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Ms Karen Armstrong
Director Sydney Region East
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Max Chipchase

BB3(CIS)

26 September 2017

Dear Karen,

**RE: PLANNING PROPOSAL 1/17 – 617-621 PACIFIC HIGHWAY,
ST LEONARDS**

Council is seeking a Gateway Determination for Planning Proposal 1/17, which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013), by amending planning controls as they relate to 617-621 Pacific Highway, St Leonards. In particular, the Planning Proposal seeks to:

- increase the maximum building height from 49m to 180m;
- impose a maximum floor space ratio (FSR) of 25.4:1;
- impose a minimum non-residential FSR of 4.7:1; and
- incorporate an additional clause within Schedule 1 – Additional Permitted Uses such that “shop top housing” is permissible with consent on the subject site.

The Planning Proposal is also accompanied by a Draft Voluntary Planning Agreement (VPA), which seeks to provide Council with a material public benefit in the form of a two storey Arts Centre to be provided within the future redevelopment of the site and includes its construction, fitout and dedication to Council. The total value of the public benefit is in the order of \$16.5m.

Background

At its meeting on 24 July 2017, Council considered an assessment report in relation to Planning Proposal 1/17 where it resolved to support the Planning Proposal. However, it deferred its recommendation to forward the Planning Proposal to the Minister for Planning in order to receive a Gateway Determination, until a number of issues were resolved with regard to the associated VPA. In particular, Council resolved:

- I. *THAT upon satisfactory negotiation of issues with the draft VPA as identified by Council’s lawyers, the General Manager be given the authority to forward the attached 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 associated draft Voluntary Planning Agreement, as endorsed by the General Manager as outlined in Recommendation No.1, be exhibited concurrently with the subject Planning Proposal conditioned on it receiving a Gateway Determination.*

On 22 September 2017, Council's General Manager endorsed a finalised version of the Draft VPA for public exhibition purposes, enabling the Planning Proposal to be forwarded to Minister for Planning in order to receive a Gateway Determination.

Request

In accordance with its resolution, Council now seeks a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979 for Planning Proposal 1/17.

Please find attached a CD containing the following:

- Council officer's report including Council's resolution;
- Planning Proposal; and
- Draft VPA

Council and the Applicant have been proactively working with one another since February 2013 in relation to the redevelopment of the subject site, and are seeking to have the public exhibition of this Planning Proposal completed prior to Christmas. Whilst it recognises the work that the Department is undertaking with regard to the St Leonards Priority Precinct, Council does not want to see conditions imposed on the Gateway Determination that may jeopardise the delivery of a significant new building within St Leonards which aligns with Council's Strategic Plan for the locality and will also deliver a substantial piece of community infrastructure. Therefore, to avoid any unnecessary delays in the progression of the Planning Proposal, it is respectfully requested that prior to issuing any Gateway Determination in relation to this Planning Proposal, that the Department contact Council to discuss any potential conditions that may be imposed on the Gateway Determination.

Delegation of Plan Making Functions

Council also respectfully requests authorisation to exercise the functions of the Greater Sydney Commission under Section 59 of the Environmental Planning and Assessment Act 1979. A copy of the authorisation checklist has been included on the attached CD.

Enquiries should be directed to Ben Boyd or the undersigned of Council's Strategic Planning Department on 9936 8100.

Yours sincerely



MARCELO OCCHIUZZI
MANAGER STRATEGIC PLANNING