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Director, Sydney Region East
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



PCU049967

5 December 2013

Dear Sir / Madam,

**RE: PLANNING PROPOSAL FOR CROWS NEST PLAZA
101-111 WILLOUGHBY ROAD, CROWS NEST**

At its meeting on 2 December 2013, Council considered a report regarding a planning proposal for the site known as Crows Nest Plaza, 101-111 Willoughby Road, Crows Nest. The planning proposal also applies to a portion of Council-owned land adjacent to that site.

The planning proposal seeks to amend North Sydney Local Environment Plan 2013 to rezone a portion of the subject site currently zoned SP2 Special Uses – Car Park to B4 Mixed Use, amend the Height of Buildings Map and insert a clause allowing variation of the proposed height controls to a maximum of 1m without seeking a formal variation to development standards.

The planning proposal is accompanied by a draft voluntary planning agreement (VPA) which proposes a number of contributions to Council dependent upon the progression of the planning proposal and future development approval. The VPA is attached for information purposes and will be publicly exhibited concurrently with the planning proposal should the planning proposal receive a favourable gateway determination.

Council requests that the Planning Proposal be referred to the LEP Review Panel for determination under the gateway process. To assist in the consideration of the planning proposal, please find attached the following:

- Council report and resolution of 2 December 2013;
- Planning Proposal; and
- Draft voluntary planning agreement.

If you wish to discuss any of the above matter, please contact Brad Stafford, Senior Strategic Planner, on telephone 9936 8100.

Yours sincerely

per A handwritten signature in black ink, appearing to be 'J Hill', written over the word 'per'.

JOSEPH HILL
MANAGER STRATEGIC PLANNING



DECISION OF 3640th COUNCIL MEETING HELD ON 2 DECEMBER 2013

757. **PDS01: Planning Proposal and Draft Voluntary Planning Agreement for 101-111 Willoughby Road, Crows Nest (Crows Nest Plaza).**

Report of Brad Stafford, Senior Strategic Planner

A planning proposal and draft voluntary planning agreement have been submitted to Council for 101-111 Willoughby Road, Crows Nest, also known as the Crows Nest Plaza. The planning proposal also covers a portion of Zig Zag Lane adjacent to that site.

The planning proposal seeks to amend the zoning and height controls on the site and the adjoining portion of Council-owned Zig Zag Lane to allow for the future mixed use redevelopment of the site.

The draft voluntary planning agreement (VPA) proposes that:

1. Coles Group Property Developments Ltd (Coles) construct a publicly accessible plaza of approximately 415m² fronting Willoughby Road;
2. Coles redevelop the adjoining portion of Zig Zag Lane to include a dedicated pedestrian walkway separated from the roadway;
3. Coles construct and operate a public car park for a minimum of 140 cars with two hour free parking;
4. Coles make a monetary contribution of \$1.1m to Council, representing the estimated shared profit over ten years of the proposed public car park; and
5. Coles purchase the adjoining portion of Zig Zag Lane from Council for \$2.4m.

Development concept plans are included within the attached documentation, although the physical redevelopment will be subject to a future development proposal and assessment, which must accord with the parameters set out within the planning proposal and VPA.

The planning proposal and draft VPA have been assessed internally and externally and are considered to represent a sound outcome for Council and the community. This report seeks Council's resolution to seek a gateway determination from the Minister for Planning to allow public exhibition of the planning proposal, and that once a gateway determination has been issued, to exhibit the draft VPA concurrently with it.

The financial implications of the draft VPA are outlined within the report.

Recommending:

1. **THAT** Council forward the planning proposal 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** the draft voluntary planning agreement between North Sydney Council and Coles Group Property Developments Ltd be exhibited concurrently with the planning proposal conditional on it receiving a Gateway Determination.

RESOLVED:

1. **THAT** Council forward the planning proposal 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** the draft voluntary planning agreement between North Sydney Council and Coles Group Property Developments Ltd be exhibited concurrently with the planning proposal conditional on it receiving a Gateway Determination.

The Motion was moved by Councillor Baker and seconded by Councillor Barbour.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Morris	Y	
Reymond	Y		Clare	Y	
Carr	Y		Baker	Y	
Bevan	Y		Robertson	Absent	
Butcher	Y		Marchandean	Absent	
Burke	Out		Beregi	Y	
Barbour	Y				

ADOPTED