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Amanda Harvey
Director - Sydney Region East
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

BB3 (CIS)

5 April 2018

Dear Amanda,

**RE: REZONING REVIEW REQUEST – PGR_2017_NORTH_001_00
41 MCLAREN STREET, NORTH SYDNEY**

I refer to the Sydney North Planning Panel (SNPP) Chair's letter dated 9 March 2018 (attached) addressed to North Sydney Council (Council) with respect to the progression of the Planning Proposal relating to 41 McLaren Street, North Sydney.

In particular, it advised Council that the SNPP had recommended that the Planning Proposal should proceed to Gateway Determination. Consequently, the SNPP sought to determine if Council would accept the role of Planning Proposal Authority (PPA) within 42 days of the date of their letter, and if it did, that the Planning Proposal be forwarded to the Department of Planning and Environment (DPE) within 42 days of the date of Council's acceptance letter.

Consideration of SNPP's recommendation

A report addressing the implications of the SNPPs recommendation and acceptance of the PPA role was considered by Council on 26 March 2018 (attached), wherein it resolved:

1. *THAT Council accept the role of the Planning Proposal Authority for the Planning Proposal affecting land at 41 McLaren Street, North Sydney.*
2. *THAT Council write to the Department of Planning and Environment:*
 - a) *with a request that they not issue a Gateway Determination in relation to the Planning Proposal, due to the Sydney North Planning Panel not giving due consideration to Council's assessment report during the Rezoning Review Process and that a site specific proposal leading a more holistic, comprehensive (and imminent) strategic planning process represents fundamentally poor planning; and*
 - b) *that if the Department is of a mind to issue a Gateway Determination, then conditions be added to any Gateway Determination requiring that the:*
 - i) *timing of public exhibition of the Planning Proposal occur concurrently with the future Planning Proposal for the Ward Street Precinct;*
 - ii) *public exhibition of the Planning Proposal only proceed if it is demonstrably consistent with Council's draft Ward Street Masterplan as is endorsed for public exhibition;*

- iii) *public exhibition of the planning proposal be deferred until a satisfactory arrangement is reached between Council and the applicant with regard to the offer under the Voluntary Planning Agreement; and*
- iv) *planning proposal is to be amended such that it reflects the preferred approach as outlined in Council's report of 19 February 2018 to include a revised local provision and an incentive heights map.*

Planning Proposal Authority

On 5 April 2018, advised the Planning Panels Secretariat of Council's acceptance of the role of PPA. A copy of this correspondence is attached for the DPE's information.

Progression of the Planning Proposal

Despite its acceptance of the role of PPA, Council wishes to advise the DPE of a number of concerns with regard to how the SNPP arrived at its recommendation to allow the Planning Proposal to proceed to Gateway Determination and the merit of doing so.

Despite the recommendations of the SNPP, Council strongly recommends that a Gateway Determination not be issued in relation to the subject Planning Proposal. This resolution was reached primarily due to the SNPP not having given due consideration to Council's assessment report and its subsequent resolution (attached) in relation to the Planning Panel. Furthermore, that a site specific Planning Proposal should not be leading a more holistic, comprehensive and imminent strategic planning process.

However, should the DPE be of a mind to still issue a Gateway Determination for the Planning Proposal, it is recommended that conditions be imposed on the Gateway Determination, requiring that the:

- i) timing of public exhibition of the Planning Proposal occur concurrently with the future Planning Proposal for the Ward Street Precinct;
- ii) public exhibition of the Planning Proposal only proceed if it is demonstrably consistent with Council's draft Ward Street Masterplan as is endorsed for public exhibition;
- iii) public exhibition of the Planning Proposal be deferred until a satisfactory arrangement is reached between Council and the applicant with regard to the offer under the Voluntary Planning Agreement; and
- iv) Planning Proposal is amended such that it reflects the preferred approach as outlined in Council's report of 19 February 2018 to include a revised local provision and an incentive heights map.

The justifications for conditioning the Gateway Determination are further explained in the reports (attached) considered by Council on 26 March 2018 and 19 February 2018. Fundamentally however, a site specific planning proposal that pre-empts the holistic master planning process being delivered by Council represents poor planning practice and a missed opportunity to achieve a more holistic and consultative outcome to the benefit of the wider community.

Forwarding of the Planning Proposal

The SNPP Chair's letter also requested that if Council accepts the role of the PPA, then the Planning Proposal be forwarded to the DPE within 42 days of the date of Council's PPA acceptance letter (dated 5 April 2018).

As indicated above, Council does not support the progression of the Planning Proposal in its current or an amended form. However, if the Planning Proposal is to be progressed, it is recommended that any amendments required to the Planning Proposal be made as per a condition/s placed on the Gateway Determination.

A Planning Proposal in its current, or amended form, may well be justified and appropriate. However, it should be informed by a wider, more holistic and consultative planning process, which Council has committed to delivering through the preparation of a Masterplan in a matter of months.

On this basis, the Planning Proposal as submitted to Council is attached for the DPE's information.

If you have any other queries, please do not hesitate to contact Ben Boyd or the undersigned on **9936-8100**.

Yours faithfully



MARCELO OCCHIUZZI
MANAGER STRATEGIC PLANNING

Enclosed:

1 x CD containing a copy of the following documents:

1. This letter;
2. Sydney North Planning Panel Chair's letter dated 9 March 2018;
3. Council report and resolution of 19 February 2018;
4. Council report and resolution of 26 March 2018;
5. Council's letter dated 5 April 2018 to the Sydney North Planning Panel; and
6. Planning Proposal as submitted to Council.