

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

7-19 Albany Street, St Leonards

Environmental Planning & Assessment Regulation 2000 (clause 25E)

Planning Agreement

The purpose of this Explanatory Note is to provide a plain English Summary to support the notification of a draft voluntary Planning Agreement ("**the Planning Agreement**") under Section 93F of the *Environmental Planning and Assessment Act 1979* ("**the Act**"), for the provision of 3 metre building setbacks and a monetary contribution towards the provision of new open space in relation to a proposed change to provisions of the North Sydney Local Environmental Plan 2013 ("**LEP 2013**") that affect land at 7-19 Albany Street, St Leonards.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* ("**the Regulations**").

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Parties

Austino St Leonards Pty Limited ("**the Developer**") made an offer to North Sydney Council ("**the Council**") to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as follows:

The property located at 7-19 Albany Street, St Leonards (being all lots and common property within Strata Plan 4521 and Strata Plan 44485) ("**the Land**").

The Land is 2036m² in area and has frontages on Albany Street, Oxley Street and Pole Lane.

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal seeks to amend clause 4.3(2) of LEP 2013 to allow a height limit of 40 metres for the Land, and to amend clause 4.4(2) of LEP 2013 to allow a floor space ratio of 5.6:1 for the Land.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement also seeks to facilitate a monetary contribution in the amount of \$700,000.00 (indexed in accordance with the Consumer Price Index) to Council for the provision of new open space in the precinct.

The monetary contribution will be used to acquire land and aims to:

- increase the size of Hume Street Park;
- provide improved pedestrian access to the park; and
- form an important link within the broader pedestrian network that links St Leonards town centre and Willoughby Road.

Building Setbacks

The draft Planning Agreement seeks to facilitate the provision of 3 metre building setbacks from the Oxley Street frontage to allow for greater footpath widths.

The building setbacks aim to:

- improve pedestrian circulation;
- encourage 'active' street frontages at ground level; and
- improve the amenity of the public domain.

The building setbacks will be a relevant consideration for any consent authority when determining future applications relating to the site. An easement permitting public access over the setback areas will also be registered against the title to the Land.

Height Restrictions

The draft Planning Agreement contains a restriction on part of the Land so that any building or development on that part of the Land will not be higher than RL103.620. This restriction aims to minimise the impacts of the proposed development on some parts of the Land.

A covenant will be registered against the title to the Land to reinforce the restriction on height limit.

Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act and the public interest

The draft Planning Agreement promotes the following objective of the Environmental Planning and Assessment Act 1979:

... to encourage ... the provision of land for public purposes (Cl. 5(a)(iv))

The draft Planning Agreement promotes the public interest by providing public domain improvements that will benefit existing and future residents and workers in the St Leonards / Crows Nest area.

The Planning Purposes served by the Planning Agreement

The Planning Agreement facilitates the implementation of the St Leonards / Crows Nest Planning Study – Precinct 1 and provides for contribution by the Developer, building setbacks and funds for the following planning purposes:

- Public amenities and public services.

How the Planning Agreement promotes the elements of the *Local Government Act 1993* and the Council's Charter

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

- to give councils the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public;
- to give councils a role in the management, improvement and development of the resources of their areas.

The Planning Agreement promotes the following element of the Council's Charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively

This element of the Council's Charter is promoted through the raising of funds through the proposed monetary contribution so as to provide new open space. It is also promoted through the provision of building setbacks that will allow for widened footpaths.

Whether the Planning Agreement Conforms with the Council's Capital Works Program

The Planning Agreement does not conform with Council's Capital Works Program as no funds have been specifically allocated for acquisition for the purpose of new open space or for the provision of building setbacks on private land.

The Planning Agreement offers contributions towards the provision of new public open space areas beyond that planned for within Council's capital works program.