

RESOLVED:

- 1. THAT** Council urgently write to the Minister for Planning highlighting the issues raised in this report and seeking exemption from the State Infrastructure Contribution for the Crows Nest/St Leonards Planning Studies 1-3.
- 2. THAT** Council requests a series of meetings between the newly established Planning Delivery Unit to work through the various issues raised in Council's February 2019 submission.
- 3. THAT** Council urge the Minister to engage in true consultation and collaboration with Council and the community (including at a minimum further engagement with Wollstonecraft, Holtermann and Hayberry Precincts) before determining the Plan and Planning Proposal.

8.17 Planning Proposal No. 3/18 - 50-56 Atchison Street, St Leonards

This Item was adopted By Exception (see page 2).

To advise Council on the Planning Proposal for 50-56 Atchison Street, St Leonards, including accompanying draft Voluntary Planning Agreement, and provide recommendations to proceed.

On 6 April 2018, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 50-56 Atchison Street, St Leonards. The site is located within the St Leonards and Crows Nest 'Planning Precinct' established by the Department of Planning, Industry and Environment (DPIE) in July 2016. The Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 20m to 58.1m (RL147.1);
- increase the non-residential floor space ratio (FSR) control for the site from 0.6:1 to 1.7:1; and
- establish an overall maximum (FSR) control for the site of 6.4:1.

The indicative concept scheme accompanying the Planning Proposal seeks to provide a 16 storey mixed-use commercial and residential building which is consistent with Council's endorsed *St Leonards/Crows Nest Planning Study – Precincts 2 and 3* (Planning Study) and the DPIE's *draft St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan).

The Planning Proposal, as submitted, seeks to increase the maximum building height to RL 147.1, which could potentially result in a building greater than 16 storeys. The Planning Proposal should be amended to reflect a maximum height of 56m to ensure consistency with Council's Planning Study and the DPIE's draft 2036 Plan is ultimately achieved.

The North Sydney Local Planning Panel considered the Planning Proposal on 1 July 2020 (minutes attached) and endorses it to progress to a Gateway Determination, subject to the provision of a special clause for the height of the building to exclude the lift overrun for access to the communal rooftop.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) comprising monetary and in-kind contributions towards public community infrastructure in the precinct.

Having completed an assessment of the Planning Proposal and draft VPA against Council's Study and the DPIE's draft 2036 Plan and relevant Regional and District Plans, it is recommended that, subject to the above amendment to the maximum building height control and the addition of a special clause with the effect of achieving the NSLPP's recommendation, the Planning Proposal be supported to proceed to Gateway Determination.

To further investigate opportunities to reduce car reliance and ownership in favour of sustainable transport choices, it is recommended that a draft Green Travel Plan be

prepared by the applicant prior to commencement of public exhibition of this Planning Proposal, addressing matters detailed in section 7.6.4 of this report.

The Planning Proposal and draft VPA should then be exhibited concurrently, so as to allow the community a full understanding of what is being proposed.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- provision of a 5.6m wide and 7.2 -7.5m high through-site link from Atchison Street to Atchison Lane, with an easement for public access between 6am to 11pm; and
- a monetary contribution of \$1.4 million to Council for open space upgrades within the Precinct.

Recommending:

1. THAT the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in this report, specifically a maximum building height control of 56m, and that a special clause be included with the effect of clarifying that this control may be reasonably exceeded for those portions of the building designed to provide access to a communal rooftop.

2. THAT upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the General Manager be provided with delegated authority to forward the Planning Proposal in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.

3. THAT the applicant be requested to prepare a draft Green Travel Plan prior to commencement of public exhibition.

4. THAT upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.

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