

Lee Mulvey
Director Metropolitan Delivery
NSW Department of Planning and Environment
PO Box 39
SYDNEY NSW 2001

2 June 2014

Dear Sir

**RE: Planning Proposal 101-111 Willoughby Road and portion of
Zig Zag Lane, Crows Nest (PP_2014_NORTH_002_00)**

I write regarding the above planning proposal which was adopted (with amendments) by Council at its meeting of 19 May 2014 and is now sent to the Department pursuant to s.59 of the EP&A Act 1979 with a request that the Minister for Planning make the plan. The planning proposal seeks to amend North Sydney LEP 2013 to rezone a portion of Zig Zag Lane and to apply a number of height limits across the site.

I provide below a summary of key milestones, further details of which can be found in the attached documentation.

Gateway Determination

A gateway determination was issued on 13 February 2014 allowing the planning proposal to be publicly exhibited, subject to conditions. The response to these conditions is outlined in the attached public exhibition package.

Public Exhibition

The planning proposal was publicly exhibited from 20 February to 20 March 2014. 22 submissions were received during the exhibition period.

Public Authorities

In accordance with the gateway determination, Roads and Maritime Services and adjoining councils were notified of the public exhibition and invited to make a submission. One response – from the RMS (attached) – raised no objection to the planning proposal.

Post Exhibition Report and Resolution

Council appointed an independent external planning consultant to review the submissions and prepare a post-exhibition report for the consideration of Council. The report was considered at the Council meeting of 19 May 2014, where it was resolved:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council resolves to forward the Planning Proposal, with the amendments outlined below, to the Minister for Planning and Infrastructure and request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, so as to give effect to the Planning Proposal.

- *The Height of Buildings Map be amended as shown in Attachment 5 of this report; and*
- *That the proposed subclause (4.3(2C)) permitting a variation of the height control by up to 1m in any direction be deleted.*

2. THAT Council enter into discussions with the application with a view to seeking the following changes to the Voluntary Planning Agreement:

- *That the part of Zig Zag Lane to be sold be amended to exclude the portion of Zig Zag Lane required to maintain vehicular access to the rear of No. 78 Albany Street, permitting entrance and exit in a forward direction, either in its entirety or above ground level by way of a stratum subdivision of the land.*

3. THAT Council resolves to consider the suitability of the current height control applying to the B4 zoned land fronting the eastern side of Willoughby Road between Atchison Street and Chandos Street as a separate matter, with a view to considering whether the height limit should be increased to 13m.

The complete report and Council resolution is attached to this letter.

Proponent Response

Council advised the proponent of its resolution and invited them to submit an amended planning proposal should they wish to continue with it. The amended planning proposal was received on 30 May 2014, incorporating all relevant parts of the above resolution.

Draft Voluntary Planning Agreement

A draft VPA was lodged and exhibited concurrently with the planning proposal. The above resolution requires that the VPA be amended to ensure access to and from adjoining residential properties is maintained once Zig Zag Lane has been formally closed and sold to the proponent.

It is considered that a relatively minor amendment only is required to the VPA to achieve the intent of the resolution. However, given that the resolution itself is very specific as to how this should be achieved, it is proposed to seek a further resolution from Council to amend the above resolution, to allow for the application of what is considered to be the simplest and most effective means for meeting the objective. It is expected that a report addressing this matter will be considered by Council at its meeting of 23 June 2014.

Owing to the above, a final version of the VPA is not included in this package, but will be forwarded to the Department for information purposes when finalised.

Please find attached a hard copy of the amended planning proposal and LEP amendment maps. Also attached is a CD ROM containing the following documents:

- Amended planning proposal
- Complete public exhibition package
- LEP amendment maps
- Post-exhibition report to Council and resolution
- RMS response to exhibition
- Copies of all submissions.

If you would like to discuss this matter further, please contact Brad Stafford of Council's Strategic Planning Department on 9936 8100

Yours faithfully

Joseph Hill
ACTING DIRECTOR
PLANNING AND DEVELOPMENT SERVICES

