

Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

1 Parties

The parties to the Planning Agreement are Randwick City Council ABN 77 362 844 121 of 30 Frances Street Randwick 2031 ("**Council**"), and The University of New South Wales ABN 57 195 873 179 of Level 28 320 Pitt St Sydney NSW 2000 ("**Developer**").

2 Development consent

On 30 July 2019 the Sydney Eastern Planning Panel granted development consent ("**Development Consent**") for development application DA/183/2018 for the following development ("**Development**") at 1 Cowper Street Randwick, being Lot 4 of Section 21 in DP 758867 and Lot 7, Section 21, in Deposited Plan 758867 ("**Land**"):

Construction of 4 storey student housing development with reduction of size of top level, containing 152 beds (reduced by 8), communal areas, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces, addition of bicycle spaces and associated works (variation to height control, motor cycle parking and on-site manager).

3 Summary of objectives, nature and effect of the planning agreement

The Council and the Developer have agreed to enter into a planning agreement ("**Planning Agreement**") under s7.4 of the *Environmental Planning and Assessment Act 1979* ("**Act**")

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

The Planning Agreement has been proposed by the Developer in good faith and requires the Developer to make a monetary contribution to the Council in the amount of \$126,903.20 to be used for the recoupment of cost of footpaths and/or bike lanes in the area around the University of New South Wales.

4 Assessment of the merits of the Planning Agreement

4.1 The planning purposes served by the Planning Agreement

The Planning Agreement promotes the following planning purpose identified in section 7.4(2)(c) of the *Environmental Planning and Assessment Act 1979* ("**Act**"):

"the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land",

4.2 How the planning agreement provides for a reasonable means of achieving that planning purpose

The Planning agreement provides for a reasonable means of achieving the planning purpose identified in 4.1 because the Developer's monetary contribution to the Council in the amount of \$126,903.20 is to be used for the recoupment of the cost associated with the construction of footpaths and/or bike lanes in the area around the University of New South Wales which would not be achievable in the absence of the Agreement.

4.3 How the Planning Agreement promotes the objects of the Act

The Planning Agreement promotes the objects of the Act in the following respects:

- (a) The Planning Agreement facilitates ecologically sustainable development by providing funding for the construction of footpaths or bicycle lanes, which provide a means for 'carbon-free' travel, i.e. walking, running and cycling. (See object at s1.3(b) of the Act).
- (b) The Planning Agreement promotes good design and amenity of the built environment, through providing funding for the construction of footpaths or bicycle lanes, which will enable the nearby residents to travel by foot or bike, being cheap and clean forms of transport and exercise and which reduce strain on the road network. (See object at s1.3(g) of the Act).

4.4 How the Planning Agreement promotes the public interest

For the reasons stated above, the Planning Agreement will facilitate further funding towards vital public transport infrastructure, which is in the public interest.

4.5 How the Planning Agreement promotes the elements of the Council's charter

The Planning Agreement promotes a number of guiding principles of the Council's charter under section 8 of the *Local Government Act 1993* (as identified in the Council's Operational Plan and Budget for 2019/20). Among other things, the Developer's monetary contribution to the Council for the cost of footpaths and/or bike lanes in the area surrounding the University of New South Wales promotes:

- (a) the provision effective and efficient services and regulation to meet the diverse needs of the local community;
- (b) the managing of lands and other assets so that current and future local community needs can be met in an affordable way; and
- (c) Council working with others to secure appropriate services for local community needs.

4.6 Whether the Planning Agreement conforms with the authority's capital works program

The Planning Agreement conforms with the Council's Capital Works Program. Among other things, the Council's Operational Plan and Budget for 2019/20 identifies the following one-year operational plan actions:

- (a) maintain footpaths, such as rectifying uneven surfaces; and
- (b) implement the Footpath Construction and Renewal Program, including access kerb ramps, as part of the Capital Works Program.

The Council's Operational Plan and Budget for 2019/20 also makes various references to promoting its cycleway network, including a three year delivery program to review, improve and implement facilities for cyclists as detailed within the Randwick Bicycle Plan.

5 The Impact of the Planning Agreement on the public or any section of the public

The monetary contribution to be made to the Council under the Planning Agreement will benefit public pedestrians and bicycle usage by the public in the area surrounding the University of New South Wales, particularly employees, students and visitors at the University, as well as residents and other visitors in the locality.

6 Elements of the Planning Agreement that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The monetary contribution is to be made by the Developer to the Council prior to a construction certificate being issued for the development authorised by the Development Consent.