,650 square metres of retail floor space
- Around 3,258 square metres of commercial floor space
- Up to 4,000 square metres of creative arts space located in the podium levels of the mixed use buildings for the benefit of the broader community
- A new, 700 square metre public accessible plaza which will create an urban oasis and place for community events
- A new through site link created through a mid-block connection between Chandos Street and Atchison Lane
- New vibrant, active street frontages along Chandos Street and Oxley Street through delivery of a linear park
- Up to 10% affordable housing.

To achieve this design-led outcome, the Planning Proposal seeks to amend North Sydney LEP 2013 to:

- Introduce a new maximum floor space ratio control to allow up to:
  - 8.7:1 for Tower A
  - 9.1:1 for Tower B
  - 7.9:1 Tower C
- Increase the minimum non-residential floor space ratio from part 0.6:1 and 1:1 to:
  - 1.6:1 for Tower A
  - 2.5:1 for Tower C
  - No increase in non-residential FSR is proposed for Tower B
- Increase maximum building height from part 20m and part 30m to site-specific building heights to allow maximum building height for up to:
  - 101m for Tower A
  - 85m for Tower B
  - 67m for Tower C
- Introduce a new site-specific clause under Division 2 General Provisions to deliver up to 4,000 square metres of community facilities across the site.

## 2.1 Need for the Planning Proposal

Drawing on both local and state planning strategies, technical consultant reports prepared for this Planning Proposal and the indicative architectural concept for the site, Architectus has identified the need to increase density and building height due to the sites strategic locational advantage in proximity to existing jobs, services and public transport infrastructure.

The site currently contains thirteen (13) commercial buildings which are approaching the end of their economic life, with the oldest building dating back to the 1960s. Given the site's age and lower grade stock there is an opportunity for the site's redevelopment as a mixed-use development to deliver higher quality residential apartments and commercial floor space and to provide a range of benefits in St Leonards.

In addition, the above the site presents a rare opportunity to facilitate the renewal of one of the largest, consolidated sites in St Leonards, which must capitalise on the existing and planned transport capacity and infrastructure. As one of the few strategic centres with two rail stations, density must be maximised to provide the state with a significant return on investment through the potential uplift in height and floor space.

## 2.2 Public benefits

Under Section 7.4 of the EP&A Act, a proponent may enter into a Voluntary Planning Agreement (VPA) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that the Proponent and North Sydney Council will enter a planning agreement regarding the proposed public benefits outlined in the



letter of offer attached to this Planning Proposal. The letter of offer to enter a VPA with North Sydney Council opens discussions with Council about the delivery (timing and realisation), management and ownership of the proposed public benefits.

The letter of offer forms part of the Planning Proposal. Refer to Attachment I. Each of the benefits are further outlined below.

- **Up to 4,000m<sup>2</sup> of art gallery, museum and creative co-working spaces** to be delivered in the podium levels in one of the mixed-use buildings. It is proposed that this facility be leased to a not-for-profit entity with a defined charter for the lease and management of the space to 'creative industry' for a minimum period of 20 years;
- **Delivery of a new 700m<sup>2</sup> public plaza** along Chandos Street, with opportunity to align and connect with a future through site link from Atchison Lane to Atchison Street. The proposed public plaza will provide a new breakout space for urban relief and passive recreation. It will also provide proposed spill out space for the proposed community facilities / creative arts space during key events, creating a local gathering point for the community;
- **Contribution towards delivery of a linear park** through a 5-metre setback along the western side of Oxley Street. This is an important green link and connection identified by Council, to increase open space and promote better connections in St Leonards; and
- **Up to 10% affordable housing** for a period of 20 years.

### 3. Assessment criteria (strategic and site-specific merit)

#### 3.1. Does the proposal have strategic merit?

Yes. As outlined in Section 6.2 of the Planning Proposal at **Attachment 1**, the Planning Proposal is consistent with the relevant strategic plans including the Greater Sydney Regional Plan, the North District Plan, and the Future Transport Plan 2056.

In summary, we believe the Planning Proposal is justified by the following key strategic drivers:

- It responds to a change in circumstances being:
  1. The significant investment in rail infrastructure. The site is located 230m from the entrance of the Crows Nest metro station, which presents significant opportunity to maximise height and density within walking distance to public transport.
  2. It also responds to the State Government's strategic planning investigation for the area as a Planned Precinct.

The following sections summarises the sites strategic merit, against each of the criteria established by the DPE.

#### 3.1.1 *Is it consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?*

The Planning Proposal has strategic merit based on the following reasons:

- The **Greater Sydney Region Plan** identifies St Leonards as a metropolitan city centre within the Eastern Economic Corridor. High densities and mixed-use development are considered to be of strategic importance for St Leonards, whilst ensuring the centres commercial presence is protected and not compromised. This is further noted in the

**North District Plan**, recognising St Leonards as a major commercial office precinct with key priorities for the centre to deliver additional employment capacity and grow jobs in the centre. This is reinforced in the Planning Proposal through the provision of up to 8,907 square metres of non-residential floor space across the site, which equates to around 342 jobs. While the future job creation will not fully mitigate the loss of 11,515 square metres of office NLA that is currently provided on site, the Planning Proposal will deliver other significant economic benefits such as an improved quality of commercial floor space with opportunity for a variety of job types suitable for its locality, i.e. supporting health and education services. Furthermore, the Planning Proposal is compliant with the minimum non-residential FSR requirement under the North Sydney LEP 2013, as well as the proposed minimum non-residential FSR under the *Draft 2036 Plan*.

- The **Future Transport Strategy 2056** recognises Sydney Metro at Crows Nest as a 'game-changing piece of rail infrastructure' which will bring increased jobs, housing and more people to the area. Future development on this strategically important site has the potential to contribute to and enhance connections via improved active transport connections including both walking and cycling to the future Metro Station, which has an entrance within 230m of the site. This is an exceptional benefit, which should be realised through the provision of additional uplift.

**3.1.2** *Is it consistent with a relevant local council strategy that has been endorsed by the Department?*

There is no local strategy endorsed by the Department that applies to the site.

**3.1.3** *Is it responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?*

Yes. The fundamental strategic merit of this Planning Proposal is that it relates specifically to a change in circumstances, being the announcement of the Crows Nest Metro Station and the State Government's strategic planning investigation of the St Leonards and Crows Nest Planned Precinct, that is not recognised by the existing planning controls or those that are proposed under the Draft 2036 Plan.

**Response to investment in new infrastructure**

The Site is located 230 metres (two short street blocks) from the northern entry of the new Crows Nest metro station. The largest travel time savings will be experienced by people travelling from Crows Nest metro station, which will see improved travel times and accessibility to nearby centres including Chatswood (4mins), Barangaroo (5mins) and Martin Place (7mins).

As stated on pg.54 of the Chatswood to Sydenham Environmental Impact Statement (EIS), the Sydney Metro provides opportunity for urban renewal around the proposed stations, through the application of transit orientated principles that support government objectives to achieve a more sustainable and efficient use of land to meet Sydney's Growth.

At an investment of \$20 billion, coupled with the site's proximity to the new metro station, presents a unique opportunity for the site to be maximised to provide the state with a significant return on infrastructure investment through the proposed uplift in height and density.



### **Response to planning for the St Leonards and Crows Nest Planned Precinct**

Since submitting this Planning Proposal to North Sydney LEP 2013 in September 2018, the DPE has released the Draft Planning Package for St Leonards and Crows Nest. The Draft Planning Package was on exhibition for public comment from 14 October 2018 until 08 February 2019 and was therefore not addressed as part of the original Planning Proposal documentation submitted to Council on 03 September 2018.

On the 08 February 2019, Architectus on behalf of TWT Property Group made a submission to the Draft Planning Package, recommending the site be classified as a "Significant Site".

As demonstrated in the submission at **Attachment 2**, our recommendation to the Draft 2036 Plan was to classify the site as a "Significant Site", which does not have any recommended height or floor space controls, and instead would be subject to a design excellence process.

We believe this is the best outcome for the site, which is consistent with the strategic objectives and intent of the Draft 2036 Plan. **Table 2** below provides a summary of the site's consistency against the "Significant Site" performance criteria.

**Table 2 - Assessment against Significant Site Criteria**

Performance Criteria	Compliance	Comment
Sites must be greater than 1,500m <sup>2</sup>	Yes	The site has a combined site area of 5,654m <sup>2</sup> which is almost four times the threshold site area.
Ensure no net loss of commercial floorspace (non-residential FSR) occurs	Refer to comment	<ul style="list-style-type: none"> <li>- The existing non-residential GFA consists of 11,515m<sup>2</sup>, equivalent to a FSR of 2:1.</li> <li>- The proposal seeks to provide 8,908m<sup>2</sup> of non-residential floorspace, equivalent to a FSR of 1.6:1, which is greater than what is required under the proposed non-residential FSR control of 1:1 (or 5,651m<sup>2</sup>) under the Draft 2036 Plan.</li> <li>- In addition to the above, an economic impact assessment has been prepared by Urbis and submitted to North Sydney Council as part of the Planning Proposal. This advice confirmed that whilst the Planning Proposal scheme will not fully mitigate the loss of the existing commercial floorspace currently provided on site (11,515m<sup>2</sup>), the proposal will deliver other significant economic benefits such as higher quality commercial floorspace that can accommodate a higher worker density and a floorplate that is more flexible and suitable to growing industries. Moreover, the 438 residential apartments would significantly increase retail expenditure in the area, and see the addition of 99 jobs from the development of new floorspace (based on 16m<sup>2</sup> per job).</li> </ul>
Provide affordable housing that is proportionate to overall development	Yes	The proponent is willing to enter a Voluntary Planning Agreement to deliver a total of 10% (or 44 dwellings) as affordable housing, for a period of 20 years. This public benefit offering is at the upper end of the Affordable Rental Housing target range outlined by the Greater Sydney Commission (Refer to pg.44 of the North District Plan).
Proposal should demonstrate design excellence	Yes	The proponent is supportive of undertaking a design excellence process.
Ensure appropriate separation between tall	Refer to comment	<ul style="list-style-type: none"> <li>- The ADG promotes to maintain a separation of 24 metres between residential apartment buildings. However, in high density, urban contexts, such as St Leonards, the ADG allows</li> </ul>

buildings (40m for greater than 18 storeys)

for reduced separation of 12-18m when towers are offset, there is minimal single aspect apartments and architectural measures such as angling windows are provided.

- The design concept has been designed to allow a 27 metre building separation between towers along Chandos Street to maximise view sharing and to minimise the effect of tower crowding. The tower on the corner of Oxley Street has a building separation of 18m, which is consistent with existing buildings along Atchison Lane.
- Architectus considers the 40m tower separation rule is unreasonable in a high-density urban centre that has a confined plan area and is served by two rail stations. The NSW ADG separation criteria are appropriate. Architectus recommends removal of "40m for greater than 18 storeys" and replacing with "in accordance with the NSW ADG".

Include a public benefit offering (such as open space, community facility etc.)

Yes

The site is capable of delivering a number of key public benefit items including:

- Up to 4,000sqm of new creative art floor space which could be delivered as part of an integrated creative arts and mixed use precinct
- Contribution towards the delivery of a linear park along Oxley Street. This would see the site enabling the provision of a 5m landscape setback along the western side of Oxley Street
- Delivery of a new public accessible plaza including a 700 square metres public space that would provide a breakout space for urban relief and passive recreation.
- Up to 10% affordable housing

In addition to the above, we believe that this Planning Proposal can proceed and still take into consideration the recommendations of the Draft 2036 Plan, following Gateway Determination of the Planning Proposal. There is also no committed time frame for finalising the Draft 2036 Plan, which may have significant changes. The subsequent LEP changes are then to be driven by Council and may take a long time, which in turn will impact the feasibility of the site.

### 3.2. Does the proposal have site-specific merit having regard to the following?

The site presents a rare opportunity to redevelop a large, consolidated and relatively unconstrained site (made up of sixteen existing lots) in St Leonards, to deliver a high-quality mixed-use development with significant public benefit which will benefit the future residents, workers and visitors of St Leonards.

Benefiting from three street frontages, at the intersection of Chandos, Oxley and Atchison Streets, the site presents a unique opportunity to visually define the core of St Leonards and deliver important public infrastructure which will benefit the broader community.

As such, it is considered the Planning Proposal holds site-specific merit and should be supported for the following reasons addressed below.

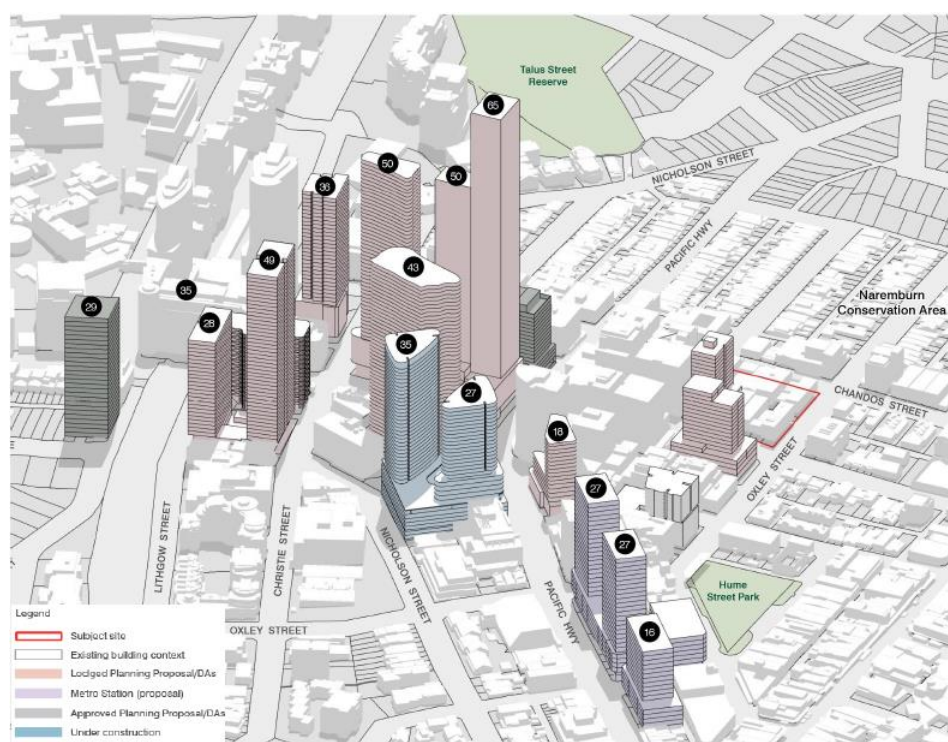
### 3.2.1 The natural environment (including known significant environmental values, resources or hazards).

The site is located in a highly urbanised environment. The subject site is fully developed and contains little natural vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

### 3.2.2 The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

St Leonards, as a Strategic Centre, should be achieving heights and densities commensurate with its accessibility to public transport (metro, train and buses). Existing building heights in St Leonards are up to around 35 storeys. Several planning proposals and development applications will exceed this height, with towers up to 50 storeys. Development around the new Crows Nest metro station is expected to take on a similar character and scale as St Leonards, with taller buildings capitalising on the capacity provided by the metro station.

**Figure 4** below shows a map of recent development proposals in St Leonards and Crows Nest and shows that future development proposed for the site is consistent with recent development in St Leonards. The Planning Proposal is considered consistent with the emerging heights and scale in St Leonards as demonstrated by the existing and proposed development diagram below.



**Figure 4 -Recent Development in St Leonards and Crows Nest**

Image above showing recent development in St Leonards which represents development that is approved (grey), lodged/awaiting approval (pink) and buildings that are currently under construction. The Indicative Concept Proposal of the Metro Station is shown in purple and the subject-site outlined in red.

Source: Architectus, 2018

3.3.3 *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The construction of the Sydney metro station at Crows Nest will provide additional transport infrastructure and capacity to support the future residential, worker and visitor population of St Leonards.

Public infrastructure benefits will be subject to a separate VPA process to provide contribution towards the cost of delivering the proposed public plaza and creative arts space. Detailed design and final value of each of these benefits will need to be finalised and costed as part of a subsequent detailed design stage of the proposal.

#### **4. Response to Local Planning Panel recommendation & Council's resolution**

A response to the North Sydney Local Planning Panel's recommendation and the North Sydney Council's resolution that the Planning Proposal not proceed to a Gateway determination is outlined below.

**a) *It is inconsistent with the desired outcomes of Council's St Leonards / Crows Nest Planning Study for Precincts 2 & 3***

The St Leonards/Crows Nest (SLCN) Planning Study for Precincts 2 & 3 was prepared by North Sydney Council in 2015 to manage the high level of development interest in St Leonards/Crows Nest area. The SLCN Planning Study sets strategic objectives to accommodate sustainable population growth in North Sydney LGA, the protection of jobs and a much-needed public domain and services.

It should be noted that the SLCN Planning Study for Precincts 2 & 3 was prepared prior to the announcement of the Crows Nest metro station, which therefore does not capture the desired strategic intention and future planned context of the St Leonards and Crows Nest Planned Precinct.

Nonetheless, the Site is located within Precinct 2 – *'the high density commercial and mixed-use area immediately east of the St Leonards Train Station'*. The site also forms part of the West Oxley Precinct – *'an exciting creative quarter supporting small-medium sized firms, start-ups, galleries, specialty retail and urban living'*.

The Planning Proposal is considered to be generally consistent with the SLCN Planning Study for Precincts 2 & 3 and supports the overall vision for the Precinct, proposing a range of high density, mixed uses including residential, commercial, retail uses as well as up to 4,000m<sup>2</sup> of community / creative use floor space.

In addition to the above, the SLCN Planning Study establishes key criteria for landowner-initiated Planning Proposals. An assessment against the criteria is summarised in **Table 3** overleaf and further detailed on pgs.46-48 of the Planning Proposal at **Attachment 1**.

**Table 3 - Assessment of Planning Proposal against SLCN Planning Study for Precincts 2 & 3**

Key Criteria	Compliance (Y/N)	Comment
<i>Relate a parcel of land with a minimum street frontage of 20metres</i>	Y	The site benefits front three street frontages including: <ul style="list-style-type: none"> <li>– Chandos Street to the north (117m)</li> <li>– Oxley Street to the east (79m)</li> <li>– Atchison Street to the south (39m)</li> </ul>
<i>Relate to a parcel of land that does not isolate, sterilise or unreasonably restrict the development potential of adjacent parcels of land</i>	Y	The proposal comprises a consolidated site made up of sixteen (16) individual allotments. The proposal benefits from being on the edge of two street blocks and therefore will not result in the isolation of any adjoining land.
<b>Propose an amendment to the LEP with a:</b>		
<i>Non-residential floor space ratio control consistent with Map 5A</i>	Y	Map 5A nominates a minimum non-residential floor space ratio ranging from 0.6:1 – 2.5:1 across the site, which is consistent with the range between nominated non-residential FSRs for the site in the SLCN Planning Study of: <ul style="list-style-type: none"> <li>- Part of Area 4 which nominates a minimum non-residential FSR between 1-2:1; and</li> <li>- Part of Area 13 which nominates a minimum non-residential FSR of 1.5:1</li> </ul>
<i>Site specific floor space ratio control having regard to the podium height, minimum setback controls in maps 6A and 6B and SEPP 65</i>	Refer to comment	<p>The Planning Study nominates ground floor and above podium setback, along with podium height requirements. These are generally consistent with those set out in Section 3 – St Leonards/Crows Nest Planning Area in North Sydney DCP 2013.</p> <p>The Planning Proposal is generally consistent with the podium height and setback controls in maps 6A and 6B, with the exception of the tower setback along Atchison Street and Atchison Lane. Instead, the proposal's minor setback non-compliances are justified through the prevailing setback of the adjoining building.</p> <p>Furthermore, the design of the Tower B along Atchison Street results in a 616m<sup>2</sup> floorplate. Increasing the tower setback along Atchison Street and Atchison Lane as stipulated in the North Sydney DCP 2013 would instead result in an unfeasible floorplate size for the proposed tower.</p> <p>A 4-storey podium height is nominated for the site, which is consistent with the podium heights set out in the Planning Study and North Sydney DCP 2013.</p>
<i>Height control consistent with map 6C;</i>	Refer to comment	Whilst the planning proposal exceeds the heights shown on map 6C, the indicative architectural design scheme demonstrates that despite the sites increase in height, it is still able to comply with built form and public domain controls (ground floor setback, podium height, upper level tower setbacks) and will not result in additional environmental impacts.
<i>Satisfactory arrangements to ensure there is no net increase in traffic generation;</i>	Yes	The Traffic and Transport Assessment prepared by TTPP indicates that the proposal is acceptable with regards to the generation of traffic. Refer to Attachment C of the Planning Proposal.

For tall buildings identified in map 6C, propose height, setback and floor space ratio controls that address the design principles for tall buildings;	Refer to comment	<p>Whilst the subject site is <b>not</b> identified as a 'Tall building' site on map 6C, the master plan for the site is consistent with the following design principles:</p> <ul style="list-style-type: none"> <li>- reinforces the desired character of the area;</li> <li>- adheres to the setbacks, podium height, ground level and above podium setbacks illustrated in maps 6A and 6B;</li> <li>- maximizes sunlight access to streets, Mitchell Street Plaza, and the linear parks;</li> <li>- maximizes sunlight access and view sharing of nearby residences;</li> <li>- provides a high level of residential amenity;</li> <li>- creates a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment.</li> </ul>
Propose satisfactory arrangements that provide commensurate public benefits that support the proposed scheme.	Yes	<ul style="list-style-type: none"> <li>- Up to 700m<sup>2</sup> of public open space along Chandos Street;</li> <li>- Up to 4,000m<sup>2</sup> of public art gallery space located in the podium levels of the proposed buildings</li> <li>- Delivery of a 5m setback along the western side of Oxley Street to facilitate a new linear park proposed by Council.</li> <li>- Up to 10% of affordable housing.</li> </ul>

In addition to the above, the Planning Study refers to the site as the 'Oxley Street Creative Precinct Masterplan Site' which incorporates a large landholding that provides an important transition between Crows Nest and St Leonards. The Planning Study identifies key criteria in which the Oxley Street Master Plan Site should address. An assessment of the key criteria is provided below.

- Create a vibrant, new precinct that supports creative industries and start-up businesses;
- Offers 'Dank Street-style' galleries and specialty retail;
- Activates and embellishes the Oxley Street linear park; and
- Offers high quality urban living.

**b) It is inconsistent with the desired outcomes of the State Government's St Leonards and Crows Nest 2036 Draft Plan (draft LUIP). The Local Planning Panel is also concerned the bulk, height and scale are not consistent with future development as envisaged in the draft LUIP.**

As discussed above in Section 3.1, the Draft 2036 Plan (also referred to as draft LUIP) was released on 14 October 2018, post lodgment of the Planning Proposal (submitted 03 September 2018), and therefore was not addressed as part of the original Planning Proposal submission.

Nonetheless, a submission was made to the DPE, which recommended the Plan be updated to classify the site as a "Significant Site". A copy of this submission can be found at **Attachment 2**.

It is noted that on page.44-52 of Councils Assessment Report, dated 13/02/2019, a preliminary review and assessment of the Planning Proposal has been undertaken against the relevant provisions contained within the Draft 2036 Plan.

**Table 4** overleaf outlines a response to Councils key issues with the Planning Proposal against the Draft 2036 Plan.

**Table 4 – Response to Councils preliminary assessment against the Draft 2036 Plan**

<b>Draft objectives</b>	<b>Draft Action</b>	<b>Councils Comment</b>	<b>Response</b>
<i>Transition in height from new development to surrounding Heritage Conservation Areas.</i>	<i>Include transitions in planning controls, including stepping height down towards Heritage Conservation Areas. Include a requirement in planning controls for the facade heights of existing heritage shopfronts to be adopted as the street wall height for new buildings in the same street.</i>	<i>Refer to Section 8.2 of this report. Minimal regard has been given to the transitioning of height from the subject site down to the Naremburn Heritage Conservation Area located to the north.</i>	<ul style="list-style-type: none"> <li>- The Planning Proposal has considered an appropriate height strategy for the site, which proposes a sharper transition which visually defines the St Leonards Centre, and helps define the protected area.</li> <li>- The Site is located in a position that is physically separated from the Naremburn Heritage Conservation Area by a defined street block of 5-storey development which forms a natural physical boundary to the future taller development and urban context of the St Leonards Centre.</li> <li>- The impact of increased heights for the site will not alter or detrimentally impact outward views from the conservation areas.</li> <li>- Furthermore, the site's size allows for appropriate siting of towers. Development potential as a significant site has considered appropriate tower setbacks, building setbacks and building separation to enhance human scale at grade and reduce likelihood of monolithic street wall effect.</li> </ul>
<b>Built form</b>			
<i>Apply design principles for solar amenity, configuration, interface and transition</i>	<i>Provide transitions between areas of change and no change when amending planning controls and include controls relating to solar amenity and configuration</i>	<i>Refer to Section 8.2 of this report. There is no transition in scale from the subject site to the development to the east of Oxley Street and a poor transition in height down to low density residential development to the north.</i>	<ul style="list-style-type: none"> <li>- The residential area east of the proposal, between Oxley Street and Willoughby Road is currently developed for low-medium scale (approx. 5-storey) residential uses. Given its proximity to the new metro station, this area could have much higher densities than what the current controls allow and what is planned under the Draft 2036 Plan.</li> <li>- Further to the above, the Planning Proposal has considered an appropriate height strategy by ensuring residential areas to the east of Oxley Street will retain more than 3 hours of direct sunshine in mid-winter between 9am and 3pm. Refer to Section 6.3 in the attached Planning Proposal at <b>Attachment 1</b> and Section 5.4 of the Urban Design Report (Attachment B of the Planning Proposal).</li> </ul>
<i>Encourage new development to be sympathetic to existing buildings with appropriate setbacks and street wall heights</i>	<i>Amend planning controls to implement appropriate setbacks and street wall heights as shown in figure 26 and 27.</i>	<i>Refer to Table 7. The concept proposal complies with the street wall heights (podiums) and some of the street setback requirements.</i>	<ul style="list-style-type: none"> <li>- The proposal's minor setback non-compliance for Tower C is justified through the prevailing setback of the adjoining building to the west.</li> <li>- Furthermore, a 4-storey podium height is nominated for the site, which is consistent</li> </ul>



		<i>The building on Block C does not comply with the setback requirements to Chandos Street.</i>	with the podium heights set out in the SLCN Planning Study for Precincts 2 & 3 and North Sydney DCP 2013.
<i>Provide appropriate transition between areas of change and no change.</i>	<i>Include a requirement for a landscaped front setback to Oxley Street between Clarke and Chandos Streets in planning controls to provide a sensitive interface to areas of no change east of Oxley Street. Include a requirement for stepped setbacks for properties on the south side of Henry Lane to provide a sympathetic interface with Naremburn Heritage Conservation Area.</i>	<i>Refer to Section 8.2 of this report. Whilst the concept proposal incorporates a landscaped setback to Oxley Street, the overall height of the concept proposal does not provide acceptable transitions in height and scale to the lower density residential areas to the north and east.</i>	<ul style="list-style-type: none"> <li>- The Planning Proposal complies with the proposed ground floor set back of 5m to Oxley Street, and 7m above podium setback.</li> <li>- Being located on the southern side of Chandos Street, there are no overshadowing impacts to the Naremburn Heritage Conservation Area to the north.</li> <li>- Despite the area to the east between Oxley St and Willoughby Road being inexplicably ignored in the Draft 2036 Plan, areas to the east will also retain an acceptable level of sunshine (of more than 3 hours between 9am and 3pm during mid-winter).</li> </ul>
<i>Provide transitions in height to adjoining low scale residential areas</i>	<i>Amend planning controls to stipulate heights as outlined in figure 24.</i>	<i>Refer to Section 8.2 of this report.</i>  <i>The proposal seeks to significantly increase the suggested maximum building heights on the site, which results in a poor transition in scale to the lower residential areas to the east and Naremburn Heritage Conservation Area to the north.</i>	<ul style="list-style-type: none"> <li>- The proposed height strategy has been developed to ensure there are minimal impacts to surrounding development including the Naremburn Heritage Conservation Area to the north. This is evidenced in Section 6.3 of the Planning Proposal and further detailed in the supporting Urban Design Report. Refer specifically to Section 2.12 and Section 5.5 of the Urban Design Report.</li> </ul>
<i>Minimise overshadowing of key open spaces, public places and adjoining residential areas.</i>	<i>Amend planning controls to introduce solar height planes to prevent additional overshadowing of specific areas in winter at the times stipulated below:</i>  <i>Public Open Space:</i> <i>Christie Park, Hume Street Park, Newlands Park, Ernest Place, St Leonards South, Gore Hill Oval, Propsting Park, Talus Reserve</i>	<i>The proposal will result in increased overshadowing of Oxley Street between 11.30am and 2.30pm.</i>  <i>Whilst it is recognised that there is something wrong with the wording of the draft control, the proposed heights under the planning proposal significantly exceeds that originally envisaged, and therefore will result in a greater overshadowing impact than that deemed acceptable under the</i>	<ul style="list-style-type: none"> <li>- Overshadowing to Oxley Street is inevitable. The proposed built form will cast a shadow to Oxley Street after 12:30pm. This is evident in all options tested including the existing development, a complying LUIIP scenario and what is proposed under the Planning Proposal.</li> </ul>

	<p><i>Streetscape 11:30am - 2:30pm:</i></p> <p><i>Mitchell Street and Oxley Streets, Willoughby Road</i></p> <p><i>Residential Areas 9:00am-3:00pm:</i></p> <p><i>Conservation Areas for at least 3 hours; Residential outside boundary for the whole time between 9:00am and 3:00pm.</i></p>	<p><i>heights proposed under the Draft LUIIP.</i></p>	
<p><i>Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest to tall building in the St Leonards Core.</i></p>	<p><i>Amend Planning controls</i></p>	<p><i>Refer to Section 8.2 of this report. The Proposal seeks to significantly increase building heights at the periphery of the St Leonards /Crows Nest Centre rather than concentrating it to the St Leonards Core, resulting in an uncharacteristic transition down to the lower density residential areas to the north and east.</i></p>	<ul style="list-style-type: none"> <li>- A key design principle for the proposal is to ensure building heights within the commercial core of St Leonards should respond to the Strategic Centre of St Leonards. This should be emphasised by allowing tall buildings heights to define the commercial core.</li> <li>- This will also allow for a suitably dense number of dwellings and employment floor space areas. The definition of the commercial core will be assisted by taller building heights, with a transitional zone along the northern side of Chandos Street.</li> <li>- We see the subject site as part of the St Leonards Core 'commercial core'. Not including it as part of the core would be considered a missed opportunity for the Centre, to not maximise height and density in proximity to rail infrastructure, amenity and services.</li> <li>- Furthermore, Councils SLCN Planning Study for Precincts 2 &amp; 3 identifies the site within the '<i>high density commercial and mixed-use area immediately east of the St Leonards Train Station</i>'. The diagram on pg.26 of the Draft 2036 Plan also identifies the site within the '<i>focus of development</i>' area.</li> </ul>

#### Land use

<p><i>Strive for Sydney Region and North District Plan high jobs target of 63,500 jobs by 2036.</i></p>	<p><i>Balance commercial and residential uses within the St Leonards Core with a minimum non-residential floorspace requirement for mixed use zones in planning controls while</i></p>	<p><i>The extent of the St Leonards Core is not defined or mapped under the Draft LUIIP.</i></p> <p><i>Notwithstanding, due to the site's distance from St Leonards Railway and Crows Nest Metro</i></p>	<ul style="list-style-type: none"> <li>- As outlined above, we see extent of the St Leonards Core is defined in Figure 11 on page.26 of the Draft 2036 Plan.</li> <li>- The subject site is located 230m from the entrance of the new Crows Nest Metro station and 400m from the existing St Leonards train station, which is considered highly accessible and an ideal location for</li> </ul>
---	--	--	---

	<p>retaining B3 Commercial Core zoning on appropriate sites.</p>	<p>Stations, they are uncondusive to delivering “A-grade” commercial floor plates.</p> <p>Whilst the concept proposal provides a sufficient level of non-residential floor space over Blocks A &amp; C, Block B provides an insufficient level. Given Block B is segregated from Blocks A &amp; C, this would result in a non-conforming building when compared to other sites in the locality.</p>	<p>the site’s redevelopment as a mixed use development, that can deliver high quality commercial floor space.</p> <ul style="list-style-type: none"> <li>- Furthermore, the concept plan proposes a 23-storey mixed use development, with 881m<sup>2</sup> of non-residential uses located in the ground floor of Building B on the corner of Atchison and Oxley Street. We consider the proposed non-residential floorspace to be the best outcome for Building B, as it will help activate the ground plane along Atchison Street, which is identified a key ‘retail’ street under the Draft 2036 Plan, pg.32.</li> </ul>
<p>Allow mixed-use development on key sites to encourage more A-grade commercial office floorspace and encourage revitalisation of St Leonards.</p>	<p>Amend the planning controls to specified minimum non-residential floorspace on B4 Mixed-Use sites proposed for the greatest density (see figure 29).</p>	<p>The subject site is not a key site and its location is not conducive to the provision of A-Grade commercial floorplates.</p> <p>The proposal does not provide a sufficient level of non-residential floor space over Block C.</p>	<ul style="list-style-type: none"> <li>- Whilst the site is not identified as a ‘key site’, the SLCN Planning Study for Precincts 2 &amp; 3 identifies the site as a ‘public benefit opportunity site’. The Study stipulates that ‘development opportunities beyond those available under existing controls should only be pursued if much needed public benefits are provided to meet the community’s needs.’</li> <li>- We believe the site is considered appropriate for high-quality commercial floorspace due to its highly accessible location, located within 230m of the Crows Nest metro station and 400m of the St Leonards Train Station.</li> <li>- Whilst we agree with Council that it is unlikely the site would be able to deliver A-Grade commercial floor space, particularly given the smaller office floorplates proposed, we see opportunity for the site to attract specialised health businesses to the area, which do not necessarily require a large corporate office format and tie in with the nearby Royal North Shore Hospital and other health and education assets in the precinct. This is further evidenced in the Economic Impact Assessment at Attachment E of the Planning Proposal.</li> </ul>
<p>Identify areas suitable for medium and high-density housing.</p>	<p>Concentrate higher density housing along the Pacific Highway and potential to provide a mixture of densities in St Leonards South</p>	<p>The quantum of floor space proposed far exceeds that envisaged for the subject site.</p> <p>Whilst the site may be within 400m walking</p>	<ul style="list-style-type: none"> <li>- The North Sydney LEP 2013 is currently the primary planning instrument for the site and at present there is no overall FSR controls applicable to the site.</li> <li>- The overall FSR control proposed under the Draft 2036 Plan is part 4:1 along</li> </ul>

	<p><i>(subject to planning proposal) (see figure 28). See Built Form for more detail on St Leonards South.</i></p>	<p><i>distance of the existing railway and future Metro stations, its scale does not contribute to an appropriate transition in scale and bulk to surrounding development.</i></p>	<p>Chandos Street and part 6:1 along Atchison Street.</p> <ul style="list-style-type: none"> <li>- Based on the sites highly accessible location, the site warrants additional height and density, subject to a design excellence process. This is reinforced in the St Leonards and Crows Nest Draft Planning Package, particularly in the Urban Design Analysis (prepared by SJB, 2018), which states that 'the new metro station will further fuel development in the area, creating opportunities to champion Transport Oriented Development. It also supports an argument for increased intensification further east of the Forum than what was previously considered prior to the Metro announcement.'</li> <li>- The Urban Design Analysis by SJB also states that "given the station is located near the Willoughby Road area that is to be conserved, areas identified for additional density is likely to expand outwards of the Pacific Hwy to capture the St Leonards CBD either side of the Pacific Hwy', suggesting the subject site is suitable for some additional height and density.</li> </ul>
<p><i>Cater for variety in housing to recognise the diverse community.</i></p>	<p><i>Include in the planning controls, opportunities for mixed use development, medium density development and protect some of the low scale residential areas including existing Heritage Conservation Areas.</i></p> <p><i>High density apartment development will be focused along the Pacific Highway corridor between St Leonards station and Crows Nest Sydney Metro station, transitioning to lower density living options in areas of no change.</i></p> <p><i>Potential for new mixed-density development to be</i></p>	<p><i>The current zoning of the site already enables the provision of medium to high density housing.</i></p> <p><i>However, the proposed height of the development is not supportable when due consideration is given to all of the other relevant matters of the draft LUIP, particularly its transition to lower density residential areas to the north and east.</i></p>	<ul style="list-style-type: none"> <li>- The Planning Proposal will facilitate the delivery of a range of housing types and sizes including provision for up to 10% affordable housing.</li> </ul>

	<i>provided in St Leonards South (subject to Planning Proposal).</i>		
<i>Undertake investigations to support inclusion of affordable housing targets for the area.</i>	<i>Undertake further investigation to identify an appropriate target for affordable housing in the area, consistent with the Sydney Region Plan.</i>	<i>The concept proposal offers to provide up to 10% of all residential apartments for affordable housing purposes for a period of 20 years. However, this will not achieve the long term goal as it is a temporary provision. The restriction on the life of the affordable housing should be removed.</i>	Noted. The proponent is committed to working with Council to timeframe and delivery of the proposed affordable housing.

#### **Movement**

<i>Limit the amount of car parking provided in association with new development subject to outcomes of traffic and transport modelling</i>	<i>Undertake detailed traffic modelling to inform the development of an area wide car parking policy. In conjunction with Councils, review planning controls with a view to introduce maximum, or if appropriate no additional parking in new developments.</i>	<i>NSDCP 2013 already incorporates maximum parking rates. However, the proposal should seek to adopt the maximum parking rates for St Leonards Precincts 2 and 3, given the construction of the new Metro station in close proximity to the subject site and seek to further reduce on-site parking through alternative transport solutions.</i>	<p>The proposed car parking provision is in accordance with the maximum car parking rates outlined under the North Sydney DCP 2013 for Precincts 2 &amp; 3.</p> <p>The total car parking provision includes a total of 214 spaces, which includes 22 spaces for the non-residential development component of the Proposal.</p> <p>We agree with Council that any future development applications for the site should consider reduced car parking provisions to encourage more sustainable transport choices. This is further evidenced in the Draft Green Travel Plan at Attachment D of the Planning Proposal.</p>
<i>Encourage the use and accommodation of car share facilities.</i>	<i>Review planning controls to ensure the provision of parking for share car programs is enabled.</i>	<p><i>NSDCP 2013 already incorporates provisions for the adoption of car share facilities.</i></p> <p><i>The concept proposal could incorporate car share facilities to further reduce its potential traffic generation.</i></p>	Noted. Any future development would ensure car share facilities are incorporated during a subsequent detailed design DA stage.

- c) *The concept proposal would result in a poor transition in building height and scale to the surrounding lower density residential areas located to the east and north. The North Sydney Local Planning Panel is also not persuaded that the Planning Proposal will deliver a satisfactory transition to the Naremburn Heritage Conservation Area to the north, and to the less densely developed areas to the north, south and east.***

The Planning Proposal has considered an appropriate height strategy for the site, which proposes a sharper transition which visually defines the St Leonards Centre, and helps define the protected area.

The Site is located in a position that is physically separated from the Naremburn Heritage Conservation Area by a defined street block of 5-storey development which forms a natural physical boundary to the future taller development and urban context of the St Leonards Centre.

The impact of increased heights for the site will not alter or detrimentally impact outward views from the conservation areas.

Furthermore, the site's size allows for appropriate siting of towers. Development potential as a significant site has considered appropriate tower setbacks, building setbacks and building separation to enhance human scale at grade and reduce likelihood of monolithic street wall effect.

- d) *The proposed increases in height will have an unacceptable overshadowing impact;***

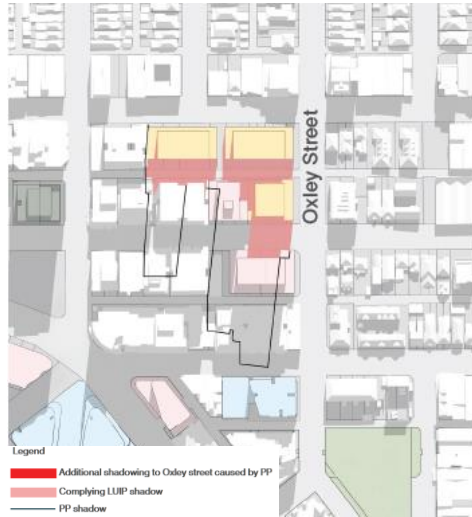
The Planning Proposal has been tested for potential overshadowing impacts within the subject site, to surrounding properties, and to surrounding public open space areas and surrounding key streets.

The shadow analysis addressed in the Planning Proposal and supporting Urban Design Report evidences that buildings can be placed to ensure adequate solar access to adjoining properties, key streets and open spaces.

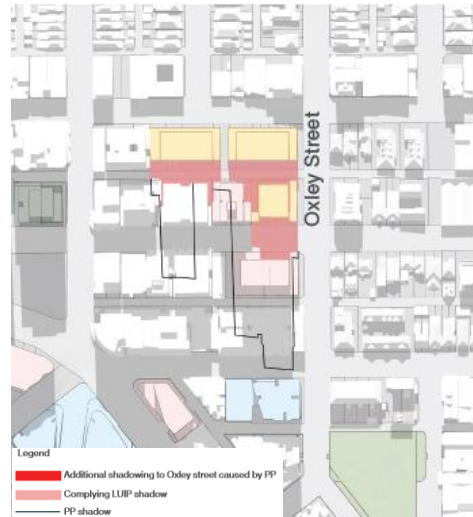
### ***Hume Street Park***

A key principle driving the design of the concept proposal was to ensure the built form will cast no shadow on Hume Street Park, located to the south east of the site.

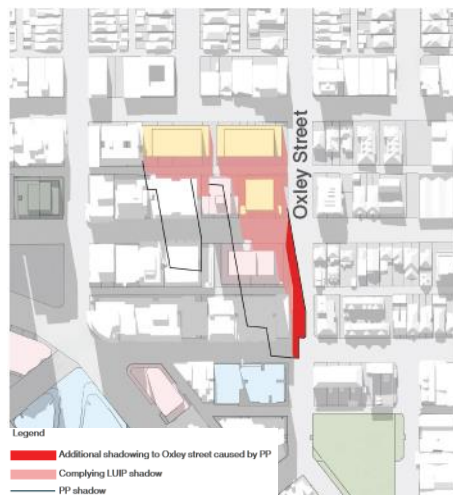
**Figure 5** overleaf confirms that at 28 storeys (the height of the Planning Proposal) solar access is protected to Hume Street Park.



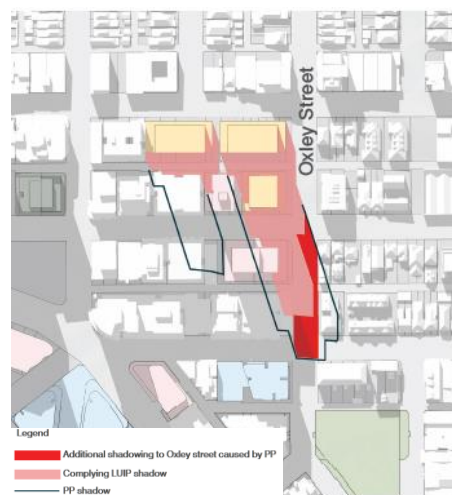
June 21 at 11:30am shows no additional overshadowing to Oxley Street



June 21 at 12:00pm shows no additional overshadowing to Oxley Street

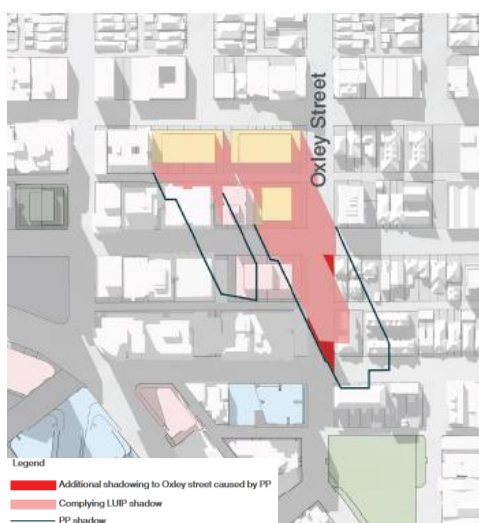


June 21 at 12:30pm shows minor additional overshadowing to Oxley Street



June 21 at 1:00pm shows overshadowing to Oxley Street

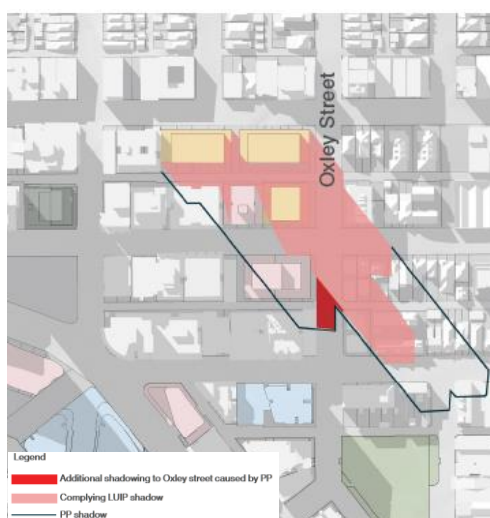




June 21 at 1:30 pm shows overshadowing to Oxley Street



June 21 at 2:00 pm shows overshadowing to Oxley Street



June 21 at 2:30 pm shows overshadowing to Oxley Street

**Figure 5 - Overshadowing analysis**

### ***Oxley Street***

Overshadowing to Oxley Street is inevitable. **Figure 5** above shows the proposed built form will cast a shadow to Oxley Street after 12:30pm. This is evident in all options tested including the existing development, a complying LUIP scenario and what is proposed under the Planning Proposal.

Nonetheless, there will be no overshadowing impact to Oxley Street between the hours of 9am and 12:30pm.

Given the extent of Oxley Street, where it will retain maximum sun access during the morning (before 12:30pm), we consider this to be an acceptable level of impact.

### ***Residential development to the east of Oxley Street***

**Figure 5** above shows the extent of overshadowing caused by a complying LUIIP option (pink shaded area) and the Planning Proposal (black outline).

The residential area east of the proposal, between Oxley Street and Willoughby Road is currently developed for low-medium scale (approx. 5-storey) residential uses. Given its proximity to the new metro station, this area could have much higher densities than what the current controls allow and what is planned under the Draft 2036 Plan.

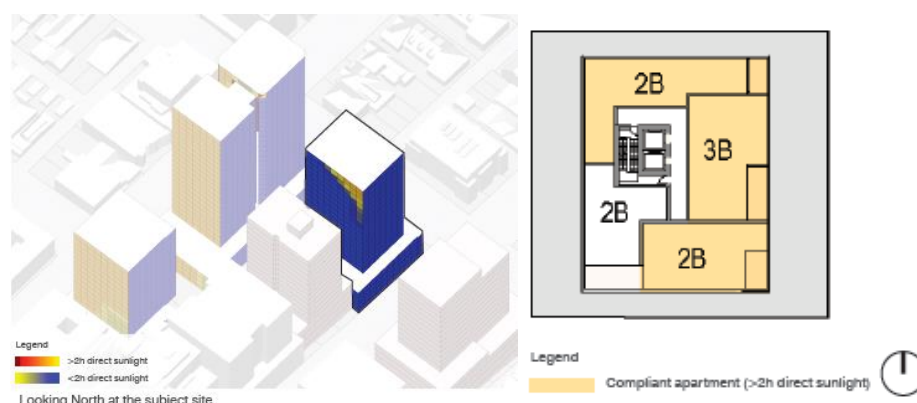
Given the urban context of the centre St Leonards some overshadowing of future residential properties is expected, especially given that higher densities are likely to be located closest to the rail station. As such, we consider the Planning Proposal to have an acceptable level of overshadowing impact to the residential development to the east.

### ***Residential development to the south (including Tower C)***

The placement of the towers in the Planning Proposal has been carefully considered to ensure that all buildings including the building to the south will achieve SEPP 65 requirements for sunlight and natural ventilation.

The Planning Proposal building envelopes perform well with the layout and orientation resulting in all buildings envelopes achieving the minimum 2-hour solar access and 60% cross ventilation requirements set out in the Apartment Design Guide (ADG). Refer to Section 5.4 of the Urban Design Report in Attachment B of the Planning Proposal.

In particular, Tower B has been designed to have the core to the western façade of the proposal. This is due to the site's constraints with outlook to the neighbouring building at 50-56 Atchison Street. The indicative tower floor plans for Tower B show our intention to direct 3 to 4 apartments to the east, to achieve solar access and cross ventilation requirements. Refer to Figure 6 below, further detailed on pg.91 of the Urban Design Report (Attachment B of the Planning Proposal).



**Figure 6 – Solar access to Tower B**

The Diagrams above shows that 75% of apartments in Tower B will received more than 2 hours of sun access in accordance with the ADG.

Source: *Urban Design Report, Architectus, 2018*

With respect to impacts to existing and future development to the south, further solar testing with detailed floor plans of these buildings is required.

### ***The proposed public plaza along Chandos Street***

On pg.21 of Councils assessment report, Council state that 'the proposed public open space will result in adverse overshadowing impacts between 12 noon and 2pm'. However, this is not the case.

Oriented to the north, the proposed public plaza along Chandos Street has been carefully tested to ensure sun access is maximised. Solar analysis shows there will be no overshadowing impacts to the proposed public plaza between 9am and 1pm during mid-winter.

The greatest impact to the public plaza is between 1:30pm and 2:00pm, where Tower C will overshadow the park by 50% (toward the laneway).

As such, the proposed public plaza will receive at least 3 hours between the hours of 9.00am and 3.00pm at the winter solstice (21<sup>st</sup> June) in accordance with North Sydney DCP 2013.

### ***e) It is unclear as to whether the proposed public benefits are reasonable with regard to the extent of the uplift sought by the planning proposal.***

This Planning Proposal seeks to deliver a number of key public benefit items which could be provided including:

- A 700 square metre publicly accessible plaza public plaza;
- 4,000 square metres of creative arts spaces for 20 years;
- Delivery / contribution towards the linear park along Oxley Street; and
- 10% of dwellings as affordable housing for 20 years.

The proposed public benefits are considered to be reasonable for the following reasons:

- They are consistent with the needs of the community, in accordance with St Leonards and Crows Nest Planning Study for Precincts 2 & 3 (2015), the Crows Nest Placemaking and Principles Study (2016), and the Draft 2036 Plan (2018) including the St Leonards and Crows Nest Social Infrastructure and Open Space Study (2018).
- The proposed creative arts space is consistent with the vision and desired future character of the West Oxley Street Creative Quarter in the St Leonards and Crows Nest Planning Study for Precincts 2 & 3, which envisages 'a vibrant new precinct supported by a mix of creative industries, specialty retail, start-up businesses, galleries and cosmopolitan urban living options'.
- The provision of a new linear park along the eastern part of the site (or western side of Oxley Street) will contribute towards providing additional open space and green connections in St Leonards, in accordance with Councils local planning strategies.
- The proposed contribution of affordable housing supports the objectives of Councils Affordable Housing Strategy (2015) and is in line with the initiatives outlined in the North District Plan.

A letter for offer to enter a Voluntary Planning Agreement with North Sydney Council was submitted as part of the Planning Proposal to open discussions with Council about the delivery (timing and realisation), management, ownership and exclusion of Section 94 Contributions. Refer to Attachment I of the Planning Proposal.

It should be noted that we anticipate this VPA to be a principles VPA, given that the detailed design and final value of each of the below will need to be finalised and costed as part of subsequent detailed design DAs for the subject sites. This principles VPA will establish a

methodology for the costing, offsetting, delivery and management of public benefits to be delivered under the proposal.

## 5. Consultation with Council

### 5.1 Prior to lodgment

The site has a long history with North Sydney Council, which first commenced in August 2014, with an initial Planning Proposal being considered for part of the subject site including land to the south at 23-25 Atchison Street, St Leonards. The time line below provides a summary of all consultation to date with North Sydney Council, as well as the DPE and the Joint Regional Planning Panel (JRPP).

#### 2014

- On August 2014, a Planning Proposal was lodged to rezone land at 75-89 Chandos Street, 58-62 Atchison St & 23-25 Atchison St, St Leonards to enable heights up to 51 storeys and an FSR of 8.5:1.
- On September 2014 Council recommended the applicant withdraw the Planning Proposal due to the Planning Proposal not being informed by a locality-based planning study, which was concurrently being prepared at the time (St Leonards/Crows Nest Planning Study – Precincts 2 & 3, prepared by SJB, 2015).

#### 2015

- On 15 January 2015 the Planning Proposal was submitted to the DPE for a Pre-Gateway Review. The request was made by the applicant on the basis that the application had not been determined by Council within 90 days.
- On May 2015, the St Leonards /Crows Nest Planning Study (SJB, 2015) was adopted which identified a maximum height limit of 16 storeys for this site with a notation that design flexibility may be explored on the basis of the preparation of a masterplan.
- As a result of the Pre-Gateway Review, on 29 September 2015, the DPE considered the site to present strategic and site-specific merit in that it would promote housing, protect commercial floor space for job creation and support a commercial core within a strategic centre. As such, the DPE indicated support for a revised height limit of 36 and 32 storeys with an overall FSR of 7.5:1 and recommended the Review request proceed for review by the Joint Regional Planning Panel (JRPP).
- On 18 November 2015, the JRPP recommended the planning proposal should not proceed to Gateway Determination for the following reasons:
  1. The Planning Proposal was considered inconsistent with the existing controls (6 storeys and FSR of approx. 3:1) and Councils most recent planning study (St Leonards/Crows Nest Planning Study – Precincts 2 & 3, which proposes buildings of 12-16 storeys and a FSR of 5:1
  2. Making a decision on the site aware of the upcoming St Leonards strategic planning review would be premature
  3. Height constraints and agreement with CASA
  4. Overshadowing impact to Hume Street Park during winter afternoon
  5. Unacceptable impact on Naremburn residential and heritage conservation area.

- It should also be noted that the JRPPs decision was just prior to the announcement of the new metro station at Crows Nest.

## 2018

Since lodging the initial planning proposal in 2014, the site has been split into two separate Planning Proposal applications.

- On 16 January 2018, a Planning Proposal for 23-35 Atchison Street (PP 1/18) was lodged to amend the North Sydney LEP 2013 to increase heights up to 16 storeys and introduce a new FSR control of 6.3:1. Note. This submission does not relate to this application
- On 18 May, the Planning Proposal was submitted to DPE for a Rezoning Review on the basis that the application had not been determined within 90 days.
- On 21 May, the rezoning review was withdrawn and on 25 June 2018 Council resolved to support the Planning Proposal with deferred commencement.
- On 21 December, DPE recommended the Planning Proposal should proceed to Gateway for finalisation.

## 5.2 Post lodgment

- On 03 September, the subject Planning Proposal for 55-89 Chandos St & 58-64 Atchison St was lodged to North Sydney Council, prior to releasing the St Leonards and Crows Nest Draft Planning Package.
- On 12 September, Council requested the applicant withdraw the Planning Proposal and on 26 September Architectus on behalf of the applicant notified the Council that the applicant does not intend to withdraw the Planning Proposal and recommended to work collaboratively with Council to progress the Planning Proposal.
- On 15 October, the DPE released the St Leonards and Crows Nest Draft Planning Package for public exhibition.
- The Draft Planning Package was on exhibition for public comment from 14 October 2018 until 08 February 2019.
- On 08 February 2019, Architectus on behalf of TWT Property Group made a submission to the Draft Planning Package, recommending the Plan be updated to classify the site as a “Significant Site”.

## 6. Conclusion and recommendation

TWT Property Group request that the North District Planning Panel undertake a review of this Planning Proposal. As detailed within this letter and accompanying Planning Proposal documentation, we believe that the Planning Proposal as lodged with North Sydney Council on 03 September 2018 demonstrates sound strategic and site-specific merit and that further matters can be addressed as part of a Gateway Determination.

I trust the information provided is sufficient to enable consideration of this Planning Proposal for a Rezoning Review and your assistance with this matter is greatly appreciated. Should you have any queries or wish to discuss this matter further, please do not hesitate to contact me on (02) 8252 8400 or Michael.Harrison@architectus.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Harrison', followed by a period.

Michael Harrison  
Principal, Urban Design and Planning  
Architectus Group Pty Ltd

# Attachment 1 – Planning Proposal



## Attachment 2 – Submission