

# Explanatory Note

## Planning Agreement

### 172 – 180 Anzac Parade & 116R Todman Avenue, Kensington

#### 1 Introduction

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- (1) The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).
- (2) This Explanatory Note has been prepared jointly between the parties as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021* (**Regulations**).
- (3) This Explanatory Note is not to be used to assist in construing the Planning Agreement.

#### 2 Parties to the Planning Agreement

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The parties to the Planning Agreement are:

- (1) Randwick City Council (ABN 77 362 844 121) (**Council**); and
- (2) Perpetual Trustee Company Limited (ACN 000 001 007) (**Developer**).

#### 3 Description of the Land to which the Planning Agreement applies

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The Planning Agreement applies to the land comprising the following folio identifiers:

- (1) A/DP443852.
- (2) B/DP443852.
- (3) 1/DP101928.
- (4) 1/DP939269.
- (5) 1/DP100295.
- (6) 1/DP 561709.
- (7) 1/DP1131969.
- (8) 2/DP1131969,

located at 172 – 180 Anzac Parade & 116R Todman Avenue (**Land**).

#### 4 Description of the Development to which the Planning Agreement applies

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The Planning Agreement relates to the development generally described in Development Consent No. DA/414/2020 (**Development Consent**) which authorises development consisting of construction of a sixteen (16) storey mixed-use development comprising ground/first/second floor commercial spaces and a boarding house comprising 360 boarding rooms and a manager's room, basement parking, public plaza, pedestrian through-site link, signage, earthworks, landscaping and associated works (**Development**).

## 5 Summary of Public Benefit, Objectives, Nature and Effect of the Planning Agreement

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The Developer is required to provide the following Public Benefit in accordance with the Planning Agreement.

The Developer will:

- (1) provide Works, being footpath widening works including landscaping along Anzac Parade and Todman Avenue by the earlier of twenty-four (24) months from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the Development;
- (2) provide the following Contributions:
  - (a) Monetary Contribution for the K2K Town Centre prior to the issue of third Construction Certificate in respect of the Development;
  - (b) Monetary Contribution for construction of Separated Bicycle Network prior to the issue of third Construction Certificate in respect of the Development;
  - (c) In lieu of the footpath widening works including landscaping along Anzac Parade and Todman Avenue by the earlier of twenty-four (24) months from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the Development;
  - (d) Community Infrastructure Monetary Contribution for community infrastructure in the Kensington and Kingsford community to be paid in accordance with the following:
    - (i) Twenty-five (25%) prior to the issue of the first Construction Certificate in respect of the Development.
    - (ii) Twenty-five (25%) prior to the issue of the second Construction Certificate in respect of the Development.
    - (iii) Fifty (50%) prior to the issue of the third Construction Certificate in respect of the Development; and
- (3) provide an Affordable Housing Levy Contribution prior to the issue of an Occupation Certificate in respect of the Development; and

The **objective** of the Planning Agreement is to provide a material public benefit to be applied towards community infrastructure.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Public Benefit.

The **effect** of the Planning Agreement is that the Developer will provide the Public Benefit in the manner provided for by the Planning Agreement (as applicable).

## 6 Assessment of the Merits of the Planning Agreement and Impact on the Public

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The Planning Agreement promotes:

- (1) the public interest; and
- (2) the Objects of the Act.

The Planning Agreement will provide a material public benefit to be applied towards community infrastructure and also provides a benefit by way of monetary contributions, including towards affordable housing.

## **7 Identification of how the Planning Agreement promotes the public interest**

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The Planning Agreement supports the public interest in the following ways:

- (1) By facilitating the improvement of public infrastructure to be utilised by the broader community.
- (2) By promoting the social and economic welfare of the community and a better environment.
- (3) By providing increased opportunity for community participation in environmental planning and assessment.
- (4) To promote the orderly and economic use and development of land.
- (5) To promote the delivery and maintenance of affordable housing.

## **8 How the Planning Agreement promotes the Guiding Principles for Councils**

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The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (2) To manage land and other assets so that current and local community needs can be met in an affordable way.
- (3) To act fairly, ethically and without bias in the interests of the local community.
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) Transparent decision-making and active engagement with local communities, through the use of the integrated planning and reporting framework and other measures.
- (7) Providing strong and effective representation, leadership, planning and decision-making.
- (8) Applying the integrated planning and reporting framework in carrying out functions so as to achieve desired outcomes and continuous improvements.
- (9) Working with others to secure appropriate services for local community needs.

## **9 Identification of whether the Planning Agreement conforms with the Council's local infrastructure delivery plan**

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The Planning Agreement conforms with Council's local infrastructure delivery plans in meeting the development objectives for the establishment, ongoing management and development of infrastructure on community land, which are consistent with the community expectations for local infrastructure.