

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Corvas Pty Ltd (ACN 606 079 243)
Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Corvas Pty Ltd (ACN 606 079 243) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 11 in Deposited Plan 499846 known as 1-5 Chester Street, Annandale 2038 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to demolish the existing structures and develop the Subject Land into approximately six (6) small non-residential tenancies and purpose-built student housing providing approximately fifty seven (57) self-contained studio apartments (up to 5 storeys in height above basement parking), generally in accordance with Development Application DA/2021/0518 which was lodged with Inner West Council (**Proposed Development**).

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$49,020 (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.23 of *Leichhardt Local Environmental Plan 2013* (**LEP**).

The Development Contribution is based on a rate of \$30 per square metre of gross floor area for the student housing component of the Proposed Development. If the approved gross floor area of that component reduces below 1,634 square metres, the Development Contribution will reduce accordingly.

The Development Contribution will be payable prior to the issue of the first construction certificate for the Proposed Development in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a \$20,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.23 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the public purpose of the Planning Agreement is to provide, or recoup the cost of providing, transport infrastructure, facilities and services.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a subdivision certificate or an occupation certificate.

The Planning Agreement requires the Development Contribution to be paid prior to the issue of the first construction certificate for the Proposed Development and therefore contains a restriction on the issue of a construction certificate within the meaning of section 21 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.