



Brendan Metcalfe
Director, North District, Eastern Harbour City
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

KP (CIS)

Attention: Christina Brooks
Planning Officer - North District

15 December 2021

Dear Brendan

RE: 50-56 ATCHISON STREET, ST LEONARDS (PP-2021-3531) – REQUEST TO MAKE LEP

On 27 September 2021, Council resolved to support a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it relates to land at 50-56 Atchison Street, St Leonards.

The proposed amendments include:

- increase the maximum height of buildings control from 20 m to 56 m;
- increase the minimum non-residential floor space ratio (FSR) from 0.6:1 to 1.7:1;
- establish a maximum FSR of 6.4:1; and
- introduce a site-specific provision clarifying that the maximum height of buildings control may be reasonably exceeded for those portions of the building designed to provide access to a communal rooftop, to a maximum building height of 58.1 m.

Council also resolved to support an accompanying draft Voluntary Planning Agreement (VPA) comprising monetary and in-kind contributions towards open space upgrades in the St Leonards and Crows Nest Precinct, including:

- provision of a 5.6 m wide pedestrian through-site link from Atchison Street to Atchison Lane with an easement for public access; and
- a monetary contribution of \$1.4 million to Council for the upgrade of Hume Street Park.

A Gateway Determination was issued on 15 March 2021, enabling the Planning Proposal to proceed to public exhibition subject to a number of conditions. A revised Gateway Determination was issued on 9 April 2021, addressing an error within the description of the Planning Proposal. As the Planning Proposal is located within the St Leonards Crows Nest Planned Precinct, Council was not issued an authorisation to exercise delegation to make the plan.

Upon meeting the conditions of the Gateway Determination, the Planning Proposal and accompanying draft VPA was placed on public exhibition from Monday, 19 July to Monday, 16 August 2021. The exhibition period was extended by a further two weeks until 30 August 2021, to allow further time for submissions given Covid restrictions.

At its meeting on 27 September 2021, Council considered a report regarding the submissions received during the public exhibition. Council resolved:

1. **THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Revised Planning Proposal (Attachment 3) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
2. **THAT** Council finalise the Voluntary Planning Agreement with the view to have it in force prior to the gazettal of the LEP amendment.
3. **THAT** Council write to the Minister for Planning seeking an undertaking to exempt this site, in the same manner that the Minister acted for 23-35 Atchison Street, from the application of any Special Infrastructure Contributions (SIC) on the basis of the delivery of defined public benefits within this Voluntary Planning Agreement.
4. **THAT** Council notify all submitters of Council's decision.

As per Council's resolution, it is requested that a Local Environmental Plan (LEP) be made in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*, to give effect to the Planning Proposal.

Please find the attached the following documents:

- 1) Gateway Determination;
- 2) Gateway Determination Alteration;
- 3) Planning Proposal as exhibited;
- 4) Post-exhibition report to Council including Council's resolution; and
- 5) Amended LEP Maps

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

Yours sincerely

MARCELO OCCHIUZZI
MANAGER STRATEGIC PLANNING

This is a computer-generated letter - no signature required