

**Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street,
Parramatta NSW 2150**

Attn Brendan Metcalfe, Department of Planning and Environment

SUBJECT: Exhibition – State Significant Development Application and Rezoning at 524-542 Pacific Highway, St Leonards (Telstra Exchange), proponent GFM Investment Group (Home)

Dear Mr Metcalfe

Lane Cove Council (Council), pursuant to Resolution **164** from the 21 September 2023 Council Meeting issued a DRAFT Voluntary Planning Agreement to Home on 24 October 2023.

Council notes that:

1. Home publicly exhibited its Re-zoning application with a Public Benefit Offer that is NOT as outlined in the DRAFT Voluntary Planning Agreement.
2. In so doing, contravened DPE instructions in a letter addressed to Mr Christian Grahame (CEO of Home) stating “the public benefit offer is required to be resolved by agreement between Home and Council prior to the re-zoning proposal and State Significant Development Application being publicly exhibited”.

The report submitted to the 21 September 2023 Meeting titled “Draft Voluntary Planning Agreement for 524-542 Pacific Highway, St Leonards” which, amongst other matters, stated the only issue remaining “ is that the Home offer does not outline when the \$3.6M monetary contribution is to be paid and seeks to defer payment of the s7.11 contributions to the issue of an occupation certificate. Consistent with Council’s standard practice for s7.11 payments and the timing for payment of the State Government’s new Housing and Productivity Contribution, both payments must be paid before a construction certificate is issued.”

The timing was agreed by the elected Council and a specific requirement regarding timing of the monetary contribution was subsequently conveyed to Home by email on 24 October 2023, together with a DRAFT Voluntary Planning Agreement, reflecting same.

Council notes that in the public exhibition of the planning proposal, the Explanatory Note does not reflect Council’s position by stating that payment is to be made at Occupation Certificate stage. Council has also subsequently been approached by Home seeking an amendment to the Council’s position to reflect the exhibition documentation and Home’s desire to make payment at Occupation Certificate stage. Council does not agree to the change and is not able to proceed to formally consider the VPA post exhibition until the matter of payment timing being at Construction Certificate stage is agreed with Home.

Should you have any further questions on this matter, please call David Stevens (manager – Commercial Operations) on 0428 203 944 or email Dstevens@lanecove.nsw.gov.au

Kind regards,


**Craig Wrightson
General Manager**