

**DECISION OF 3602nd COUNCIL MEETING
HELD ON 28 MAY 2012**

297. PDS01: Planning Proposal – Land bounded by Falcon Street, Alexander Street, Burlington Street and Willoughby Lane, Crows Nest

Report of Joseph Hill, Manager Strategic Planning

On 23 April 2012 Council resolved:

THAT Council request Woolworths to amend and resubmit the Planning Proposal for the proposed redevelopment. Without limitation, the amended Planning Proposal is to encompass the amended building design and information concerning the classification of Council's Alexander St Car Park Site.

Council has since received a Planning Proposal seeking changes to LEP 2001 and DCP 2002 so as to enable the redevelopment of the site as per amended building design.

Recommending:

1. THAT the Planning Proposal be forwarded to the Minister for Planning in order to receive a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT in accordance with section 29 of the Local Government Act 1993, a public hearing be undertaken in relation to the reclassification of Council-owned land after the public exhibition of the Planning Proposal.

3. THAT Council resolve to amend the Crows Nest Town Centre Character Statement within DCP 2002 and to adopt the draft amendment attached to this report, for exhibition.

4. THAT the draft DCP amendment be placed on public exhibition concurrently with the subject Planning Proposal, once it receives a Gateway Determination.

RESOLVED:

1. THAT the Planning Proposal be forwarded to the Minister for Planning in order to receive a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT in accordance with section 29 of the Local Government Act 1993, a public hearing be undertaken in relation to the reclassification of Council-owned land after the public exhibition of the Planning Proposal.

3. THAT Council resolve to amend the Crows Nest Town Centre Character Statement within DCP 2002 and to adopt the draft amendment attached to this report, for exhibition.

4. THAT the draft DCP amendment be placed on public exhibition concurrently with the subject Planning Proposal, once it receives a Gateway Determination.

The Motion was moved by Councillor Carland and seconded by Councillor Gibson.

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Absent		Zimmerman	Absent	
Gibson	Y		Baker	Y	
Christie	Y		Robjohns	Y	
Reymond	Y		Carland	Y	
Marchandau	Y		Burke	Absent	
Raymond	Y		Pearson	Y	
Barbour	Y				



Report to General Manager

Attachments:

Planning Proposal – Land bounded by Falcon Street, Alexander Street, Burlington Street and Willoughby Lane, Crows Nest
Draft amendment to North Sydney Development Control Plan 2002

SUBJECT: Planning Proposal – Land bounded by Falcon Street, Alexander Street, Burlington Street and Willoughby Lane, Crows Nest

AUTHOR: Joseph Hill, Manager Strategic Planning

EXECUTIVE SUMMARY:

On 23 April 2012 Council resolved:

THAT Council request Woolworths to amend and resubmit the Planning Proposal for the proposed redevelopment. Without limitation, the amended Planning Proposal is to encompass the amended building design and information concerning the classification of Council's Alexander St Car Park Site.

Council has since received a Planning Proposal seeking changes to LEP 2001 and DCP 2002 so as to enable the redevelopment of the site as per amended building design.

RECOMMENDATION:

1. **THAT** the Planning Proposal be forwarded to the Minister for Planning in order to receive a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979.
2. **THAT** in accordance with section 29 of the Local Government Act 1993, a public hearing be undertaken in relation to the reclassification of Council-owned land after the public exhibition of the Planning Proposal.
3. **THAT** Council resolve to amend the Crows Nest Town Centre Character Statement within DCP 2002 and to adopt the draft amendment attached to this report, for exhibition.
4. **THAT** the draft DCP amendment be placed on public exhibition concurrently with the subject Planning Proposal, once it receives a Gateway Determination.

Signed: _____

Endorsed by: _____

Warwick Winn, Director Planning & Development Services

Comment by Director Corporate Services:

Funding for the project is appropriate.

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2.1 Ensure the long term sustainability of infrastructure and assets.

Goal: 2.1.1 To provide and maintain appropriate infrastructure, assets and facilities that meets current and future community needs.

BACKGROUND

On 23 April 2012 Council considered report *G01: Joint Redevelopment of the Alexander Street Car park: Legal Agreements, PPP Submission and Façade Design*. Council resolved:

1. **THAT** Council agree to the design of the building façade as set out in the drawings in Appendix 15 of the final PPP Submission to the Department of Local Government.
2. **THAT** Council approve the amended Management Structure for the Joint Redevelopment Project
3. **THAT** Council request Woolworths to amend and resubmit the Planning Proposal for the proposed redevelopment. Without limitation, the amended Planning Proposal is to encompass the amended building design and information concerning the classification of Council's Alexander St Car Park Site.
4. **THAT** Council submit the final Public Private Partnership Submission to the Division of Local Government seeking Ministerial approval under section 358 of the Local Government Act 1993 to enter into a joint venture with Woolworths for the redevelopment project.
5. **THAT** subject to the approval of the Minister of Local Government under section 358 of the Local Government Act 1993:
 - a. Council execute the Development Deed for the joint redevelopment of the Council's Alexander Street Car Park site, the Woolworths supermarket site and the AusGrid substation site in Crows Nest together with the Call Option and First Right of Refusal.
 - b. Council hereby authorise its Official Seal to be affixed to the Development Deed under the signature of the Mayor and the General Manager together with the Call Option and First Right of Refusal.
 - c. Council agree to the leasing of the Substation site to Ausgrid together with an Agreement for Easement as set out in the lease and an Agreement for Easement attached to the Development Deed on the basis that the Developer must not instruct Ausgrid to commence works (other than design) prior to satisfaction of the Conditions Precedent under the Development Deed.
 - d. Council sign owners' consent on the Development Application for the proposed joint redevelopment.
6. **THAT** Council approve the documentation and contents of the final Public Private Partnership Submission to the Division of Local Government.

Council has since received a Planning Proposal relating to the site of the proposed redevelopment. The Planning Proposal seeks changes to LEP 2001 and DCP 2002 so as to enable the redevelopment of the site for the purposes of a supermarket, above ground multi-level public car parking facility, specialty shops and electrical substation as per amended building design.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	The proposed planning changes and associated redevelopment could encourage increased traffic in the Crows Nest area.
Social	The proposed planning changes and associated redevelopment would provide additional parking for the Crows Nest retail area.
Economic	The proposed planning changes and associated redevelopment would provide additional parking for the Crows Nest retail area.
Governance	Council has resolved to accept a Planning Proposal that will amend the planning controls so as to facilitate the amended redevelopment design.

DETAIL

The Planning Proposal as submitted is considered to be generally in accordance with the requirements under Section 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning's (2009) 'A guide to preparing planning proposals'.

Proposed LEP amendments

The Planning Proposal summarises the requested amendments to LEP 2001 as follows:

- **LEP Change 1:** *Rezone the land from Mixed Use and Special Uses – Parking to Commercial under the North Sydney LEP 2001 to enable site redevelopment as proposed in the Concept at Appendix B;*
- **LEP Change 2:** *Seek the inclusion of a site specific provision enabling development for the purposes of a car park as an additional permitted use on the site;*
- **LEP Change 3:** *Seek the modification of the site specific height control provisions of the North Sydney LEP 2001 and associated map as it applies to the land to allow 19.15m;*
- **LEP Change 4:** *Reaffirm the classification of the land as “operational” under the Local Government Act, 1993; and*

In accordance with section 29 of the Local Government Act 1993, a public hearing will need to be undertaken in relation to the reclassification of Council-owned land after the public exhibition of the Planning Proposal.

Proposed DCP amendment

The proposed change to DCP 2002 relates to the provision of off-street public car parking above ground. The proposed DCP change (attached) involves the insertion of a new provision into NSDCP 2002 Character Statements - Section 2.2 Crows Nest Town Centre:

Quality Built Form – Building design:

- iii. *Off street car parking to be provided underground except when owned and operated by Council as a public car park on the block bounded by Falcon Street, Alexander Street, Burlington Street and Willoughby Lane.*

Report of Joseph Hill, Manager Strategic Planning

Re: Planning Proposal – Land bounded by Falcon Street, Alexander Street, Burlington Street
and Willoughby Lane, Crows Nest

(4)

The draft DCP amendment attached to this report reflects this change. The draft DCP amendment should be placed on public exhibition concurrently with the Planning Proposal should it receive a Gateway Determination.