

The General Manager  
Lane Cove Council  
PO Box 20  
**LANE COVE NSW 1595**

**LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT  
IN RELATION TO PLANNING PROPOSAL FOR 2 MARSHALL AVENUE, ST LEONARDS**

This letter proposes the negotiation of a Voluntary Planning Agreement (VPA) between the proponent and Council. This letter provides preliminary information to enable Council to consider the proposed VPA.

The VPA is to be in connection with a Planning Proposal submitted to Lane Cove Council for the subject site at No. 2 Marshall Avenue, St Leonards.

Specifically, the Planning Proposal seeks to amend the Lane Cove Local Environmental Plan 2009 to amend Clause 7.1 and the Incentive Height of Buildings Map to increase the height of building for part of the site and allow for co-living development to utilise the height and floor space provisions of the clause which facilitates uplift for the St Leonards South Precinct. The proposal also seeks to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

Of relevance to the application of Clause 7.1 under the LEP is Clause 7.4 which stipulates minimum recreation area and community facility requirements. With regard to Clause 7.4 the subject site is located within Area 1 which is expected to provide 900 square metres of recreation area with a redevelopment scheme. Notably, approved development within Area 1 as DA79/2022 has accounted for the entirety of the required recreation area to be provided excluding the subject site.

Notwithstanding the fact that the required recreation area has already been accounted for, it is considered reasonable and consistent with the St Leonards South precinct objectives and concept layout that redevelopment of the subject site provide additional public open space in return for the benefit from the density uplift sought under the amended Clause 7.1.

To secure this arrangement, it is proposed to enter into a VPA concurrent with the Planning Proposal to provide public open space when the site is redeveloped.

The following sets out the key terms of the proposed VPA:

**1.0 Parties to the Planning Agreement**

- Lane Cove Council
- Deb Assherton & Rob Hart

**2.0 Land to which the VPA relates**

No. 2 Marshall Avenue, St Leonards with respective legal description of Lot 4 in Section 3 of DP 7259.

### **3.0 Development to which the VPA relates**

Planning Proposal to amend the Lane Cove Local Environmental Plan 2009 to amend Clause 7.1 and the Incentive Height of Buildings Map to increase the height of building to part of the site and allow for co-living development to utilise the height and floor space provisions of the clause. The proposal also seeks to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

The Planning Proposal will inevitably allow for the redevelopment of the site for the purpose of a co-living housing development in conjunction with the dedication of land for public open space.

### **4.0 Nature and extent of development contributions and timing of delivery**

The intent of the Planning Agreement is to ensure that public benefits are provided in the form of dedication of public open space to Lane Cove Council.

The specific amount of public open space to be dedicated will be determined at a later date in agreement with Council.

### **5.0 Value of VPA**

The estimated value of works is to be subject to negotiation and in accordance with standard practices and procedures adopted by Council.

### **6.0 Application of Section 7.12**

Section 7.12 contributions will be payable for the proposed development in accordance with Council's adopted policy. The VPA will be separate to the Section 7.12 contributions payable.

### **7.0 Costs**

Each party shall bear its own costs of preparing, negotiating, executing and stamping the VPA and any documents related to the VPA.

We would appreciate further liaison with Council staff to discuss this offer in order to facilitate the delivery of public benefits in association with the future development of No. 2 Marshall Avenue, St Leonards.

Yours sincerely,

**Deb Assherton and Rob Hart**