

# EXPLANATORY NOTE PURSUANT TO REGULATION 205 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

## 1 ALFRED STREET, SYDNEY

### Background

In 2017 the Council of the City of Sydney (**City**) entered into a Planning Agreement with the owner of 1 Alfred St, Sydney (**Land**). Under the Planning Agreement, the owner is to create two large public access easements across the centre of the site and dedicate four small pieces of land around their northern boundary as part of the road reserve.

In 2023, the City approved a subdivision certificate that creates the easements and land dedication lots. As part of that approval, the City adjusted the dedication area to exclude a set of stairs approved in 2019 and not contemplated in the Planning Agreement.

The parties to the Planning Agreement have agreed to vary the Planning Agreement, to reduce the total dedication area by 34m<sup>2</sup> and instead add this area to the public access easements.

The purpose of this explanatory note is to provide a summary to support the notification of a Deed of Variation of Planning Agreement, under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by Reg 205 of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

The public benefits do not exclude the developer or owner (as the case may be) from paying monies under s.7.11, 7.12 or 7.24 of the Act.

This explanatory note is not to be used to assist in construing the Deed of Variation of Planning Agreement.

### 1. Parties to the Deed of Variation of Planning Agreement

The parties to the Deed of Variation of Planning Agreement are Lendlease Goldfields Residential Pty Ltd and Lendlease Goldfields Hotel Pty Ltd (**Owner**) and the City.

### 2. Description of the Subject Land

The Deed of Variation of Planning Agreement applies to 1 Alfred Street, Sydney being lots 1, 2, 3 and 4 in DP 1290500.

### 3. Summary of the Objectives, Nature and Effect of the Proposed Deed of Variation

The objective of the Deed of Variation of Planning Agreement is to reduce the land dedication area by 34m<sup>2</sup> and instead add this area to the public access easements in order to exclude a set of stairs not contemplated in the original Planning Agreement.

The nature of the Deed of Variation of Planning Agreement is to amend the land dedication area from 161m<sup>2</sup> to 127m<sup>2</sup> and update the survey drawings.

### 4. Assessment of the Merits of the Proposed Deed of Variation

#### (a) How the Deed of Variation of Planning Agreement promotes the public interest and one or more objects of the Act

The Deed of Variation of Planning Agreement promotes the objects of the Act, in particular objects identified in Section 1.3 (c) and 1.3(g) of the Act which is to promote

the orderly and economic use and development of land and to promote good design and amenity of the built environment. The Agreement provides a contribution towards community infrastructure which will support and service the existing and future population and will contribute to greater amenity and infrastructure of those areas.

**(b) How the Deed of Variation of Planning Agreement promotes the elements of the Council's charter**

The Deed of Variation of Planning Agreement promotes a number of elements of the Council's charter under section 8 of the *Local Government Act 1993* (NSW). In particular the Deed of Variation of Planning Agreement through the delivery of the public benefits allows Council to:

- (i) 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;
- (ii) exercise community leadership
- (iii) properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- (iv) bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- (v) engage in long-term strategic planning on behalf of the local community
- (vi) keep the local community and the State government (and through it, the wider community) informed about its activities.

**(c) The impact of the Deed of Variation of Planning Agreement on the public or any section of the public**

The Deed of Variation of Planning Agreement will benefit the public and local community by providing improved pedestrian circulation around the development and an enhanced public domain.

**(d) Whether the Deed of Variation of Planning Agreement conforms with Council's capital works program**

Yes. The Planning Agreement conforms with Council's capital works program.

**(e) The planning purpose or purposes of the Deed of Variation of Planning Agreement**

The Deed of Variation of Planning Agreement ensures the Council is implementing the site specific planning provisions set out in the DCP to facilitate the objectives for the APDG site.

**(f) Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates.**

The following requirements of the Deed of Variation of Planning Agreement must be complied with before:

- (i) **A construction certificate is issued:** Provision of the guarantee.
- (ii) **An occupation certificate is issued:** Completion of the public art, embellishment and dedication of the transfer land and creation of the public access easements.
- (iii) **A subdivision certificate is issued:** Nil.