

EXPLANATORY NOTE PURSUANT TO REGULATION 205 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

357 GLEBE POINT ROAD, GLEBE

Development Application No. D/2021/711

Background

On 28 June 2021, the Council of the City of Sydney received a development application from Vision Land Glebe Pty Ltd seeking detailed development approval for a development at 357 Glebe Point Road, Glebe (**Land**).

The proposed development comprises the demolition of the existing MRC building, remediation, construction of a 3 to 7 storey residential flat building containing 56 apartments, 7 x 2 storey terraces, shared basement over 3 levels with associated car parking, landscape works, tree removal, use of Bidura House Group as a single residence, conservation works with new garage and amendment to curtilage, and public domain improvements to Ferry Lane for footpath widening and land dedication. (**Development Application**).

A public benefit offer was made by the property owner to enter into a Planning Agreement in relation to the Development Application for the dedication and embellishment as footway of a 1.5m setback along the development frontage to Ferry Lane.

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

This explanatory note has been prepared jointly by the parties as required by Reg 205 of the *Environmental Planning and Assessment Regulation 2021* (**Regulation**).

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

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

1. Parties to the Planning Agreement

The parties to the Planning Agreement are Vision Land Glebe Pty Ltd (**Developer**) and the Council of the City of Sydney (**Council**).

2. Background to the Planning Agreement

A concept DA (D/2017/582/A) for 357 Glebe Point Road, Glebe was approved by the Land and Environment Court on 7 December 2018. The concept development included the demolition of the MRC, conservation of the Bidura House Group and building envelopes for a residential building facing Ferry Lane and eight x two-story plus attic dwellings facing Ferry Lane and Avon Street.

Condition 15 of the concept development consent requires any subsequent detailed development application to include the dedication of land for road purposes to create a 1.5m wide pedestrian footway to the site frontage of Ferry Lane. The Planning Agreement provides for this dedication of land.

3. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objective of the Planning Agreement is to secure public benefits in connection with the Development Application for the Land.

The nature of the Planning Agreement is to secure the dedication and embellishment of land to create a minimum 1.5m wide footway along the development frontage to Ferry Lane.

4. Assessment of the Merits of the Proposed Agreement

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

The Planning Agreement promotes the objects of the Act, in particular the 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 will provide 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 Planning Agreement promotes the elements of the Council's charter

The 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 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; and
- (vi) keep the local community and the State government (and through it, the wider community) informed about its activities.

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

The Planning Agreement will benefit the public and local community as it will improve community infrastructure in the immediate vicinity of the site.

(d) Whether the 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 Planning Agreement

The Planning Agreement will serve the planning purpose by enhancing the public domain and local infrastructure to reflect the changing nature of the area and the needs of the anticipated incoming population.

It is considered that the Planning Agreement provides for a reasonable means by which to achieve these planning purposes given the extent of the statutory tools that are available to Council by which it can deliver the proposed public benefits.

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

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

- (i) A construction certificate is issued:** Nil
- (ii) An occupation certificate is issued:** Dedication of the Transfer Land for footway and completion of the Developer's Works
- (iii) A subdivision certificate is issued:** Completion of the Developer's Works