

**Deed of Variation to Planning Agreement for 108, 112 and 124
Forest Road and 1 and 3 Wright Street, Hurstville NSW 2220**



Georges River Council

Shanghai Lihua Hurstville (Developer)

SLH 108 Pty Ltd (Developer)

Appendix

(Clause 7)

Environmental Planning and Assessment Regulation 2021

(Clause 203(5))

Explanatory Note

Draft Deed of Variation to Planning Agreement

Under cl203(5) of the *Environmental Planning and Assessment Regulation 2021*

Parties

Georges River Council ABN 57 789 014 855 of Civic Centre, MacMahon Street,
Hurstville NSW 2220 (**Council**)

and

Shanghai Lihua Hurstville Pty Ltd ABN 19 163 958 085 of Shop 7, 231
Kingsgrove Road, Kingsgrove NSW 2208 (**Developer**)

and

SLH 108 Pty Ltd ABN 18 168 371 328 of Shop 7, 231 Kingsgrove Road, Kingsgrove
NSW 2208 (**Developer**)

**Description of the Land to which the Draft Deed of Variation
Applies**

The Draft Deed of Variation applies to the same Land the subject of the Planning Agreement, being 108, 112 and 124 Forest Road Hurstville NSW 2220, and 1 and 3 Wright Street Hurstville NSW 2220 being Lot 531 in DP 777334, Lot 1 in DP 75572, Lot 1 in DP 78322, Lot 55 in DP 78322 and Lot 54 in DP 78322.

Description of Proposed Development

The Draft Deed of Variation applies to the same Development the subject of the Planning Agreement, being the development of the Land facilitated by the Planning Proposal endorsed by Council on 13 December 16 and conditioned by the Gateway Determination on 24

February 2017, which proposed amendments to the Hurstville Local Environmental Plan 2012.

Summary of Objectives, Nature and Effect of the Draft Deed of Variation

Objective of Draft Deed of Variation

The objective of the Draft Deed of Variation is to amend the Planning Agreement so as to defer the dedication of the land for the road widening on the Forest Road frontage of the Land (between Hudson Street and Wright Street) by an additional two years.

Nature of Draft Deed of Variation

The Draft Deed of Variation is a deed of variation of the Planning Agreement under cl 203(5) of the *Environmental Planning and Assessment Regulation 2021*.

Effect of the Draft Deed of Variation

The Draft Deed of Variation amends the Planning Agreement by changing the timeframe for the dedication of the land identified in Schedule 2 of the Planning Agreement from 5 years to 7 years from the gazettal of the Amending LEP, being by 28 February 2026.

Assessment of the Merits of the Draft Deed of Variation

The Planning Purposes Served by the Draft Deed of Variation

The Draft Deed of Variation:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Planning Agreement applies; and
- provides for the provision of public infrastructure in connection with the Development.

How the Draft Deed of Variation Promotes the Public Interest

The Draft Deed of Variation facilitates the provision of funding for public facilities, including public infrastructure, amenities and services.

The Draft Deed of Variation promotes the public interest by promoting the objects of the Act set out in section 1.3(a), (c), (g) and (j).

For Planning Authorities:

Development Corporations - How the Draft Deed of Variation Promotes its Statutory Responsibilities

N/A

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***Other Public Authorities – How the Draft Deed of Variation
Promotes the Objects (if any) of the Act under which it is
Constituted***

N/A

***Councils – How the Draft Deed of Variation Promotes the Guiding
Principles for Councils in section 8A of the Local Government Act
1993 (previously the Elements of the Council's Charter)***

The Draft Deed of Variation promotes the guiding principles for Councils in section 8A of the *Local Government Act 1993* by:

- ensuring that lands and other assets are managed so that current and future local community needs can be met in an affordable way,
- providing a means where Council can work with others to secure appropriate services for local community needs in a timely and cost-effective manner, and
- ensuring that the local community is actively engaged through the public notification of the Draft Deed of Variation and allowing the wider community to make submissions to the Council in relation to the Deed.

***All Planning Authorities – Whether the Draft Deed of Variation
Conforms with the Authority's Capital Works Program***

The Draft Deed of Variation conforms with the Council's capital works program.

***All Planning Authorities – Whether the Draft Deed of Variation
specifies that certain requirements must be complied with before a
construction certificate, occupation certificate or subdivision
certificate is issued***

The Draft Deed of Variation does not change certain requirements in the Planning Agreement that must be complied with before construction certificates are issued.