

11 March 2014

Mr Sam Haddad
Director General
Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad

6-16 Atchison Street, St Leonards, Modification 2

I refer to the Executive Director's letter dated 1 March 2014 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation.

Ms Gabrielle Kibble AO nominated me to constitute the Commission to consider and determine the application.

North Sydney Council maintains one objection to the proposed modification but has advised that it does not need to meet with the PAC as its concern was well documented in its various letters to Planning and Infrastructure (P&I).

In reviewing Council's letters and the assessment report prepared by P&I, the outstanding issue of concern to Council is the continuing failure to comply with the non-residential Floor Space Ratio (FSR) requirements of the North Sydney Local Environmental Plan 2013. The plan requires an FSR of 3:1. The original approved FSR for the non-residential element of the project was 2.69:1. The modification application at the time of lodgement reduced it even further to a non-residential FSR of 2.09:1. Council considered the proposed reduction unacceptable meeting only 70% of the minimum requirement.

Following a review of submissions and Planning & Infrastructure's comments, the proponent amended the application to increase the proposed non-residential FSR to 2.5:1. P&I has concluded that this increase means it is now very close to the FSR in the current approval - in fact only 0.2:1 below it or a reduction of 318m² in terms of GFA. Accordingly, P & I has concluded that the modification as now revised is minor and unlikely to have any strategic planning implications. I agree.

However, I also share Council's concern that any further reduction of non-residential floor space will increase the non-compliance with the Council LEP and should not be encouraged, particularly in light of the need for non-residential floor space to create jobs and hotel rooms close to the Royal North Shore Hospital Complex.

I have considered other issues raised in Council's submissions and note that these have now been adequately addressed through the amendments of the application and the recommendations in the assessment report. I accept the P&I's recommendation.

The modification application is approved with minor amendments to the recommended conditions. The file and signed instrument of approval are returned.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'De L. H.', with a stylized flourish at the end.

Donna Campbell
Planning Assessment Commission

cc. Mr Brad Hazzard MP
 Minister for Planning and Infrastructure
 Minister Assisting the Premier on Infrastructure NSW
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