



Appendix

(Clause 50)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Cumberland Council ABN 22 798 563 329 of 16 Memorial Avenue Merrylands NSW 2160 (Council)

Lidcombe 2 Pty Limited ABN 35 611 661 271 of Suite 802, L8 117 York Street Sydney NSW 2000 (Developer)

Description of the Land to which the Draft Planning Agreement Applies

~~18-24~~ Railway Street Lidcombe, comprised in Lot 100 DP 1220738.

20 (previously known as 18-24)

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Description of Proposed Development

Demolition of existing structures and construction of a part 10 and part 11 storey mixed use building including 147 residential apartments and 3 levels of basement car parking the subject of the Development Consent granted to Development Application DA 423/2016.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement



The objective of the Draft Planning Agreement is to provide for the provision of road works to meet the needs of the Development and other development in the vicinity of the Development.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. It is a voluntary agreement under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s7.4(2) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development on the Land,
- does not exclude the application of ss7.11, 7.12 or 7.24 of the Act to the Development,
- requires the Developer to construct the Road Works and dedicate the Laneway Land for road widening,
- secures the provision of Development Contributions through the timing by which Development Contributions are required and financial security,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning an interest under the Agreement,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

This Draft Planning Agreement:

- promotes and co-ordinates of the orderly and economic use and development of the Land to which the Deed applies,
- provides and co-ordinates and infrastructure in connection with the Development, and



- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s1.3(c), (g), and (j) of the Act.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

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

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

The Draft Planning Agreement provides a means by which the Council shows a regard for the long term cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for infrastructure and facilities within the public domain in its local government area and how its policies and decisions can impact upon seeking to fulfil these needs.

The Draft Planning Agreement provides a means by which Council shows that it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible. Further the Draft Planning Agreement facilitates the Council engaging in long term strategic planning on behalf of the local community.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council's Capital Works Program.

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

The Draft Planning Agreement requires Development Contributions to be made before the issue of an Occupation Certificate and Security to be provided before the issue of a Construction Certificate.

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REQUEST
New South Wales
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

All Statutory Declarations and evidence that are lodged in support of land dealings will be treated as publicly accessible and will be disclosed to persons upon request.

(A) STAMP DUTY	If applicable. Revenue NSW use only							
(B) TORRENS TITLE	100/1220738							
(C) REGISTERED DEALING	Number	Torrens Title						
(D) LODGED BY	<table border="1"> <tr> <td>Document Collection Box</td> <td>Name, Address or DX, Telephone, and Customer Account Number if any</td> <td>CODE</td> </tr> <tr> <td></td> <td>Reference: _____</td> <td>R</td> </tr> </table>	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE		Reference: _____	R	
Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE						
	Reference: _____	R						
(E) APPLICANT	Cumberland Council (ABN 22 798 563 329)							
(F) NATURE OF REQUEST	Registration of Planning Agreement pursuant to s 7.6 of the Environmental Planning and Assessment Act 1979 as set out in Annexure B.							

(G) **TEXT OF REQUEST**

The Planning Agreement, a copy of which is in Annexure "B", is registered on title to the folio identifier 100/1220738.

Cumberland Council (ABN 22 798 563 329) as planning authority, Lidcombe 2 Pty Ltd (ACN 611 661 271) as the registered proprietor of the folio identifier 100/1220738, THP Lidcombe Pty Ltd as mortgagee of the folio identifier 100/1220738, Alpha Distribution Ministerial Holding Corporation, RHB Islamic Bank Berhead and THP Lidcombe Pty Ltd as caveators of the folio identifier 100/1220738, execute this instrument in Annexure "A".

DATE

(H) I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

Signature of witness:

Signature of applicant:

Name of witness: See Annexure "A"

Address of witness:

(I) This section is to be completed where a notice of sale is required and the relevant data has been forwarded through eNOS.

The applicant _____ certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. _____ Full name: _____ Signature: _____

* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

Annexure "A" to Request Form for Registration of Planning Agreement pursuant to s7.6 of the Environmental Planning and Assessment Act 1979

Parties:

Cumberland Council and Lidcombe 2 Pty Limited

Dated:

Executed by or on behalf of Cumberland Council (ABN 22 798 563 329) as planning authority:

I certify that I am an eligible witness and that an authorised officer of the planning authority signed this dealing in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.


Signature of witness



Signature of authorised officer

JANICE TUXFORD
Name of witness

HAMISH MCNULTY
Authorised officer's name

16 MEMORIAL AVE, MERRYLANDS.
Address of witness

GENERAL MANAGER
Authority of officer
Signing on behalf of: Cumberland Council

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Executed by Lidcombe 2 Pty Ltd (ACN 611 661 271) as registered proprietor for folio identifier 100/1220738.

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature appears below pursuant to the authority specified.

Company: Lidcombe 2 Pty Limited (ACN 611 661 271)

Authority: Section 127 of the Corporations Act 2001

Signature of authorised person

Signature of authorised person

Name of authorised person

Office held: Director

Name of authorised person

Office held: Director/Secretary

Executed by THP Lidcombe Pty Ltd (ACN 622 921 939) as mortgagee of registered mortgage AN30359 and caveator of registered caveat AN542688 for folio identifier 100/1220738.

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature appears below pursuant to the authority specified.

Company: THP Lidcombe Pty Ltd (ACN 622 921 939)

Authority: Section 127 of the Corporations Act 2001

Signature of authorised person

Signature of authorised person

Name of authorised person
Office held: Director

Name of authorised person
Office held: Director/Secretary

Executed by Alpha Distribution Ministerial Holding Corporation as caveator of registered caveat AN164800 for folio identifier 100/1220738.

I certify that I am an eligible witness and that an authorised officer of the caveator signed this dealing in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness

Signature of authorised officer

Name of witness

Authorised officer's name

Address of witness

Authority of officer
Signing on behalf of: Alpha Distribution
Ministerial Holding Corporation

